

SEPTEMBER 11, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 11, 2006 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, Mayor Pro-tem
Al Garcia, Commissioner - arrived at 6:12 PM
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Mark Rushing, Finance Director
Joe Casillas, Water Production Supervisor
Yolanda Cadena, Health Director
Dora Byington, Purchasing Director
Bob Daehn, Building Official
Frank Garcia, Interim Wastewater Supervisor
Bill Donnell, Interim Street Superintendent
J R Ibarra, Task Force
Diana Gonzales, Human Resource Director
Jennifer Cantu, Director of Development Services
Al Lopez, Fire Chief
Felix Camarillo, Firefighter/Paramedic
Caron Vela, Accounting Manager
Vilma Castillo, Collections Manager
Art Alvarez, Risk Manager
Macario Mayorga, Water Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate called for a moment of silence to remember the victims of 9/11, 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 of the regular meeting of August 28th, 2006; and special meetings of August 29th, 2006, August 30th, 2006, August 31st, 2006, and September 5th, 2006. **Commissioner Laskowski made a motion to accept the minutes of August 28th, August 29th, August 30th, and September 5th, with the corrections, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Laskowski voting "FOR". Garcia "ABSENT".**

Mayor Fugate called for consideration of the minutes of the special meeting of August 31st, 2006. **Commissioner Pecos made a motion to accept the minutes as corrected, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos voting "FOR". Laskowski "ABSTAINED". Garcia "ABSENT".**

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

1. A Public Hearing on a proposed property tax rate increase from \$0.71000 to \$0.68544.

The public hearing was opened at 6:04 P.M.

Mayor Fugate announced that the vote on the tax rate will take place on Monday, September 25, 2006 at 6:00 P.M. at a regular City Commission meeting here in the Alcorn Commission Chamber, City Hall, 200 East Kleberg Street, Kingsville, Texas.

The public hearing was closed at 6:07 P.M.

2. A Public Hearing regarding condemnation proceedings for a structure located at 816 North 14th Street. (Building Official).

The public hearing was opened at 6:07 P.M.

Mr. Bob Daehn, Building Official stated this house is in very serious dilapidated condition and must be demolished. Mayor Fugate agreed and stated this is the worst spot in Kingsville.

The public hearing was closed at 6:09 P.M.

III. Petitions, Grievances, and Presentations.²

1. Proclamation designating the month of September as "National Hispanic Heritage Month".

Mayor Fugate presented the proclamation to Ms Maggie Salinas, President, Hispanic Chamber and Mr. Macarena, Hispanic Chamber Representative.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the success of the Pandemic Influenza workshop; the KWOP program demolished 17 unsafe structures; and that the Human Resource office is in the process of distributing new policy manuals to employees.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on the date for the next Trash-Off Day; on the RFP presentations for the Master Plan; and on the nuisance abatement of the Paiz property.

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

Mayor Fugate called for the City Commission's reports. Commissioner Garcia stated he had a concern about the defibrillators and that he knew the defibrillators had been ordered. He asked if replacement batteries for the old units had been ordered. Chief Lopez replied that if the defibrillators are not in by tomorrow the department will order one battery. Commissioner Garcia asked if one battery is sufficient. Chief Lopez replied that a lot depends on what the company tells them about the time of delivery. Commissioner Garcia stated that he could not understand why research was not done to try to find a place for purchasing the batteries. Chief Lopez stated that a call was made to the supplier, who told them that the heart monitors were obsolete. He stated they also called the maker of the monitors and they got the same response. He stated that no matter what the monitors are still obsolete. Commissioner Garcia asked for the price of the defibrillators. Chief Lopez replied the cost was \$27,000. Commissioner Garcia asked why this was not approved by the Commission. Ms Alvarez replied that there is an exemption if it falls under public health and safety emergency.

In response to Commissioner Pecos's question, Chief Lopez stated the new batteries will work on these monitors, but the monitors have other problems. Chief Lopez stated that Firefighter/Paramedic Felix Camarillo is available to answer any questions they may have.

Firefighter Camarillo stated the machines are approximately five (5) yrs old; and when they were purchased the machines were already going in obsolete status. He stated the machines have reoccurring problems with monitoring. Commissioner Pecos asked if there is a maintenance plan in place. Firefighter Camarillo replied these machines come with a maintenance agreement. He added that the machines are so complex that only a service representative can fix them.

Commissioner Laskowski asked how soon the new monitors will become obsolete. He stated he wants this investment for the benefit of the citizens, in order to have a product that is going to service the citizens. Firefighter Camarillo stated the information they used to make a decision on the purchase was through the hospital. Firefighter Camarillo stated he would provide the Commission with more information if necessary.

IV. Public Comment on Agenda Items³

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

Mayor Fugate called for comments on all agenda and non-agenda items. There were no comments made.

Mayor Fugate called for consideration of the Consent Agenda items (1-4).

V. Consent Agenda

1. Motion to approve awarding annual contract Bid No. 27-12 for road materials to the lowest bidders. Each bidder recommended for the award submitted the only bid for that particular product. R. Loera Trucking, Kingsville; Bay, Inc., Corpus Christi; Vulcan Materials, San Antonio; and Valero Marketing, Corpus Christi. Based on projected quantities, approximately \$251,245.00 will be expended under this contract. (Purchasing Director).

3. Motion to approve awarding contract Bid N. 27-16 for janitorial maintenance services at City Hall to the lowest bidder, J & M Cleaning Services from Kingsville. (Purchasing Director).

4. Motion to approve awarding two separate annual contracts Bid No. 27-17 for various types of automotive parts to Carquest Auto Parts and O'Reilly Auto Parts from Kingsville if purchasing alliance does not have the best price. The bidders recommended for the award submitted the lowest, responsible bids on each category. (Purchasing Director).

Commissioner Wilson made a motion to remove Item #2 from the Consent Agenda and pass Items #1, 3 & 4, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Motion to approve awarding contract Bid No. 27-15 for electrical repairs to be performed as needed for the lift stations and Wastewater Treatment Plants to the lowest bidder, T J. Company, Inc. from Falfurrias, Texas. (Purchasing Director).

Ms Dora Byington stated that this item authorizes electrical repairs to be performed as needed, effective October 1, 2006 through September 20, 2007 to the lift stations and Wastewater Treatment Plants. The bidder recommended for the award submitted the lowest bid. Based on previous history, this action should not expend more than \$60,000.00 for these repairs. Since all of the improvements to the lift stations have been made or just about completed, the city is hopeful that this amount can be cut down to approximately \$30,000.00. Funds for this project

will come out from the department's annual budget. It is recommended that the bid be awarded to the lowest bidder, T.J. Company, Inc from Falfurrias, Texas.

Regarding a previous problem at the plant, Commissioner Laskowski stated that several months ago T.J. Electric responded to the service call and that they could not figure out the problem, so Rabalais had to be called in. Mr. Frank Garcia, Interim Wastewater Supervisor stated that Rabalais was called in but they couldn't fix the problem.

Commissioner Wilson stated that on the bid sheet T.J. Electric had not bid on a service call rate with an Apprentice and they did not give a rate on the SCADA system. He asked what the City would do if there was a problem on the SCADA system after hours. Mr. Garcia replied that T.J. Electric subs out the work to someone else. Commissioner Wilson asked at what rate. Mr. Garcia replied this was not included in the bid packet.

Commissioner Laskowski asked if the service call rate with the apprentice was included in the bid. Ms Byington replied the service call was included. Commissioner Laskowski asked if this bid could be considered unresponsive. Ms Byington stated that an apprentice will not always be needed, and if he did there is an hourly rate for the apprentice. Commissioner Laskowski commented that he wants to make sure that whoever does the work is qualified.

Mayor Fugate called for questions or comments. Mayor Fugate called for the City Manager's recommendation. City Manager Yerena stated that staff recommends the bid be accepted as presented.

Commissioner Pecos made a motion that the bid be awarded to the lowest bidder, T.J. Electric from Falfurrias, Texas. Mayor Fugate called for a second. There was no second to the motion.

Mayor Fugate announced this item, dies for lack of a second.

5. Consider condemnation of structure located at 816 North 14th Street. (Building Official).

Mr. Daehn stated that he would recommend this house be demolished. He stated he inspected the house which is in a serious dilapidated condition, will take a lot of money to bring up to code, the building is unsafe, and is in violation of several city ordinances.

Mayor Fugate asked if it could be repaired. Mr. Daehn replied he did not think it could not be repaired.

Mayor Fugate called for comments or a motion. **Commissioner Pecos made a motion to approve condemnation. Mayor Fugate stated there is a certain procedure that must be followed. Commissioner Pecos removed his motion. Mayor Fugate made a motion that the structure is unable to be repair, the building or structure is unsafe; presents is a violation of ordinances; and cannot be corrected without substantial reconstruction; the City has already declared this building a public nuisance, and that this structure be demolished within 90 days, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".**

6. Consider two appointments to the Planning and Zoning Commission. (City Manager).

Commissioner Laskowski made a motion to table this item, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

7. Consider introduction of an ordinance adopting the Annual Budget of the City of Kingsville, Texas and appropriating funds for the fiscal year beginning October 01, 2006 and ending September 30, 2007, in the particulars hereinafter stated. (City Manager)

City Manager Yerena stated this is an introductory item which would adopt the annual budget. He pointed out a change in the ordinance, Section 3, the sum changed from \$20,279,031 to \$20,272,892.

Commissioner Laskowski stated that in looking at the ordinance amending the City's current budget year, he had several concerns. He referred to the Solid Waste Collection section, and noted an increase of \$37,269 for Motor Oil & Gas, and stated that the amount which was budgeted last year was \$63,000. He stated that the City is estimating spending \$100,000 on fuel. He stated it was his understanding that there was a 15% increase for fuel. He said that 10% makes what is proposed for this budget, \$110,000, if it is estimated to spend \$100,000. He continued to say that it looks like the City will be short of monies. He mentioned that the Police Department would also be short on monies for fuel. Commissioner Laskowski also discussed Insurance 103 - City Special. Commissioner Laskowski voiced his concern regarding the Health and Library Departments budgets. He stated that the Library is in need of roof repairs. Finally, he stated that he is concerned with a \$41,930 fund balance which does not leave much margin for error.

Commissioner Pecos voiced his concern regarding management salary increases. City Manager Yerena responded that is what is being recommended but is at the discretion of the Commission. He stated that some management employees have acquired additional responsibilities and this would allow the city to be competitive in the market. Commissioner Laskowski made several comments in reference to the salary for the Public Works Director/City Engineer.

Mayor Fugate called for further comments or questions.

INTRODUCTION ONLY

8. 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 01, 2006 and ending September 30, 2007, 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 this ordinance would establish the Ad Valorem tax rate, the proposed tax rate is \$.68544. He stated that \$.46453 is for M&O and \$.22091 is for debt service.

Mayor Fugate called for questions or comments.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for an increase in Water Rates. (City Manager).

City Manager Yerena stated that last fiscal year a Water/Sewer rate study was conducted by HDR Engineering. This is the second phase recommended by the study, which calls for a 5% increase in water rates for residential, multi-family and commercial.

Mayor Fugate called for questions or comments. Commissioner Garcia asked how the City's water rates compare within the area. Mayor Fugate replied the City would be in the middle with this increase.

Mayor Fugate called for questions or comments.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for an increase in Sewer Rates. (City Manager).

City Manager Yerena stated that this is the same as the previous item. The recommendation for sewer rate changed from 8% to 9% primarily due to increase in chemical, utility and fuel cost. He stated that a previous email showing that the 1% increase totaled \$100,000 was incorrect; the correct amount is \$22,765.

Mayor Fugate called for questions or comments.

INTRODUCTION ONLY

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for fees for certain service calls. (City Attorney).

Ms Alvarez stated that after one of the budget workshops she had some discussion with the Wastewater Supervisor regarding this ordinance. She stated an ordinance for water service callouts was passed on September 2002, but that ordinance did not address Wastewater. She stated this ordinance would allow the rights and privileges that the water department has had for the last four years in trying to recoup some of the expenses. She stated at times people call the City instead of calling a plumber.

Commissioner Laskowski stated that where he lives he is at the end of the sewer line, so whenever there is a problem upstream the sewage at his residence backs up. He stated that the Wastewater Department has told him that before he calls a plumber to call them. He then asked if he will be charged \$25.00 every time the City comes out to his house. Ms Alvarez replied that if the City service is called for a potential problem and it is determined that the problem is not on the City's side but on the customer's side than an amount of \$25.00 will be assessed.

Mayor Fugate asked if \$25.00 was a reasonable rate. Ms Alvarez stated this was rate the suggested by City Engineer and adopted by the Commission in 2002.

INTRODUCTION ONLY

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 7-1-26 of Chapter VII, Article 1, Traffic Regulations; providing for a restriction of no residential parking. (City Attorney).

Ms Alvarez stated that during the last City Commission meeting a concern was brought up with regard to having observed several semi-type rigs parked in residential areas. She stated a request was made to visit this ordinance to find a way to close the loop hole in order to save on wear & tear of city streets. Mayor Fugate stated there are some residences on the north side of town that actually work out of their houses. He added it will be interesting how this will be enforced.

Ms Alvarez stated that the current ordinance states that a truck shall not park on a City street in a residential area except for loading or unloading for a period not to exceed one hour. She stated this was shortened to read, "A truck shall not park in a residential area". She stated this would tighten the loop hole and would not allow people to drive these rigs up into their yard or vacant lots.

Ms Alvarez stated that the City of Corpus Christi has similar type ordinance in place. She stated that this Commission might want to consider adding an extra sentence to the effect that, "if the officer is unable to locate the person responsible for parking the vehicle in violation, then the officer can affix a parking summon to the vehicle". She stated this is a similar to what is done with handicap parking violations. The City Commission agreed.

Mayor Fugate called for other questions or comments.

INTRODUCTION ONLY

13. Consider introduction of an ordinance amending the fiscal year 2005-2006 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (City Manager).

City Manager Yerena stated basically this is to account for year-to-date actual projected figures.

Commissioner Laskowski asked about the increase for Emergency Management. Ms Caron Vela, Accounting Manager replied this account is for Mr. Tomas Sanchez, Emergency Management Coordinator. She stated that the City had not received a billing from Mr. Sanchez since December 2005. Ms Vela stated she has been working with the County Auditor on this account.

Commissioner Laskowski asked why Mr. Sanchez does not submit a budget. Mayor Fugate stated Mr. Sanchez needs to come up with a budget just like everyone else.

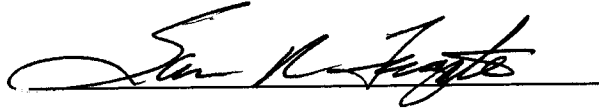
Commissioner Pecos stated that the FEMA grant fluctuates. Commissioner Laskowski stated that the City finds out what FEMA has awarded for this grant in April, this year the award was \$5,900.

A decision was made that the Emergency Management Coordinator will be asked to submit a budget.


Commissioner Wilson suggested that the City ask the County Auditor for a copy of their payment to that budgeted line item. Commissioner Laskowski suggested the City also ask for a copy of this year's budget and last year's.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:30 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, City Secretary