

FEBRUARY 27, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 27, 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
- Stanley Laskowski, Commissioner
- Arturo Pecos, Commissioner

CITY STAFF PRESENT:

- Carlos Yerena, City Manager
- Courtney Alvarez, City Attorney
- Edna S Lopez, City Secretary
- Frank Garcia, Interim Wastewater Supervisor
- Diana Gonzales, Human Resource Director
- Jennifer Cantu, Director of Development Services
- Jennifer Vela, Litter Abatement Officer
- Dora Byington, Purchasing Director
- Al Lopez, Fire Chief
- Felix Camarillo, Firefighter Engineer/Paramedic
- Yolanda Cadena, Health Director
- Robert Rodriguez, Library Director
- Dianne Leubert, Solid Waste Superintendent
- Jose Casillas, Water Production Supervisor
- Ricardo Torres, Police Chief
- Vilma Castillo, Director of Collections
- Stanley Fees, City Engineer

I. Preliminary Proceedings.

OPEN MEETING

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

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 from the regular meeting of February 13, 2006. **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

NONE

III. Petitions, Grievances, and Presentations.²

- 1. Proclamation honoring and recognizing Daniel W. Robinette.

Mayor Fugate presented a proclamation to Daniel W Robinette, also present was Joel Gant, Scout Leader.

- 2. Proclamation designating the month of March as “Purchasing Month”.

Mayor Fugate presented the proclamation to Ms Byington, Purchasing Director.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the interview process for the Finance Director position; and on the reception for our National Guard Troops. He announced that Ms Jennifer Vela, Litter Abatement Officer would be making a presentation.

Ms Vela briefly went over a PowerPoint presentation depicting her department goals, complaints, abandoned vehicles and new technology being used, a surveillance camera. She advised that through the City Manager's efforts, a committee, the Kingsville Interdepartmental Cleanup Committee was formed to help with the litter process. Copies of the presentation were provided.

City Manager Yerena reported that staff is working with the Kingsville Housing Authority and Kingsville Affordable Housing representatives on setting up an affordable housing program for first time home buyers assistance programs/grants.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on working on ordinance revisions which will be presented at a later date; on the KISD Media Technology film production "Imagine" to be presented on Wednesday, March 8th. She also extended a very warm thanks to NAS-Kingsville for hosting some City staff members on a tour of the Base.

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

Mayor Fugate called for the City Commission's reports. Commissioner Wilson extended his personal congratulations to Daniel Robinette on his Eagle Scout accomplishment and congratulated Ms Jennifer Vela and her group on the efforts to get the City cleaned up.

Commissioner Garcia asked about the follow up on the brush crew concerns. City Manager Yerena replied that the information will be emailed.

IV. Public Comment on Agenda Items ³

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

Ms Carolyn Fees, 1506 Santa Cecilia, thanked the Commission for the recognition of Eagle Scouts, and spoke on providing a bill sent before a lien is placed on a property.

V. Consent Agenda

1. Motion to approve final passage of an ordinance to amend the zoning map in reference to 26.50 acres out of part of K.T. & I Subdivision, Section 22, Parts of Lots 12 and 13 of property fronting FM 1717, Trant Road, and US 77, from AG Agriculture to C-2 Commercial. (Director of Development Services).

4. **Motion to approve a resolution of the City of Kingsville supporting the Affordable Multihousing Family Rental Development named Kings Crossing Phase II, in Census Tract 202 in Kingsville, Texas. (Director of Development Services).**

Mayor Fugate called for consideration of the Consent Agenda Items 1-4. Commissioner Wilson made a motion to remove Consent Agenda Item #2 and pass Items 1, 3, & 4, seconded by Commissioner Pecos. Commissioner Garcia suggested for discussion only that Item #3 also be removed. Commissioner Wilson withdrew his motion, and Commissioner Pecos withdrew his second. A second motion was made by Commissioner Wilson to remove Items 2 & 3, and approve Items 1 & 4, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Motion to approve awarding bid for electrical repairs to be performed as needed effective immediately and through September 30, 2006 to the lift stations and Wastewater Treatment Plants to the lowest bidder, T.J. Company, Inc. from Falfurrias, Texas. (Director of Purchasing).**

Ms Byington stated that this item authorizes electrical repairs to be performed as needed effective immediately through September 30, 2006 to the lift stations and Wastewater Treatment Plants. Based on previous history and taking into consideration the improvements being made at the wastewater treatment plants and the lift stations, action should not expend more than \$15,000.00 for these repairs. Funds for this project will come out from the department's annual budget. The interim Wastewater Supervisor has reviewed the bids submitted and has determined that the low bidder meets all specification. The company has submitted all insurance forms and did meet the requirements. It is recommended that the bid be awarded to the lowest bidder, T.J. Company, Inc. from Falfurrias, Texas.

Commissioner Wilson stated that the reason for removing this from the consent agenda was because the person is only licensed as a journeyman electrician. Ms Byington replied that was correct, but he hires a master electrician. Certificate for the master electrician was provided.

Commissioner Laskowski made a motion to approve awarding the bid for electrical repairs to be performed as needed, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

3. **Motion to approve a resolution of the City of Kingsville supporting the Community Revitalization Plan for Census Tract 202. (Director of Development Services).**

Ms Jennifer Cantu stated it has always been a wish of the City of Kingsville to revitalize certain areas which was part of the KWOP, revitalization, and tax abatement incentive program. She stated staff has been working with the Affordable Housing of Kingsville with this resolution to stimulate single-family ownership in a particular Census Tract.

Commissioner Garcia stated he removed this item from the Consent Agenda because he wanted to know the location. A map depicting the subject site was provided.

Mayor Fugate called for questions or comments. Commissioner Garcia made a motion to approve the Revitalization Plan for Census Tract 202, Agenda Item #3, seconded by Commissioner Wilson. The motion was passed and

approved by the following vote: Fugate, Laskowski, Pecos, Wilson, Garcia voting "FOR".

5. Consider out-of-state travel for the City Manager to attend the Economic Development Institute in Oklahoma City, Oklahoma on March 31st – April. 7th, 2006. (City Manager).

City Manager Yerena stated that this basically would allow him to complete his last year of the program, which is a four (4) year program and that he would graduate from one of the top institutions in the area for economic development.

Mayor Fugate called for questions or comments. Commissioner Wilson made a motion to approve the out-of-state travel as requested by the City Manager, seconded by Commissioner Garcia and Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski, Wilson voting "FOR".

6. Consider final passage of an ordinance to amend the zoning map in reference to 21.96 acres out of part of K.T.& I Subdivision, Section 23, Lots 4 and 5, of property fronting FM 3320 (Golf Course Road) from AG Agriculture to R-1 Single Family Residential. (Director of Development Services).

Ms Jennifer Cantu, Director of Development Services stated his item was brought to them at the last commission meeting in the form of a public hearing and the first reading. At the public hearing, two citizens spoke in opposition of the rezoning request. She pointed out that from the beginning of the project, the developer has stated that even though this property is not in the AICUZ he is willing and will require that all development be built to the AICUZ mitigation of the property being mitigated down to 45 decibel noise levels. The vehicle to ensure that is through the platting process where that is developed as a planned unit development. She stated there have been concerns with future changes in the area but this currently isn't in the AICUZ.

Commissioner Garcia stated he had a disturbing thought about approving this particular tract when the study is not available.

Mayor Fugate called for any other comments or questions. Mayor Fugate stated everyone is concerned about future developments at NAS Kingsville. The City has always looked at the Navy to make sure the City is a good neighbor. He stated that it is his understanding that the Navy are neutral and have no opposition to the development. The development is outside the AICUZ, study that was approved will be for T-45's. He stated he did not see the 2005 AICUZ footprint changing in any regard for the T-45's. He pointed out that there are developments, one that was approved tonight, that is the same distant as this one. He stated that it is hard for him to see what the difference is. The Navy and the Zoning Commission have looked this over and have no objections. Finally, he stated that after thorough review of all the material and evidence he has no objections.

Commissioner Garcia stated that if there is no concern about the AICUZ, then why do the study. Mayor Fugate replied that the Navy has asked the City to join them on the study and that goes hand-in-hand with being a good neighbor.

In reference to a question about the moratorium, Ms Alvarez reminded the Commission that this was an area that was not on the agenda.

Mayor Fugate called for any other questions or discussion. Commissioner Laskowski stated he had struggled with this for quite sometime, pros and cons, what's in the best interest to the City and Navy. Not knowing what the future holds on the noise of aircrafts, it is tough to make a call because it could affect the future of everything. He continued to voice his concerns.

City Manager Yerena commented that this is a quality of life issue, and one of the things that the Navy looks at is the availability of housing. The City has to think about economic development.

Regarding future developments, Commissioner Laskowski stated that in order to have good working relations, the Navy needs to be informed. For point of

clarification, Ms Cantu stated that Kings Crossing which is in existence was approved and built some time back and nothing has been done that would be prohibited to the future development to the Base or Kingsville.

Mayor Fugate stated that the Navy is not objecting the development and that has weighed heavy on him.

Commissioner Wilson stated the hardest issues are Planning and Zoning issues because it directly impacts most people's lives. He added that as elected officials they have to make what they believe are the right assessments and make the call as best they see it. The Navy will come with more, but have not indicated, the Commander of the Base gave a somewhat impassioned plea to remain neutral. Finally, he stated there is not an easy resolution. He encouraged his fellow Commissioners and Mayor to vote their heart.

Commissioner Pecos stated it is hard to make a decision that is fair for the community and the Navy. **In the spirit of fairness, he suggested this item be tabled until the completion of the JLUS study. Mayor Fugate asked Commissioner Pecos if that was a motion. Commissioner Pecos replied it was, Commissioner Wilson seconded the motion. The motion was passed and approved by the following vote: Garcia, Laskowski, Pecos, Wilson voting "FOR". Fugate voting "AGAINST".**

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX, Article 5, Fire Prevention and Protection, providing for fire billing services, definitions, explanation of charges, and fees. (Fire Chief).

Fire Chief Al Lopez stated that after research and several meetings with staff, before them is the product that was designed.

Commissioner Wilson asked if there was any guidance from any other communities. Chief Lopez replied that the ordinance was put together after studying eight different ordinances and after consulting with several billing companies.

Commissioner Garcia asked what a standard fire use of equipment would cost. Chief Lopez replied the intent is to immediately get the billing form and start doing some dry runs. He added that this ordinance covers only commercial.

City Manager Yerena stated that the perimeters in place and the intent are to go after insurance companies and leave out the residents.

INTRODUCTION ONLY

8. Discuss and consider authorizing the negotiation of a contract for the performance of ambulance and fire billing and collection of delinquent accounts service. (Purchasing Director).

Ms Dora Byington stated that it is recommended the bid be awarded to the company receiving the highest average rating, Alexander Consulting from San Antonio, Texas. The Fire Chief and his staff have reviewed the proposals and concur with this recommendation.

This action will not spend any money because what the city pays the company will be 7% of the amount the company collects. On delinquent accounts, the collection agency will charge 22% of the amount collected however, that probably will not happen because the time the accounts are turned over to the city, the company would have exhausted all means to collect the account because once the accounts are turned over to the collection agency, the company does not get any revenues. It is in the company's best interest to collect all accounts prior to turning them over to the city to send to the collection agency. The City will decide whether it wants the account turned over to the collection agency or not. The City can also decide to use the company recommended by Alexander Consulting or use another collection agency. Fees for billing and collection services will be made from line item number 001-5-220.0-314.50.

Commissioner Laskowski voiced his concern about the 7%++ which allows for an additional 1% for 15,000 – 29,999 and an additional 2% for everything over

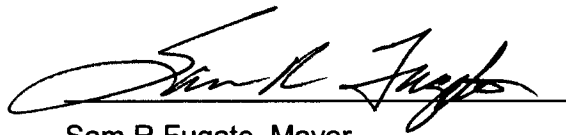
30,000. He added that NRS charges a flat 7% which was what Alexander Billing did for the City before. He then explained his concern regarding delinquent accounts collection.

Ms Rachel Waldinger from Alexander Consulting addressed the Commission. For point of clarification, she stated the contract for the last five (5) years has been at an 8% commission fee. The performance based bonus was introduced in order to be competitive, but they are willing to negotiate the price, offer a performance flat fee and waive performance bonus. As for delinquent accounts, she stated that they will do everything they can before referring a delinquent account because then they don't receive any collection fees.

Mayor Fugate asked for any questions or comments. **Commissioner Pecos made a motion to give the contract to Alexander Consulting for the performance of ambulance and fire billing, and collections of delinquent accounts services, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos voting "FOR". Wilson, Laskowski voting "AGAINST".**

V. **Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:18 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary