

MARCH 7, 2008

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON FRIDAY, MARCH 7, 2008 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 9:00 A.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  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Yolanda Cadena, Health Director  
Dora Byington, Purchasing Director  
Mark Rushing, Finance Director  
Armando Gutierrez, City Engineer  
Bill Donnell, Public Works Director  
Joe Casillas, Water Production Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Pro-tem Wilson called the meeting to order in the Commission Chambers at 9:00 A.M.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Mayor Pro-tem Wilson announced there were no minutes to consider.

**II. Public Hearing - (Required by Law).<sup>1</sup>**

Mayor Pro-tem Wilson announced there were no public hearings.

**III. Reports from Commission & Staff<sup>2</sup>**

*“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Convention and Visitor’s Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration – Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone. No formal action can be taken on these items at this time.”*

Mayor Pro-tem Wilson called for reports from Commission and Staff. Ms Alvarez announced the next Commission meeting on March 26<sup>th</sup>, 2008. Commissioner Garcia reported on finishing the NIMS Courses.

**IV. Public Comment on Agenda Items<sup>3</sup>**

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.

**V. Consent Agenda**

NONE

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

**VI. Items for consideration by Commissioners.<sup>4</sup>**

**1. Consider action to be taken in the City of Kingsville v. South Texas Water Authority, No. 07-053-D, in the 105<sup>th</sup> District Court of Kleberg County, Texas. (City Attorney).**

Ms Alvarez updated the Commission, stating that the motion for summary judgment has been filed by the Water Authority's attorney which is set to be heard later this month, on March 27<sup>th</sup>. She stated that the deadline for filing responses for the motion is coming due. She stated that the City is at a point in the suit where the Commission can make decisions with regard to hiring an expert or to move forward without an expert in light of some information that has been discussed in executive session. She stated this is a decision making point.

Mayor Pro-tem Wilson called for questions. **Commissioner Garcia made a motion to abandon/withdraw the lawsuit, seconded by Commissioner Pecos.** Mayor Pro-tem Wilson called for further discussion. Commissioner Laskowski stated that he has spent countless hours on this issue over the years, and it has been very difficult for him to make this decision because he knows in his heart that the City has legal standing and would be able to recoup what has been overpaid. He continued to say that the citizens of Kingsville over the last twenty years have suffered because we were overcharged and as long as the City continues to have this million dollar middle man to get water from Corpus Christi, the citizens will continue to pay. He stated he had a problem with allowing the language to be entered into the contract that the City would not sue the Water Authority unless it was covered by insurance. He stated that pretty well tied the City's attorney's hands and the City's hands. He stated it is unfortunate in this situation that the City has to pay for its legal fees and through water rates the City has to pay the Water Authority's legal fees. Commissioner Laskowski stated it is a no win situation for the citizens of Kingsville and it is very unfortunate thing that the City has been wronged and the City can't get it to be made right and to be made whole. Commissioner Garcia commented that countless dollars have been spent on this issue and to pursue the public would have to pay. He stated he agrees with Commissioner Laskowski's comments about recovering some monies in the lawsuit but to continue to expend monies is not in the City's best interest.

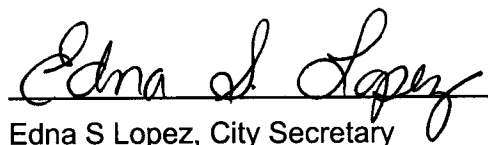
Mayor Pro-tem Wilson called for a further questions or comments, and then called for a roll call vote. **The motion was passed and approved by the following vote: Wilson, Pecos, Garcia voting "FOR". Laskowski "AGAINST". Fugate "ABSENT".**

**VI. Adjournment.**

There being no further business to come before the City Commission the meeting was adjourned at 9:10 A.M.

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Charles E Wilson, Mayor Pro-tem

ATTEST:

  
Edna S Lopez, City Secretary