

JUNE 25, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JUNE 25, 2007 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Charles E Wilson, Mayor Pro-tem
Al Garcia, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Jaime Garza, Task Force Commander
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
Diana Gonzalez, Human Resource Director
Bill Donnell, Public Works Director
Al Lopez, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Wilson called the meeting to order in the City Commission Chambers at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by City Manager Yerena, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Pro-tem Wilson called for consideration of the minutes of the Special Meeting of June 8, 2007 and the Regular Meeting of June 11, 2007. **Commissioner Laskowski made a motion to approve the minutes with the corrections provided, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR". Fugate "ABSENT".**

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

1. Public Hearing for an alcohol variance application for the Superette Food Mart #2 located at 620 N. Armstrong. (City Secretary).

The public hearing was opened at 6:02 PM

City Secretary Lopez stated this is an application for a Wine and Beer Retailer's Off-Premise Permit for a business establishment known as the Superette Food Mart #2, located at 620 North Armstrong. The property is within 300 feet of a public school, the University. The former City Engineer mailed out letters to surrounding property owners. Staff did not receive any comments opposing this variance.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Pecos asked about the University being considered a public school. City Attorney Alvarez provided information on the AG opinion.

Mayor Pro-tem Wilson announced this was an opportunity for the public to speak.

The public hearing was closed at 6:05 P.M.

III. Petitions, Grievances, and Presentations.²

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

Mayor Pro-tem Wilson called for the City Manager's report. City Manager Yerena reported on not attending today's Safety meeting due to attending TCMA. He announced Safety Week is occurring this week; the Master Plan Committee is scheduled to meet with various businesses at the Kleberg Bank Meeting room on July 11th at 10:00 A.M. to 12:00 Noon, at 2:00 P.M. a committee meeting is scheduled, followed by a meeting with the Planning and Zoning Commission from 4:00 P.M. to 5:00 P.M.. He further reported that on July 12th from 8:00 A.M. to 12:00 Noon at the City Commission Chambers, the committee will continue their meeting with various businesses. He reported on the scheduled meetings for collective bargaining with the Fire and Police Unions, and reported that the next TML Region meeting will be held on July 12th in Cuero, Texas. He stated that Task Force Commander Garza would provide information on some state of the art technology devices.

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

Mayor Pro-tem Wilson called for the City Attorney's report. City Attorney Alvarez reported on having attended a meeting regarding a Joint Election Administrator and stated that additional information will be provided at a later date. She stated Staff is continuing meetings for collective bargaining. With regard to Emergency Management, she stated a meeting was held and Staff was reminded about the NIMS Certification deadline of September 30, 2007. She reported that a Staff meeting will be held on Wednesday to discuss Emergency Management issues.

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

Mayor Pro-tem Wilson called for the City Commission's reports. Commissioner Laskowski commented that the speaker at the Safety Meeting was very informative and he congratulated the Risk Manager for always having good speakers and presentations.

IV. Public Comment on Agenda Items³

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

Mayor Pro-tem Wilson called for comments on all agenda and non-agenda items. There were no comments.

Mayor Pro-tem Wilson called for consideration of the Consent Agenda, Items 1 & 2.

V. Consent Agenda

1. Motion to approve out-of-state travel for City Manager to attend the "2007 Sustaining Military Readiness Conference" in Orlando, Florida from July 30th to August 3, 2007. Travel, lodging, and per diem costs will be at the expense of the Office of Economic Adjustment, and there is no registration fee. (City Manager).

2. Motion to approve accepting a donation for a Fast Autocapture of Slaps and Thumbs for the Task Force. There are only four of these that are being used in Texas and the Task Force will be one of the four, no expense will be incurred. (City Manager).

Commissioner Laskowski made a motion to accept the Consent Agenda as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR". Fugate "ABSENT".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider approval of alcohol variance for the Superette Food Mart #2 located at 620 N. Armstrong. (City Secretary).

Mayor Pro-tem Wilson called for further comments from the City Secretary. City Secretary Lopez replied there were no further comments.

Commissioner Laskowski made a motion to approve the alcohol variance for the Superette Food Mart #2, located at 620 N Armstrong, seconded Commissioner Pecos. Mayor Pro-tem Wilson called for a roll-call vote. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR". Fugate "ABSENT".

4. Consider final passage of an ordinance amending the Fiscal Year 2006-2007 Budget for the City of Kingsville for Water Infrastructure Projects, Water Well #23 and Water Well #24, to come from CO 2005 Utility Fund Interest Revenue. (City Manager).

City Manager Yerena stated that Staff revisited the engineering numbers because there had been some concerns. He stated that Staff met with the contract engineer and the numbers are as conservative as possible, which decreased to \$40,000. He stated this would provide the ability to contract the engineering work for the water wells.

Commissioner Laskowski stated he wanted to reiterate his previous concern about getting monies from interest to pay for this. He stated that monies are budgeted for an engineer which is currently vacant. He stated that there is ample money in that budget to pay for the engineering services. He further stated his concern about on-going projects from the Certificates of Obligation in Water and Wastewater. He stated that the interest would help to cover any short falls. He stated his concern about being short when the City goes out to get a bid on drilling Water Well #24. Commissioner Laskowski stated that if the Commissions' wish is to take the monies from the interest, he will vote no.

Mayor Pro-tem Wilson called for a motion. **Commissioner Laskowski made a motion to fund the amendment for the engineering services out of the salaries from the Engineer line item and transfer the salaries down to the Professional Services line item to cover the engineering cost, seconded by Commissioner Pecos for the sake of discussion.**

Commissioner Pecos asked the City Manager if there were monies in that budget to cover the \$40,000. City Manager Yerena replied that Commissioner Laskowski was referring to the un-obligated funding that was anticipated for personnel expense for not having an engineer. He stated that monies will be available at the end of the year to the tune of approximately \$42,000. He stated either way will work, but stated that some of the revenues are not coming in as anticipated. He stated that the sales tax has gone flat and there has been an increase in property insurance expenses. He stated there is approximately \$647,600 of un-obligated funding available, above of the additional funding that was allocated. Commissioner Pecos asked how much interest has been earned. City Manager Yerena replied approximately \$895,671 accrued interest.

After a comment from Commissioner Laskowski, Finance Director Mark Rushing provided information on interest earned and the areas of reallocation. He stated monies earned relates to the CO which is not in the general fund or in the utility fund. He stated it is in a separate fund. He stated the interest earned can be used for the projects intent, but it does not go to the general fund or the utility fund.

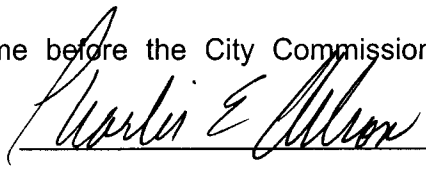
Commissioner Garcia stated that the motion on the table allocated general funds to the purpose which can not be refunded. Finance Director Rushing stated that from the interest earned, if approved, then the interest in the amount of \$40,000 would be earmarked for this purpose which was part of the original intent of the Certificate of Obligation. Mayor Pro-tem Wilson stated that currently that is not the motion, the motion is that monies would be taken from the general fund from a salaried position that has been vacant long enough to have a balance of more than \$40,000. He stated that the balance would only be available at the end of the fiscal year if all the anticipated revenues were received. Finance Director Rushing stated the amount spent for the position is \$23,593 of the \$65,000 which was salary, which means that \$25,156 could be used for that tasking. He stated that the salary for the Engineer is split between the general fund and the utility fund. He stated that lapsing of funds of salaries should be moved to contracting of services for the position.

Mayor Pro-tem Wilson stated that the agenda item is being changed to what the intent publicly would have been. He then asked if there was any problem with Commissioner Laskowski's motion. City Attorney Alvarez replied that technically all that is required is to either approve or disapprove the final passage of the ordinance and then instruct Staff to follow the Commissions' desires if there is no approval of the ordinance as it has been presented. She added that what has been expressed is an intradepartmental transfer that can be done with needing to go before the Commission.

Commissioner Laskowski withdrew his motion and Commissioner Pecos withdrew his second. Commissioner Laskowski made a motion to deny the final passage of the ordinance amending the Fiscal Year 2006-2007 Budget for City of Kingsville for water infrastructure projects, seconded by Commissioner Pecos. Mayor Pro-tem Wilson called for further discussion. Commissioner Garcia asked to hear the motion one more time. Mayor Pro-tem Wilson stated the motion will be to deny the final passage of the ordinance that has been presented. Mayor Pro-tem Wilson called for a roll-call vote. The motion passed and approved by the following vote: Wilson, Pecos, Laskowski voting "FOR". Garcia "AGAINST". Fugate "ABSENT".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:32 P.M.



 Charles E Wilson, Mayor Pro-tem

ATTEST:



 Edna S Lopez, City Secretary