

OCTOBER 8, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 8, 2007 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE 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
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Armando Gutierrez, City Engineer
Mark Rushing, Finance Director
Dora Byington, Purchasing Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Bill Donnell, Public Works Director
Dianne Leubert, Solid Waste Superintendent
Yolanda Cadena, Health Director
Robert Rodriguez, Library Director
Joe Cordero, Fire Fighter
Armando Sandoval, Fire Fighter
Abel Carrillo, Building Official
Frank Garcia, Wastewater Supervisor
Diana Gonzales, Human Resource Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M., and announced quorum as present.

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 of the regular meeting of September 24, 2007 and the special meeting of September 28, 2007. **Commissioner Wilson made a motion to approve the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting “FOR”.**

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

1. Public Hearing regarding condemnation proceedings for structures located at 508 E Alice, 1225 E Alice, 1211 E Yoakum, 1107 W Kenedy, 506 E Ave C, 310 W Kenedy, 934 E Ave B, and 508 E Ave C. (Building Official).

Mayor Fugate opened the public hearing at 6:02 P.M. and announced the locations being considered for condemnation 508 E Alice, 1225 E Alice, and 1107 W Kenedy. He announced this is an opportunity for anyone to come and speak on the subject for five minutes which can not be extended.

Building Official Abel Carrillo addressed the Commission stating these houses need to be condemned.

Mr. Evan Gutierrez, 324 Janell Drive, San Antonio, Texas, addressed the Commission and stated that he was the owner and would like some more time to be able to fix or board up the mobile homes.

Mayor Fugate closed the public hearing at 6:06 P.M.

III. Petitions, Grievances, and Presentations.²

1. Proclamation honoring Mr. Rudy Galvan & Family.

Mayor Fugate presented the proclamation to Rudy Galvan and his family. Commander Jose V Flores, VFW representative presented the Life Saving Award to Mr. Galvan.

2. Proclamation honoring Ms Laurie Gonzalez.

Mayor Fugate read the proclamation, Ms Gonzalez was not present.

3. Proclamation designating October 7th – 13th, 2007 as "Fire Prevention Week".

Mayor Fugate presented the proclamation to Fire Chief Al Lopez.

4. Proclamation designating October 8th, 2007 as "Big Read Day".

Mayor Fugate presented the proclamation to Texas A&M University-Kingsville students, Mr. Juan Martinez and Ms Lucy Espinosa, and Dr. Kathy Downs.

5. Proclamation designating the month of October 2007 as "National Domestic Violence Awareness Month".

Mayor Fugate presented the proclamation to Police Chief Ricardo Torres.

6. Proclamation designating October 21, 2007 as "Catholic Daughters of the Americas Day".

Mayor Fugate presented the proclamation to several members of the organization.

7. Proclamation designating October 8th – 12th, 2007 as "National 4-H Week".

Mayor Fugate presented the proclamation to several members of the organization.

Mayor Fugate presented a certificate of appreciation to Mr. Octavio Hernandez for volunteering during several "Trash-Off" days.

8. Proclamation designating the month of October 2007 as "Czech Heritage Month".

Mayor Fugate read the proclamation; no one was present to receive the proclamation.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena encouraged the citizens to participate at the next Trash-off Day scheduled for October 20th, 2007, from 8:00 A.M. to 12:00 P.M.

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

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez reported the next Commission meeting is scheduled for October 22nd, 2007; on Risk Manager Art Alvarez leaving the City to work for TML, and on having some ordinance revisions at future meetings.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reported he will not be able to attend the next Trash-Off.

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.

Mr. John Smolik, 102 Briarwood Drive, commented on the trains blowing their horns in the city limits.

Ms Maria Lomas Garza, 618 E Richard, thanked the Commission for demolishing the house next door to her residence.

Mr. Joes M Flores, P O Box 1062, announced that the VFW is hosting a wreath laying ceremony will be held on October 12, 2007 at Santa Gertrudis cemetery in honor of Ronchester Santiago who died during the USS Cole terrorist attacks.

Mayor Fugate called for consideration of the Consent Agenda. **Commissioner Garcia made a motion to accept the Consent Agenda, Items 1-6, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

V. Consent Agenda

1. Motion to approve final passage of an ordinance amending the Zoning ordinance to rezone a property from R3 Multi-family District to C1 Commercial District with a special use permit for a self-service laundry at 313 S 12th Street, Lots 17-19, block 7, 5th Addition. (Interim Director of Development Services/City Engineer).
2. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair. (Human Resource Director).
3. Motion to approve out-of-state travel for City Commission to attend the 2007 National League of Cities – Congress of Cities and Exposition in New Orleans, LA on November 13th -17th, 2007. (City Manager).
4. Motion to approve a resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting grant funding for the salary of a Litter Abatement Officer. (Solid Waste Superintendent).
5. Motion to approve a resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting funding for the grant period of Fiscal Year 2007-2008 for Brush Mulching Contract. (Solid Waste Superintendent).
6. Motion to approve authorization to purchase banners for the historic district as recommended by the City of Kingsville Historical Board of Development. (Interim Director of Development Services/City Engineer).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider condemnation of structure located at 508 E Alice. (Building Official).

Mayor Fugate called for a five minute recess.

Mayor Fugate called the meeting back to session.

Building Official Carrillo stated he found the structure located at 508 E Alice was dilapidated and would cost a lot of money to bring back to code. He further stated the owner did not respond.

Mayor Fugate called for questions or comments. **Commissioner Wilson made a motion that the building be declared unsafe, and that the present condition is violation of the City of Kingsville ordinances; and could not be corrected without substantial reconstruction; and declared the building and the structure to be a public nuisance, and order its demolition by the owner/agent or person in charge within 45 days, seconded by Commissioner Pecos.** Mayor Fugate called for questions or comments. **The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

8. Consider condemnation of structure located at 1225 E Alice. (Building Official).

Building Official Carrillo stated he found the location was unsafe and opened, and is beyond being repaired. He stated the owner received the letter but did not respond.

Mayor Fugate called for comments or a motion. **Commissioner Garcia moved to approve, then rescinded his motion. Commissioner Wilson made a motion that the building is unsafe in its present condition and violates the ordinances of the City of Kingsville and could not be corrected without substantial reconstruction; and should be declared a public nuisance, and order its demolition by the owner/agent or person in charge within 45 days, seconded by Commissioner Pecos.** Mayor Fugate called for further discussion. **The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

9. Consider condemnation of structure located at 1211 E Yoakum. (Building Official).

No Action

10. Consider condemnation of structure located at 1107 W Kenedy. (Building Official).

Building Official Carrillo stated this location has various mobile homes that are opened and require major repairs to bring up to present codes. He stated he recommends these properties be condemned. Mayor Fugate called for questions or comments. The property owner requested to speak. Mayor Fugate replied he had already spoken on the issue during the public hearing. City Attorney Alvarez explained the procedure. She stated that the property owner should have brought to the Commissions' attention at that time that the property should not be condemned or destroy during the public hearing. Mayor Fugate stated it is time to clean this property up and stated this landowner has been on notice for over a year. Building Official Carrillo stated it is his recommendation to condemn every mobile home, except the house which is structurally sound. City Attorney Alvarez stated her recommendation would be to condemn the unsafe structures. She stated the condition report only addresses the mobile homes

Mayor Fugate called for comments or a motion. **Commissioner Pecos made a motion to condemn the mobile homes located at 1107 W Kenedy because they are unable to be repaired, the buildings or structures are unsafe, the present condition are a violation of ordinances; and cannot be corrected without substantial reconstruction; the declared building or structure is a public nuisance, and order the demolition by the owner/agent or person in charge within 45 days, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos voting "FOR". Wilson voting "AGAINST".**

11. Consider condemnation of structure located at 506 E Ave C. (Building Official).

No Action

12. Consider condemnation of structure located at 310 W Kenedy. (Building Official).

No Action

13. Consider condemnation of structure located at 934 E Ave B. (Building Official).

No Action

14. Consider condemnation of structure located at 508 E Ave C. (Building Official).

No Action

15. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Fire Fighters Association Local Union #2390 for Fiscal Years 2007 through 2010. (City Manager).

Human Resource Director Diana Gonzales stated the Fire Fighters Union and Staff held seven (7) negotiation meetings and this proposal is a result of the meetings and is being presented for the Commissions' consideration. She stated the summary included in the packet is in the same form as the Police summary. The overall proposed wage increases are 3% the 1st year, "0%" the 2nd year, and 3% the 3rd and final year of the contract for a total of 6% within the three years. She stated the overall cost for the three year contract is estimated at \$4,976,897.

Mayor Fugate called for comments or questions. Commissioner Laskowski posed several questions and asked that certain language be inserted into the contract. Fire Chief Lopez explained the certification process.

Commissioner Pecos made a motion to authorize the City Manager to enter into a Collective Bargaining agreement between the City of Kingsville and the Kingsville Professional Fire Fighters Local Union #2390 for Fiscal Years 2007 - 2010, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Wilson, Pecos voting "FOR" Garcia "AGAINST".

16. Discuss and consider authorizing FY 2007-08 Capital Park Improvement projects. (City Manager).

Parks Director Susan Ivy addressed the Commission and stated she is requesting approval to go forward with one project, but was not prepared to be specific about the rest of the projects for the rest of the year. She stated time is needed to do inspections of the playground. She stated she would like to address the landscaping at Kenedy Park on 14th Street which should be getting started on the 1st of November, just in time for the Ranch hand breakfast.

Mayor Fugate called for questions or comments.

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

17. Discuss and consider feasibility study of shared departments existing jointly or separately. (Mayor Fugate).

Mayor Fugate stated he thought it would be a good idea to discuss this subject. He stated four departments are shared: the Library, Health, Park, and Emergency Management. He stated that the County did not match their half on the funding, \$48,000. City Manager Yerena stated that the County did not cover the employees' raises, at a cost of \$42,712. Commissioner Laskowski stated he visited with County Commissioner Lomas and that County Commissioner Lomas had stated that he will put this item on the agenda and will try to get the votes to fund the joint departments. He stated that Commissioner Lomas feels they are bound by the contract. City Manager Yerena explained the County Judge's position on the matter. Commissioner Pecos stated he feels like the City should separate the departments. Mayor Fugate stated he is very concerned about dividing the departments. He stated it is important that the City participates. Commissioner Pecos offered his position about separating the departments. Mayor Fugate asked Staff to prepare a study. City Manager Yerena stated the City has to be cautious because a redistribution of sources will have to be looked at. City Manager Yerena stated the feasibility study will take a couple of weeks. Commissioner Laskowski stated the difference between the health and library is about \$20,000 to \$40,000. Health Director Yolanda Cadena stated that only food inspection revenue goes to the City and the rest of the monies go to the County. City Manager Yerena stated a rate schedule has been set up. Commissioner Laskowski stated he recommends looking at this very conservative and provided some information on costs. Mayor Fugate suggested the Commission share their suggestions with Staff. Mayor Fugate called for further questions or comments. Commissioner Wilson stated it is incumbent on every citizen that lives in the city limits of Kingsville, Texas that they understand they are also members of Kleberg County. He further stated to the citizens that if they do not want the health department and library department to be marginalized they need to stand up and say we want a quality library and their health taken cared of. He asked the citizens to stand up to the County Commissioners and to tell them they want a quality library and health departments.

Commissioner Laskowski stated the conversation between the City Manager and the Judge was that the Judge would cancel the jail contract and close the park. Commissioner Garcia stated the park is in appalling conditions.

Mayor Fugate called for questions or comments. He stated this did not require an action item, and asked that Staff bring their information on the study back to the Commission at the first meeting in November.

18. Discuss and consider amendment to Article V of the Contract between the City of Kingsville and Kleberg County relating to the jail. (Commissioner Laskowski).

Commissioner Laskowski stated he was in attendance when the County voted on this contract. He stated he has read the contract and it is his understanding that only two items can be discussed after the ten year term; the number of beds and price per beds. He added that under no circumstances can the County force the City to take less than the ten beds for the twenty years.

City Attorney Alvarez provided information on the amended contract as approved by the County. She stated based on their indications and the contract given to Commissioner Laskowski to present to the Commission and based on what the current contract actually allows the City to enter into modification of the terms the amendment was drafted to the jail contract.

Commissioner Laskowski stated that the previous Sheriff had made a commitment to house the City's prisoners for a period of twenty years.

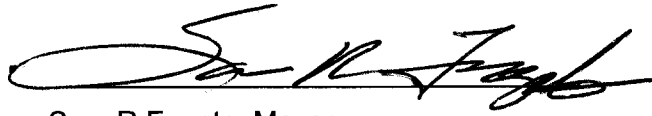
Commissioner Laskowski made a motion to approve the amended contract increasing the daily rate for the beds from \$35 to \$45 and that the City maintains the ten beds the City is currently paying for, seconded by Commissioner Garcia. Mayor Fugate asked if monies were available. City Manager Yerena stated that monies are budgeted.

Commissioner Laskowski recommended that after adoption the City Attorney draft a letter to the County Judge or County Attorney advising those are the only items being considered. City Attorney Alvarez stated a copy of the memo that was provided in the Commission packet along with a cover letter with the contract that shows why the Commission acted on. He further recommended giving them a copy of the agreement that was signed by the previous Sheriff.

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

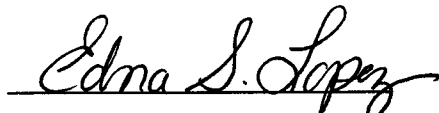
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:43 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary