

JULY 13, 2009

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 13, 2009 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  
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  
Jennifer Vela, Code Enforcement Officer  
Ricardo Torres, Police Chief  
Al Lopez, Fire Chief  
Robert Rodriguez, Library Director  
Frank Garcia, Wastewater Supervisor  
Dora Byington, Purchasing Director  
Mark Rushing, Finance Director  
Naim Khan, City Engineer  
Ken Clark, Director of Development Services  
Bill Donnell, Public Works Director  
Diana Gonzalez, Human Resource Director  
Yolanda Cadena, Health Director  
John Garcia, Risk Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate 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 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 special meeting of Tuesday, June 30<sup>th</sup>, 2009. **Commissioner Pecos made a motion to approve the minutes, as presented seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos voting “FOR”. Laskowski “ABSTAINED”.**

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

Mayor Fugate 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, Proclamations, Tax Increment Zone Presentation. No formal action can be taken on these items at this time."*

City Manager Yerena reported on the events of Safety Week; congratulated the Brush Country Thunder Girls Softball League teams for advancing to the National Tournament in Harlingen, Texas and on the cancellation of the next Trash-Off Day. He announced the events leading up to the City's annual picnic and congratulated the Police Department for their participation in the car show.

Ms Alvarez briefed the Commission on a meeting that she attended at the County, in which economic development and interlocal sharing cost of purchases for Park and Health Departments. She stated that the County took no action on the five posted items, but the county is interested in economic development. She added that a joint meeting between the City and County will be held next week on Wednesday. She reminded the Commission of the City's picnic which is scheduled to begin this weekend with a fishing tournament and a movie at the Recycling Center, and will continue with the picnic on Saturday, July 25<sup>th</sup>. Ms Alvarez announced the next regular meeting on July 27<sup>th</sup> and that she will be attending a seminar at the end of this week.

Commissioner Laskowski reported on the County meeting, stating that they are interested an increase for water trade. The County Judge wants to start two major issues of conversations for the City to take the Library and the County the Health Department. He thanked the departments for submitting their monthly reports to the Commission but asked that they submit it the Friday before the Commission meeting.

Mayor Fugate thanked Staff for their attendance at the County meeting and thanked Commissioner Laskowski for representing the City very well.

Mayor Fugate presented a "Key to the City".

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

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 made.

#### **V. Consent Agenda**

NONE

#### **REGULAR AGENDA**

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

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

1. **RESOLUTION NO. R2009-38 Consider resolution authorizing the City's participation in the National League of Cities Prescription Discount Card Program. (City Manager).**

City Manager Yerena stated that this is a prescription discount program available to all the citizens of Kingsville. There is no financial implication for the City. The program is geared for individuals without health insurance, but can be utilized by citizens with health insurance when their insurance will not cover the medication. He stated that discounts of up to 20% can be received, depending on the pharmacy. There are six pharmacies in the City that will participate in the program.

Upon a question from Commissioner Garcia, City Manager Yerena stated the prescription cards will be placed at different locations. Ms Gonzalez stated the sign up is free. City Manager Yerena stated this is a great program and there are no income requirements. Ms Gonzalez stated this is in conjunction with CVS Caremark and that individuals can pick up cards and only one card is needed per family.

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

**2. Consider awarding Bid No. 10-01 for uniforms for all departments except Police, Task Force and Fire. (Purchasing Director).**

Ms Byington stated this is a twenty-four month contract. It is recommended that the bid be awarded to the lowest, qualified bidder and current provider, Brite Star from Alice, Texas. This action will expend approximately \$33,039.64 annually or approximately \$66,079.28 during the term of the contract. 10

Commissioner Laskowski made a motion to authorize the contract and award the bid to Brite Star from Alice, Texas, seconded by Commissioner Garcia, Commissioner Wilson, and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

**3. RESOLUTION NO. R2009-39 Consider resolution establishing guidelines and criteria for stimulating Residential and Economic Development within the City; Authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission; and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (City Attorney).**

Ms Alvarez stated the City has guidelines and criteria for stimulating residential development in the City. However, those guidelines limited the city to a maximum of 50% of the total cost of labor and equipment for the installation of water &/or sewer lines to the developer of a qualifying residential subdivision, who would be responsible for supplying the materials, surveys, and easements, along with a cash bond or irrevocable letter of credit for the value of the labor and equipment the city would be providing to lay the infrastructure. She stated that the City received a request from a developer to supply labor and equipment for the installation of roads in a proposed new residential subdivision, and the rebuilding of roads in an existing subdivision with vacant lots in it. She added that in order to consider this, the Commission would need to approve some guidelines for a program that would allow for that, and that would ensure the program has sufficient controls to ensure that the public purpose of economic development is carried out. She explained the authority and the action needed before the program can be put in place or before any offer can be made. This is a measure to make sure if someone is applying there is a contract in place. She explained the recapture section is a safeguard.

Commissioner Laskowski stated the agreement is protection, which requires and puts burden on developer to meet his obligation as what he proposes to do, The developer would be required to complete the subdivision within a 3 year period, if not, the City will have the right to recapture. It also protects the City in any event construction stops that is not beyond his control, the City would send notice and would seek to recapture to a percentage of the total economic incentives, plus a 5% penalty for administrative expenses, within 60 days of the date of termination. He stated this agreement is geared more to protect the citizens of Kingsville because it is their money that is being used. Commissioner Laskowski voiced his concern with regard to the bond or revocable letter of credit. Ms Alvarez provided information that would change the language.

City Manager Yerena echoed Commissioner Laskowski's comments that this is a good agreement and that he feels very comfortable with this agreement. He added that this agreement protects the City and the citizens.

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

**4. Discuss residential economic incentives for Phase III of Paulson Falls Subdivision. (Commissioner Laskowski).**

Commissioner Laskowski stated that several months ago a developer was offered 50% abatement on a TIRZ, the pay back was 19 years and he was not too excited. A meeting was held to discuss moving this forward. The Mayor had an idea of the County putting up \$200,000 and the City putting up \$200,000 and including the School District and Economic Development. The City would reconstruct the streets in Phase I & II, a level to be determined, after soil samples are provided by Mr. Mark Dizdar, Developer. Mr. Dizdar would pay for all materials, put in the curbs and gutter, bring in caliche, and the City would put in the final overlay in Phase III. This was presented to the County and they seem to be on board with this. There has not been any contact with the School District. He added that there isn't an application, but this is what has been put out there. He added that with the number of lots, 19, would add a total of \$12.3 million dollars to the tax rolls, for \$150,000 homes, and \$84,000 a year on Ad Valorem taxes. Commissioner Laskowski stated this is only for discussion and Mr. Dizdar will review the guidelines and after that the City can move forward.

Ms Alvarez stated staff prepared an application and Mr. Dizdar has picked up an application. She added that tomorrow after the final version of the application is ready he can fill out the application.

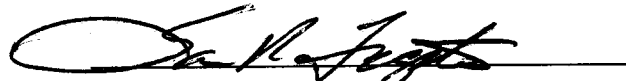
**5. Consider appointments to the Joint Land Use Study (JLUS) Implementation Committee. (Director of Development Services).**

Mr. Clark stated members have been contacted and the following positions are the members: County Judge, Mayor Pro-tem, Commissioner Pct. 1, Mayor, KISD Superintendent, Commanding Officer NAS Kingsville, City Manager, two personnel from NAS Kingsville. He stated that first meeting with Matrix is scheduled on August 26<sup>th</sup>; the consultants will be two or three of the same people as before.

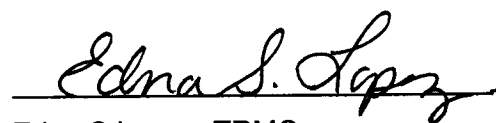
**Commissioner Wilson made a motion to approve the appointed names presented to the JLUS Implementation Committee, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:00 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, TRMC  
City Secretary