

SEPTEMBER 15, 2008

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 15, 2008 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
 Al Garcia, Mayor Pro-tem – arrived at 6:07 P.M.
 Charles E Wilson, Commissioner
 Arturo Pecos, Commissioner
 Stanley Laskowski, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
 Edna S Lopez, City Secretary
 Courtney Alvarez, City Attorney
 Mark Rushing, Finance Director
 Caron Vela, Account Manager
 Yolanda Vasquez, Municipal Court Supervisor
 James Creek, Firefighter
 Frank Garcia, Wastewater Supervisor
 Bill Donnell, Public Works Director
 Yolanda Cadena, Health Director
 Dora Byington, Purchasing Director
 Diana Gonzales, Human Resource Director
 Armando Gutierrez, City Engineer
 Vilma Castillo, Collections Manager
 John Torres, Firefighter
 Joe Casillas, Water Production Supervisor
 Y I Hinojosa, Street Supervisor
 Joey Cordero, Firefighter
 Al Lopez, Fire Chief
 John Garcia, Interim Risk Manager
 Josiah Csiki, Firefighter
 Steve Palacios, Firefighter
 Ricardo Torres, Police Chief
 Fidel Gonzalez, Task Force Commander

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber 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 Monday, September 8th, 2008. **Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Laskowski voting “FOR”. Garcia “ABSENT”.**

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

1. A Public Hearing on the proposed Fiscal Year 2008-2009 budget.
 The public hearing was opened at 6:02 P.M.

Mayor Fugate announced anyone wishing to speak could do so for five (5) minutes.

Mayor Fugate asked if sufficient funds were allocated for the project of the Fire Department. City Manager Yerena replied Staff is reviewing the budget and a resolution will be presented at the next meeting.

The public hearing was closed at 6:04 P.M.

2. A Public Hearing on a proposed property tax rate increase from \$.76781 to \$.80187.

The public hearing was opened at 6:04 P.M.

Mayor Fugate announced anyone wishing to speak could do so for five (5) minutes.

Ms Alvarez reminded the public that the City of Kingsville City Commission held a public hearing on September 8th, 2008 in the Alcorn Commission Chambers at 6:00 P.M. and again tonight here in the Alcorn Commission Chambers at 6:00 P.M. She stated that the actual meeting to vote on and adopt the new tax rate of \$.80187 or whatever the tax rate may be will be held on September 22nd, 2008 at 6:00 P.M. in the Alcorn Commission Chambers.

The public hearing was closed at 6:07 P.M.

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."

City Manager Yerena announced that Mr. Donnell would provide an update on the clean-sweep project. Mr. Donnell stated that clean sweep was finished and the amount hauled off was 1,626.04 tons. He stated that out of Zone 1 & 4, the Brush crew hauled off 303.49 tons for a savings of \$28,831.55.

Mayor Fugate called for questions or comments. Commissioner Laskowski commented to make sure it stayed clean.

City Manager Yerena reported on Staff's participation in a public hearing for JLUS held in San Antonio, Texas. He thanked Commissioner Garcia for participating and providing the information at the public hearing.

Ms Alvarez reminded the audience there will be a make up session for Municipal Court and announced that she has not received the backup documentation for STAP.

Commissioner Wilson presented a proclamation to employees from Chili's Grill & Bar, proclaiming September 29th, "St. Jude Children's' Research Hospital Day".

Commissioner Wilson thanked City Manager Yerena, Ms Alvarez and Staff for all their hard work in preparation for the storm. City Manager Yerena stated that the City is trying to appoint an Emergency Management Liaison to help with these efforts. Chief Torres provided information on activating Border Star due to the recent disasters. City Manager Yerena provided information on items purchased in anticipation of the storm. Commissioner Laskowski recognized the Brush Crew for the work at the gazebo. Commissioner Garcia voiced his

concern about high grass in the crossovers by the creeks and he echoed Commissioner Wilson's comments regarding Staff's participation in preparation of the storm.

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. There were no comments.

Mayor Fugate called for consideration of the items on the Consent Agenda, items 1-3. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".**

V. Consent Agenda

1. **ORDINANCE ORD2008-24 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 Health Insurance expense in all Departments in the General Fund, Utility Fund and the Task Force Fund for the City's Self Insurance Fund. (Finance Director).**
2. **ORDINANCE ORD2008-25 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV; providing for amendment to Section 15-3-54 and adding Article 9, Street Lighting and Regulations pertaining thereto. (City Engineer).**
3. **Motion to approve out-of-state travel for Fire Captain Don Erebia to attend a final inspection meeting with Smeal Fire Apparatus on the 100' platform in Snyder, Nebraska on September 21st – 23rd, 2008. (Fire Chief).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **ORDINANCE ORD2008-26 Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers; providing for an increase in Sewer Rates. (City Manager).**

City Manager Yerena stated this is the final leg of the increase of the water and sewer rate study which is a 4% increase in sewer rates. He added this is the final passage of the ordinance. Mayor Fugate called for questions or comments. Mayor Fugate stated this is what the experts have recommended.

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

5. **Consider introduction of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Finance Director).**

Mr. Rushing stated this is the first reading of the annual budget amendment. He stated that the Task Force and Utility funds will be able to stay within their budget. He stated that one of the key elements is the overtime for the Fire Department. Mr. Rushing stated that the attached explanations are the rational behind each budget amendments. Upon a question from Commissioner Laskowski, Mr. Rushing replied the overage on overtime for the Fire Department has been taken into consideration for the budget 2008-09.

INTRODUCTION ONLY

6. Consider appointment of a temporary Municipal Court Judge to fill in when there is an absence or conflict. (City Attorney).

Ms Alvarez stated that the current Municipal Court Judge might need to be absent for a few weeks and that there may a few cases that he may have a conflict with hearing. She added that Judge Krueger had commented that Mr. Ron Lewis was interested in assisting. Mayor Fugate stated that Judge Krueger's recommendation for a temporary judge was Mr. Lee Murphy, an Attorney here in Kingsville. Mayor Fugate called for questions or comments. Upon a question from Commissioner Garcia, Mayor Fugate replied Mr. Murphy has been an attorney for about 3 or 4 years. Upon a question from Commissioner Wilson, Ms Alvarez replied that this item does not need to be acted upon tonight, but should be acted on no later than next Monday, September 22nd. Commissioner Wilson asked that Mr. Murphy provide a resume or to have him attend the next meeting.

Commissioner Wilson made a motion to TABLE this item until the next meeting, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

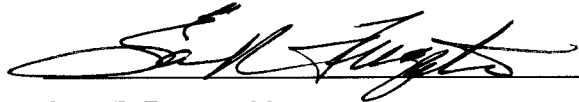
7. RESOLUTION R2008-19 Consider a resolution authorizing the submission of an application to the Office of Economic Adjustment for the purpose of requesting funding for the implementation of the recommendations of the Joint Land Use Study for Naval Air Station Kingsville. (City Engineer).

Mr. Gutierrez provided information on the grant application. He stated a draft has been submitted to the Office of Economic Adjustment. He stated this resolution would provide approval to proceed with the grant and that the matching fund should be corrected to \$25,000.00.

Commissioner Laskowski made a motion to authorize the submission of an application to the Office of Economic Adjustment for the purpose of requesting funding for the implementation of the recommendations of the JLUS for NAS-Kingsville, subject to the correction of \$25,000.00, seconded by Commissioner Wilson and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".

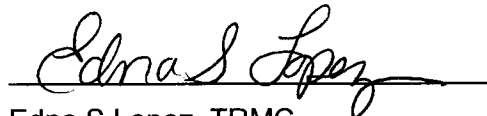
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC

City Secretary