

SEPTEMBER 12, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 12, 2005 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Charles E Wilson, Commissioner
Al Garcia, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Dora Byington, Purchasing Director
Jennifer Cantu, Director of Development Services
Dianne Leubert, Solid Waste Management Superintendent
Stanley Fees, City Engineer
Diana Gonzales, Human Resource Director
Y I Hinojosa, Street Field Supervisor
Al Lopez, Fire Chief
Caron Vela, Accounting Manager
John Garcia, Garage Superintendent
Macario Mayorga, Water Supervisor
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting of the City Commission to order at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms Dora Byington, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes for the Emergency Meeting of September 4, 2005 and the Special Meeting of September 6, 2005. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting “FOR”.**

II. Public Hearing - (Required by Law).¹

1. A Public Hearing on a proposed property tax rate increase from \$0.70196 to \$0.71000.

The public hearing was opened at 6:02 P.M.

Mayor Fugate called for public comments on this subject. He advised the citizens that a vote on this subject will be taken at the next regular meeting of the City Commission on September 26, 2005 at 6:00 P.M.

The public hearing was closed at 6:03 P.M.

III. Petitions, Grievances, and Presentations.²

1. Presentation by Mr. Hal Ham on the Hotel/Motel Tax Fund for the John E. Conner Museum.

Mr. Ham could not be present.

2. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported there would be a briefing on the request for names for Civil Service Board.

2.1. Request names of appointees for Civil Service Board and other boards.

Ms Diana Gonzales stated that an appointee is need for the Civil Service Board, the position has been advertised, but no one has shown interest. Commissioner Garcia provided an appointee's name, Mr. Frank Salinas. Commissioner Garcia stated he would notify Mr. Salinas about turning in a resume.

City Manager Yerena stated that Mr. Myer, Membership Development Coordinator with Halo Flight would be making a presentation. Mr. Myer provided information on The Guardian Subscription Plan which costs \$39.00 per year per family. He stated that first responders will receive free coverage for one year.

Commissioner Laskowski stated that at the last meeting he had requested that Mr. Noyola provide a list of Health Board member and their attendance record, but has not received it.

3. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported that the Water Negotiating Team Members meeting with STWA has been changed to Wednesday at 2:00 P.M.; and that the Authority will be meeting with the remaining customers regarding four items and asked the Commission to take no action on item #29 until after such time that the negotiating meeting is held. She reported that the next Charter Review meeting will be on Wednesday at 5:30 P.M.; and that item #31 is with regard to a confidential matter which may be coming soon to the Commission but needed to brief them at this meeting.

4. City Commission's Reports. (City Commission).

Mayor Fugate called for the City Commission's reports. Commissioner Pecos reported on the number evacuees at the J K Northway and stated that four FEMA representatives are here. Mayor Fugate reported on an email from TML about doing good recordkeeping for reimbursement. Commissioner Pecos reported that there is documentation that FEMA will reimburse 100%. Commissioner Laskowski reported that numbers of evacuees will decrease by tomorrow. Commissioner Garcia thanked the public for their response to the evacuees.

IV. Public Comment on Agenda Items ³

1. Comments on all agenda and non-agenda items.

NONE

V. Consent Agenda

1. Motion approving final passage of an ordinance amending the Certificates of Obligation 2002-2002A Budget for the City of Kingsville for \$450,000 originally for water well with funding to come from an allocation of funds in the Certificates of Obligation 2005. (City Manager).
2. Motion approving final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 1, Garbage, providing for the deletion of special pick-ups. (Solid Waste Management Superintendent).
3. Motion approving final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 2, Ambulance Service, providing for the deletion of the current article and the adoption of a new article; repealing all ordinances in conflict herewith and providing for an effective date and publication. (Fire Chief).
4. Motion to approve awarding Bid No. 26-05 Chlorine to AOC from Kingsville. Based on estimated usage, approximately \$16,000.00 will be expended under this contract. Items will be acquired as needed during the time of the contract. (Purchasing Director).
5. Motion to approve awarding Bid No. 26-06 Automotive Filters to O'Reilly Auto Parts from Kingsville, for an annual cost of approximately \$9,800.00. (Purchasing Director).
6. Motion to approve awarding Bid No. 26-07 Tires and Services for the Police and Task Force Departments to Kingsville C&A Tire Company for approximately \$17,000.00. (Purchasing Director).
7. Motion to approve awarding Bid No. 26-08 Lubricants & Oils to the qualified bidders submitting the lowest price, Arnold Oil Company and Oil Patch Company from Corpus Christi, Texas. Based on the estimated usage, approximately \$15,500.00 will be expended under this contract. Bid item funds are included in the annual budget. (Purchasing Director).
8. Motion to approve awarding Bid No. 26-09 Gasoline to the qualified bidders submitting the lowest price, Petroleum Traders Corp from Ft. Wayne, In. for regular unleaded gasoline delivered to the warehouse; and SPP Petroleum from Corpus Christi, Texas for regular unleaded gasoline delivered to the Landfill. Funds are included in the annual budget, and based on projected usage; approximately \$339,422.40 will be expended under this contract. (Purchasing Director).
9. Motion to approve awarding Bid No. 26-10 Diesel Fuel to SSP Petroleum from Corpus Christi, Texas at an approximate cost of \$151,450.11 for the fuel delivered to the warehouse and \$50,981.95 for fuel delivered to the Landfill. Deliver fees imposed by H.B. 2687 and 2912, \$700.00. (Purchasing Director).
10. Motion to approve awarding Bid No. 26-11 Road Materials to various firms: Vulcan Materials, from San Antonio, Texas for Pre-Coated Aggregate Grades 3, 4, & 5; LRA Cold Mix; Type CC Lay-Down Cold Mix; and #5 Trap Rock for a total of \$101,655.00; Valero Marketing, from Corpus Christi, Texas for AC-5 Asphalt; RC-250 Asphalt; and Mc-30 Asphalt for a total of \$23,760.00; Bay, Inc., from Corpus Christi, Texas for Hot Mix for a total of \$27,225.00 and R.P. Trucking, from Kingsville, Texas for Caliche (hauling included); Sand (hauling included); and Cushion Sand for a total of \$63,275.00. Each bidder recommended for the award submitted the only bid for that particular product. Based on projected quantities, approximately \$215,915.00 will be expended under this contract. Items will be acquired as needed during the time of the contract. (Purchasing Director).
11. Motion to approve awarding Bid No. 26-12 Janitorial Maintenance Services for Law Enforcement Center to Pais Janitorial Services from Gregory, Texas. This action will expend \$13,966.24 for the first year, \$14,343.52 for the second year and \$14,732.08 for the third year. (Purchasing Director).
12. Motion to approve awarding Bid No. 26-13 Automotive Batteries to O'Reilly Auto Parts from Kingsville, for an approximate annual cost of less than \$6,000.00. (Purchasing Director).

13. Motion to approve awarding Bid No. 26-15 Cement Products to Alamo Concrete Products from Kingsville. Items to be acquired as needed during the time of the contract. Based on estimated usage, approximately \$15,500.00 will be expended under this contract. (Purchasing Director).

14. Motion to approve awarding Bid No. 26-16 Liquid Ammonia Sulfate to Bay Chemicals from Odem, Texas. Items to be acquired as needed during the time of the contract. Based on estimated usage approximately \$14,300.00 will be expended under this contract. (Purchasing Director).

15. Motion to approve awarding Bid No. 26-17 Concrete Deck Scale for the Landfill to the sole bidder, P & S Scale Company from Corpus Christi, Texas for a total of \$45,045.00. (Purchasing Director).

17. Motion to approve a resolution adopting the National Incident Management System (NIMS) as the standard for incident management. (City Manager).

18. Motion to confirm the appointments for Mr. Jim Altman and Mr. Leo Garcia to the Board of Directors for the Kingsville Convention and Visitors Bureau. (KCVB Director).

19. Motion to confirm the reappointment for Mr. Martin Clements to the Board of Directors for the Kingsville Convention and Visitors Bureau. (KCVB Director).

Mayor Fugate called for consideration of the consent agenda. Commissioner Laskowski made a motion to accept Consent Agenda Items 1-15 and 17-19, and to pull Item 16 for discussion, seconded by Commissioner Wilson and Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

16. Motion to approve awarding Bid No. 26-21 Pick-up Truck for the Wastewater Department. This item will expend \$14,945.75. Funds for this vehicle are in the Certificate of Obligations Series 2002-2002A Budget (061-5-700.3-711.00). Monies will be transferred from line item (061-5-700.2-711.00). (Purchasing Director).

Commissioner Laskowski stated that he is not questioning anything about the pick-up, but he did have a question about the funds available in 700.2 and 700.3. He added that it appears that in the 700.3, there is \$7,634.66 left in that account; and in 700.2, where monies are being taken from, there is \$23, 855.01. He asked if only \$7,000 was being transferred from the 700.2 account to cover the cost of the pick-up. Ms Byington replied that it was her understanding that Mr. Daniel Almeida would be taking care of doing the transfer. Commissioner Laskowski stated that the Finance department did not have information on the transfer.

City Manager Yerena stated that the department is asking to transfer the entirety of the funds to have enough funding for the skid loader. He added that reallocation was previously approved, but the transfer has not been made.

Commissioner Laskowski asked if the entire amount of \$23, 855.01 was being moved to 700.3. City Manager Yerena replied that was correct.

Mayor Fugate called for a motion. Commissioner Laskowski made a motion to approve awarding the Bid No. 26-21 Pick-up truck for the Wastewater department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

20. Consider 2005-2006 Budget and Media/Marketing Plan for the Kingsville Convention and Visitors Bureau. (KCVB Director).

Ms Carol Ann Anderson addressed the Commission, and provided information on the Budget and Media/Marketing Plan. She stated they are requesting a 2% increase from last year based on the fact that both of the larger hotels are up and running which has added approximately 100 more rooms and there will be a room increase rate as much as 15% for choice hotels. She provided information on departmental monies transfers.

Mayor Fugate called for a motion. Commissioner Wilson made a motion to approve the 2005-2006 Budget and Media Plan for the Kingsville Convention and Visitors Bureau, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

21. Consider introduction of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 1, 2005 and ending September 30, 2006. (City Manager).

City Manager Yerena stated there was a change to the information previously provided, due to a decrease in expenditures of \$5,000, which was a contribution to the EDC. This increased the budget fund by \$5,000 increasing it to \$89,053 and decreasing the revenue to \$101,635.

INTRODUCTION ONLY

22. Consider introduction of an ordinance establishing and adopting the Ad Valorem Tax Rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 1, 2005 and ending September 30, 2006, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).

City Manager Yerena stated that basically this has been discussed in a previous workshop and the tax rate will be set at .7100.

Commissioner Laskowski pointed out that \$.45663 of the .7100 tax rate is going for Maintenance and Operations and \$.25367 is for Debt Service to the Interest & Sinking fund.

INTRODUCTION ONLY

23. Consider approval for awarding Bid No. 25-45 for the construction of Water Well #23 located at the northeast corner of General Cavazos Blvd. (Purchasing Director).

Ms Dora Byington stated this item authorizes execution of a contract for constructing Well #23 located at the northeast corner of General Cavazos Blvd and 6th Street. Bids were advertised on July 31 and August 7, 2005, three bids were received. The base bid will be \$364,260.00. She stated that the City Engineer has a list of item to be added or deducted depending on the

circumstance. Recommendation is to award the bid to Friedel Water Wells from Yoakum, Texas.

Mr. Fees stated the purpose of add or deduct items is that as the drilling occurs the depth is not known so for this reason there is add or deduct to this item.

Commissioner Laskowski made a motion to approve the Bid No 25-45 for the construction of Water Well #23, seconded by Commissioner Wilson and Commissioner Garcia.

Commissioner Laskowski asked if the water well would take up the entire lot. Mr. Fees replied that was their anticipation. Commissioner Laskowski stated to take into account that in the future a fire station may be placed at that location.

The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".

24. Consider approval of out-of-state travel for the City Commission and City Staff to attend the National League of Cities Congress of Cities and Exposition to be held in Charlotte, North Carolina from December 6-10, 2005. (City Manager)

Commissioner Wilson requested to attend NLC.

Commissioner Laskowski made a motion to approve the out-of-state travel for the City Commission and City Staff to attend the National League of Cities in Charlotte, North Carolina, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

25. Consider nominating certain person(s) as candidate(s) for election to the Board of Directors of the Kleberg County Appraisal District. (City Manager).

Commissioner Laskowski made a motion to try to put Commissioner Garcia back on that board, seconded by Commissioner Wilson.

Ms Alvarez stated this would be submitted in a form of a written resolution. Commissioner Garcia accepted the nomination but stated that the City does not have enough votes to secure a position on that board.

The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

26. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies providing for the adoption of the job classification and compensation plan for FY 2004-2005. (Human Resource Director).

Ms Diana Gonzales stated this was same compensation plan from last year with two changes: Account Manager to Accounting Manager and Acquisition Librarian to Technical Services Assistant.

As a point of order, Commissioner Wilson stated this might have to be taken out of the agenda because the fiscal year was incorrect.

INTRODUCTION ONLY

27. Consider introduction of an ordinance amending the Fiscal Year 2004-2005 Budget for the City of Kingsville. (City Manager).

City Manager Yerena stated this item was for an end of year clean up for deficit accounts.

INTRODUCTION ONLY

28. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, setting the speed limit on certain areas of Caesar Avenue to 45 miles per hour; providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Engineer).

Mr. Stanley Fees stated he had received a request from NAS JAG Office for this item. He stated that the north gate will be opened and presently there are no speed limit signs on Caesar Ave, east of Hwy 77. Mr. Fees stated that the purpose of this would be to mimic the speed limit that is on General Cavazos approaching their gate. The area posted would be approximately 1500 feet. He will contact County Commissioner David Rosse to provide signage in the county portion out to the Navy gate.

INTRODUCTION ONLY

29. Consider approval of the proposed water supply contract between the City of Kingsville and South Texas Water Authority. (City Attorney).

No action taken

30. Consider extending the Local State of Disaster Declared by the Mayor of the City of Kingsville on September 4, 2005. (City Manager).

Mayor Fugate stated this has to be done because the previous declaration was for only seven days.

Mayor Fugate called for a motion. **Commissioner Garcia made a motion to approve indefinitely, until the Commission rescinds it, seconded Commissioner Pecos.**

Chief Torres stated a target date of October 1st has been set to empty the shelter, adding that there will probably not be funding after that date.

Mayor Fugate called for roll call vote. **The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

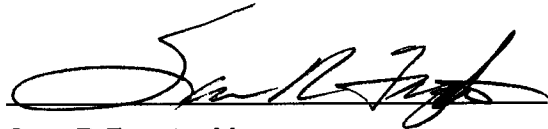
The City Commission took a break at 6:45 PM, and then convened into executive session at 6:55 P.M.

31. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter of which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct to the State Bar of Texas clearly conflicts with Chapter 551. (City Attorney).

The City Commission reconvened into open session at 7:03 P.M.

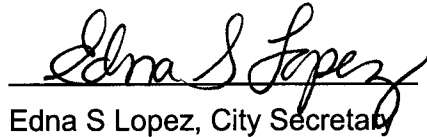
VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:03 P.M. on September 12, 2005.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary