

JUNE 23, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 23, 2008 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Armando Gutierrez, City Engineer
Mark Rushing, Finance Director
Bill Donnell, Public Works Director
Yolanda Cadena, Health Director
Dianne Leubert, Solid Waste Superintendent
Dora Byington, Purchasing Director
Frank Garcia, Wastewater Supervisor
Diana Gonzales, Human Resource Director
Al Lopez, Fire Chief
Joe Casillas, Water Production Supervisor
Fidel Gonzalez, Task Force Commander

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia called the meeting to order in the 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 Pro-tem Garcia called for consideration of the minutes of the regular meeting of June 9th, 2008. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski voting “FOR”. Wilson “ABSTAINED” Fugate “ABSENT”.**

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

Mayor Pro-tem Garcia announced there were on items to be heard.

III. Reports from Commission & Staff.²

“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, Proclamations. No formal action can be taken on these items at this time.”

Mayor Pro-tem Garcia called for the City Manager's report. City Manager Yerena reported that he would be attending a Texas City Manager's Association Annual Conference and the TML Legislative Outlook Conference from June 26th – June 30th, in Arlington, Texas; on the closing of City Hall next Friday in observance of the 4th of July holiday; on the Visitor's Bureau hosting various activities on 4th of July, here in the downtown area; on Staff continuing to meet with Department Heads to discuss their budgets; and on the company Austin Woods doing some mulching out at the landfill at a cost of \$1.20 per cubic yard with no mobilization fee and added that this is a 100% reimbursable grant. Finally, he reported that the annual Drinking Water Quality Report will be mailed out with the water bills; and on the date for the City of Kingsville's Safety Week, July 21st – 25th, 2008. City Manager Yerena called for Mr. Donnell to address the Commission regarding a program with TCEQ for a rehabilitation of sewage lines, the Sanitary Sewage initiative. Mr. Donnell provided a brief overview of the new program. City Manager Yerena stated this provides the ability to get in to the program instead of TCEQ coming in and regulating. He stated TCEQ is looking at the past history and future events. The City was identified due to some of the overflows.

Mayor Pro-tem Garcia called for the City Attorney's report. Ms Alvarez reported on receiving an offer of a donation of land and that Staff is currently assessing this property, which is a vacant lot at 616 E Yoakum. She reported on a recent seminar that she attended, and that the next Commission meeting will be on July 14th. Upon a question from Commissioner Laskowski, Ms Alvarez replied the City had not received a copy of a jail contract from the County, only a one page letter that states that the County voted to amend the agreement.

IV. Public Comment on Agenda Items³

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

Mayor Pro-tem Garcia called for comments on all agenda and non-agenda items.

Ms Dwayne Pollard, 229 E Kenedy, spoke in opposition of the fence maintenance ordinance.

Mayor Pro-tem Garcia called for consideration of the items on the Consent Agenda #1 & 2. **Commissioner Laskowski made a motion to remove Consent Agenda #1, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSENT".**

Commissioner Laskowski made a motion to approve Consent Agenda #2, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSENT".

V. Consent Agenda

1. **ORDINANCE ORD2008-20 Motion to approve final passage of an ordinance amending Chapter XV, Article 1, Building Regulations, adopting Section 15-1-17, providing for Fence Maintenance Regulations and Penalty. (City Attorney).**

Commissioner Laskowski explained this is a safety issue and right now citizens can not be forced to either remove or replace a fence that is unsafe. Ms Alvarez further explained that the current ordinance does not address the maintenance of the fence. Commissioner Laskowski stated the most important thing is the safety factor. Ms Alvarez suggested lowering the amount of the fine to \$200.00. Commissioner Wilson stated that this ordinance does not differentiate between a commercial and residential application which might be an area that could find some balance. Ms Alvarez stated that Code Enforcement has received complaints for both commercial and residential properties. She suggested the fine could be changed to a \$200.00 limit for residential and a \$500.00 limit for commercial. Mayor Pro-tem Garcia commented the municipal court judge could be lenient

to the situation. Commissioner Pecos commented that he agrees and is in favor of lowering the penalty fee but this would hurt citizens with fixed incomes. He stated the City staff should be sympathetic to this issue. Mayor Pro-tem Garcia called for further discussion. Commissioner Wilson stated there is no winning situation, someone will bear the burden. He suggested establishing a two-tier in the penalty portion that an R-1 zoned property could be charged the maximum of \$200.00 and anything else could be charged \$500.00. Commissioner Garcia stated that the final result is to repair, replace, or remove the fence which still burdens the property owner and asked how this would be handled. City Manager Yerena stated if the property owner has intent of fixing the fence, the City will work with them.

Commissioner Wilson made a motion to change the ordinance letter "G" *Penalty* and asked Ms Alvarez to change the language to read "R-1 property the maximum penalty would be \$200.00, all other properties would be a maximum of \$500.00. Each day that a violation is permitted to exist shall constitute a separate offense, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski, Wilson voting "FOR". Fugate "ABSENT".

2. ORDINANCE ORD2008-21 Motion to approve final passage of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville to allocate an increase in revenues from Sewer Sales for the Chandler Acres sewer line extension in the Utility Fund. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider authorizing the City Manager to enter into an Interlocal Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to beautification of the right-of-way islands on University Blvd. (City Manager).

Ms Alvarez stated the University is taking on a beautification project on the medians between King Street and Santa Gertrudis on University Blvd. She stated their plan would replace the existing street lights with something more attractive, an irrigation system would be installed and some landscaping will be included. This would be done to improve the entrance into the University. The University will bear all costs, and the City would continue to pay for the electricity. She stated the final draft of the agreement was received today. Ms Alvarez added there are no problems with agreement, the term of the agreement calls for a one year term which is renewable for four additional one year periods. She stated this is basically a win/win situation for both entities. The University will maintain the landscaping, water lines, and street lights.

Commissioner Wilson stated it appears the City has no right or refusal of any input to the type of light fixtures that will be erected. Ms Alvarez replied that the University has presented a diagram to City Engineer Gutierrez. She added that Mr. Gutierrez has also attended two meetings with the University representative. Upon a question from Commissioner Wilson, Mr. Gutierrez replied that he was not present from the beginning, but after the consultant had constructed the plan. Upon a question from Commissioner Wilson, Ms Alvarez replied the City Engineer would still have some authority to make sure safety issues are addressed. With regard to long term plan, Mr. Gutierrez stated the University is proposing signs that will be complimented with additional lighting. Mayor Pro-tem Garcia suggested the installation of speed bumps in the area.

Commissioner Wilson encouraged Staff to effectively communicate with the University that when they begin to formulate plans that the City be included from the beginning, whether that is highways signs, banners hung throughout the community, and improvements to the properties that the City of Kingsville is responsible. He stated he hopes to regain a common respect for everyone and is hoping through this cooperative venture that this is accomplished.

Commissioner Laskowski made a motion to authorize the City Manager to enter into an interlocal agreement with Texas A&M University-Kingsville for the beautification of the right-of-way, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSTAINED". Fugate "ABSENT".

4. Consider introduction of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville to allocate an increase in revenues from various sources for expenditures in the Sanitation Department for the Clean Sweep Project in the General Fund and the Capital Projects Fund. (City Manager).

City Manager Yerena stated that basically the City is recognizing some additional revenue in the hope of allocating \$100,000.00 for the Clean Sweep operation. Commissioner Laskowski stated the contractor estimated 2600 tons based at \$95.00 per ton which is about \$23,000.00 short, based on his most current estimate. City Manager stated that between now and the next the meeting Staff will keep a close eye on this and if it falls below the expectations Staff will bring in the additional \$23,000.00. Commissioner Laskowski stated that he had a concern about changing both the method and type of container to be used to pick up trash in Kingsville. He stated that there is \$22,000.00 that was allocated for rollouts and dumpsters that is now being taken and put into Clean Sweep. He further added that the City is going to turn around and not have the money to do this and will have to borrow \$22,000.00 to buy the rollouts. Commissioner Laskowski stated that the City has done well on building up the Unrestrictive Reserves and that he would think that the City would look unto those, rather than looking to a pot of money that the City already has and will have to turn around to replace when a decision is made with regard to trash collection. He stated his concern was that if you have the money, you don't want to spend it, but borrow it and make monthly installments. Commissioner Wilson stated the intention is to continue the process but to make sure to try to use the most effective use of the City's funds.

INTRODUCTION ONLY

Mayor Pro-tem Garcia announced the Commissions' executive session. The Commission convened into executive session at 6:48 P.M.

5. Executive Session: pursuant to Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the duties and compensation of the City Attorney. (Commissioner Laskowski).

The Commission reconvened into regular session at 7:16 P.M.

6. Discuss and consider the compensation of the City Attorney. (Commissioner Laskowski).

Commissioner Laskowski stated that the City Commission only makes the decision for salaries for three people: the City Manager, City Attorney, and Municipal Judge. He stated that all other employees are at the discretion of the City Manager, and so, if someone were to have some concerns as to what they are being compensated they would go to the City Manager to discuss this issue. He stated that he would like to propose to amend the compensation plan for the Executive Officer because it has a cap of \$81,400.00. Commissioner Laskowski made a motion to increase the City Attorney's salary effective with her next pay to reflect \$82,000.00 annually, and that the maximum be raised to \$85,000.00 on compensation plan, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSENT".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:19 P.M.



Al Garcia, Mayor Pro-tem

ATTEST:



Edna S Lopez, TRMC
City Secretary