

SEPTEMBER 27, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 27, 2010 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager
Edna S Lopez, City Secretary
Mark Rushing, Finance Director
Ken Clark, Director of Development Services
Naim Khan, City Engineer
Dora Byington, Purchasing Director
Susan Ivy, Parks Director
Bill Donnell, Public Works Director
Felix Camarillo, Firefighter
Frank Garcia, Wastewater Supervisor
Diana Gonzales, Human Resource Director
Caron Vela, Accounting Manager
Diana Medina, Collections Manager
Johnny Campos, Police Officer

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia called the meeting to order in the City Commission Chambers at 6:00 P.M., and announced quorum as present with two members absent, Mayor Fugate and Commissioner Pecos.

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 special meeting of Monday, September 20, 2010. **Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Mayor Pro-tem Garcia. The motion was passed and approved by the following vote: Garcia, Laskowski voting “FOR”. Wilson “ABSTAINED”. Fugate, Pecos “ABSENT”.**

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

NONE

III. Reports from Commission & Staff²

“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, Keep Kingsville Beautiful, 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, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project. No formal action can be taken on these items at this time.

Interim City Manager Alvarez reported that monies were left over in the SECO Grant which will be used for replacing ballasts at the Public Works building; Staff met with a Professor from the College Business regarding working on a grant to do a farmers market; the Planning Director has been invited to do a carrier embarkment aboard the USS Ronald Reagan on October 21st, at no cost to the City but out-of-state travel approval will be required; there's a blood drive on Friday at the Public Works; the City received the KCVB Board approved Fiscal Year 10-11 budget. The H.M. King High Homecoming parade will be on Thursday; the Fire Union voted to approve the proposed contract; the Employee Health fair will be on October 5th, the Trash-off is on Saturday, October 9th; and the Purchasing department has let out the bid RFQ for the City Manager search firm. She reminded the citizens about not putting grass clippings on street gutters and for them to bring in their roll-outs after they are serviced. The generator at the Wastewater Plant on FM 1717 lift station has been installed and is ready for fueling and start-up tests. Two more generators are scheduled for delivery this Wednesday. The Police Chief met with various entities in participating to assist with handling security at the concert to be held at the University. They worked with RJ Thomas from the COG and this will be used as their NIMS drill for the year. Finally she reported on Street department projects.

Upon a question from Commissioner Laskowski on the switch for City Hall, Interim City Manager Alvarez explained that the Risk Manager was supposed to try and get the people from Holt to do their portion of their electric work before the end of this fiscal year and then the portion of work that had to be done by AEP which was the transformer in the back was supposed to be done in the upcoming fiscal year because they couldn't schedule it before the end of this fiscal year.

Mayor Pro-tem Garcia presented a proclamation "LiveStrong Day" to Mr. Roger Rojas.

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. There were no comments.

Mayor Pro-tem Garcia called for consideration of the items in the Consent Agenda Items 1-8. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Wilson, Laskowski voting "FOR". Fugate, Pecos "ABSENT".**

V. Consent Agenda

1. **RESOLUTION NO. R2010-42 Motion to approve Corporate Authorization Resolution for Bank signatories. (Interim City Manager)**
2. **Motion to approve awarding Bid No. 11-09 authorizing the execution of a contract for automotive parts as per staff recommendation with two auto parts companies from Kingsville, O'Reilly Auto Parts and Carquest Auto Parts. (Purchasing Director).**
3. **Motion to approve awarding Bid No. 11-10 authorizing the execution of an annual contract for automotive batteries to the bidder offering the best value, O'Reilly Auto Parts from Kingsville, for approximately \$8,252.00. (Purchasing Director).**
4. **Motion to approve awarding Bid No. 11-11 authorizing the execution of an annual contract for automotive filter with the lowest, qualified bidder, Fleetpride from Corpus Christi, for an annual cost of approximately \$5,500.00. (Purchasing Director).**
5. **Motion to approve awarding Bid No. 11-12 authorizing the execution of two contracts for lubricants and oils as per staff recommendation with Arnold Oil Company and Oil Patch Company from Corpus Christi. (Purchasing Director).**

6. Motion to approve awarding Bid No. 11-13 authorizing the execution of annual contracts as per staff recommendation with two (2) companies, Vulcan Materials from San Antonio, Texas and Martin Marietta Materials from Portland, Texas, for road materials. (Purchasing Director).
7. Motion to approve awarding the bid for the purchase of ambulance medical supplies on an annual contract to Bound Tree Medical, LLC from Dublin, Ohio. (Purchasing Director).
8. ORDINANCE NO. ORD2010-34 Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 6, Appendix A, Land Use categories; changing the allowed zones for wrecking and salvage yards for auto or parts. (Director of Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. RESOLUTION NO. R2010-43 Consider resolution approving the city of Kingsville's 2010 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).

Mr. Rushing stated the Tax Collector was not able to attend this meeting, but before them are the tax rolls as presented. The levy is \$5,754,116.17, the calculation which is calculated in the Tax Collector's system to independently verify these calculations of levy which shows a small net difference due to rounding.

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

10. ORDINANCE NO. ORD2010-35 Consider final passage of an ordinance amending the Fiscal Year 2009-2010 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Finance Director).

Mr. Rushing stated this is the second reading; the change in this budget amendment is the inclusion of \$11,550.00 in relation to the Volunteer Fire Department for building maintenance. He stated this increased the salaries and wages that were being pulled from the Fire Department and increased the building maintenance for the Volunteer Fire Department.

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

11. ORDINANCE NO. ORD2010-36 Consider final passage of an ordinance amending the zoning ordinance by granting a special use permit to place a mobile home on a .36 acre tract on lot PT NE/4 9, block 2, K.T.& I subdivision. (Director of Development Services).

Mr. Clark stated the public hearing was held at the last meeting. The applicant wishes to place a mobile home for her elderly parents in an area that requires a special use permit. The changes previously suggested by Commissioner Laskowski regarding the length of time that they can keep the mobile home at that location is attached.

Commissioner Laskowski made a motion to adopt final passage of this ordinance, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Wilson, Laskowski voting "FOR". Fugate, Pecos "ABSENT".

12. Consider resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for Fiscal Years 2010 through 2012. (Interim City Manager).

Commissioner Laskowski suggested Items 12 & 13 be passed until the full Commission is present, on October.

Upon a question from Mayor Pro-tem Garcia, Interim City Manager Alvarez explained monies were budgeted and the first pay period that would be affected by this is would not occur until after the first meeting in October.

No Action Taken

13. Consider resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the International Association of Firefighters Local #2390 for Fiscal Years 2010 through 2012. (Interim City Manager).

14. Consider waiving of fees and participation with the Kingsville Historic Downtown District Association-KHDDA in 3rd Annual Downtown Art Walk on October 9, 2010. (Interim City Manager).

Interim City Manager Alvarez stated a request was received in the form of a letter. The City has assisted with participation in this event for the last two years that it was held. They have expanded the scope of their request. Staff met and discussed what could be supplied. A meeting was held with the KCVB and Kingsville Historic Downtown District Association to let them know the City's proposed response and presentation to the Commission.

Upon a question from Commissioner Laskowski regarding serving alcohol, Interim City Manager Alvarez replied it is her understanding that alcohol will not be served not on Kleberg Street but in a fenced or gated area somewhere on Yoakum Street. With regard to the liability insurance, Mr. Clark stated TML has been informed that the event will have alcohol. For clarification, Interim City Manager Alvarez stated the City will not be providing coverage because the City will not be serving the alcohol, but the City will have the premises for the two donated lots for temporary parking that day, as well as the downtown area. She provided an example of the New Year's Eve party that the KCVB sponsored, the City couldn't sponsor the alcohol beverage sales but could cover the area where the facility or the site where the party was located. Mr. Eddie Aguilera, KCVB representative stated the vendor is the Kingsville Boxing Club and they will be providing the general liability and alcohol liability insurance for that entire area. The alcohol will be served on 7th Street and served from 12:00 noon to 10:00 P.M.

Upon a question by Commissioner Wilson regarding item included in the packet as probable City cost estimate, \$1,200, Interim City Manager Alvarez replied that item was prepared by the City Engineer but that is not the entire City's cost, only the items that are provided by his department. She added that some of the other items are mentioned specifically in the memo. There is no total cost estimate. She further explained that the Police Chief advised that some of the personnel that are going to be there for the event with regard to security will be working a booth and if something comes up they can assist. Closer towards the evening the personnel would be leaving the City's employment and going to work off-duty security. Participation in the event will be paid partly by the Association for the security duties and partly by the City. Commissioner Wilson stated he is trying to determine at what level the City will be a title sponsor. Interim City Manager Alvarez stated it is her understanding that is if the City was making cash contribution and she does not know if the City gets that for making an in-kind contribution.

Mr. Clark stated that in addition, the Fire Chief will provide both mobile paramedics on bikes and the emergency trailer, the cost for the paramedics is \$400. The level that's in the letter is actually a request that they are here tonight to ask the Commission to consider. Mr. Aguilera explained the different levels of sponsorships and provided information on the event.

Commissioner Laskowski made a motion to accept Staff's recommendation to provide the services as recommended in the memo, seconded by Mayor Pro-tem Garcia. The motion was passed and approved by the following vote: Garcia, Wilson, Laskowski voting 'FOR'. Fugate, Pecos "ABSENT".

15. Consider resolution authorizing the City Manager to enter into Master Agreement between LNV Engineering and the City of Kingsville for Professional Services for Water & Wastewater Departments. (Interim City Manager).

Interim City Manager Alvarez stated that back in August the City went out for RFQ for these services. On August 23rd, the Commission authorized Staff to negotiate a contract with the Engineering firm that scored the highest of those submitted. The City was able to negotiate a contract with LNV Engineering based on the consent from Council. A copy of the contract that was negotiated is attached as well as a copy of the sample task order.

Commissioner Laskowski stated he was surprised to see that this shows no hourly rates quoted. That normally when the City receives a contract for services whether for engineer or draftsman the price is stated by the person that would be providing the service. He stated it would be appropriate. Interim City Manager Alvarez stated they had not provided hourly rates for this contract, but they have done other work for the City and the City knows what they bill. Commissioner Laskowski stated SCS Engineering does provide the hourly rates. Interim City Manager Alvarez stated this could be incorporated into the contract. Mr. Robert Viera, LNV Engineering stated rates could be submitted.

No Action Taken

16. RESOLUTION NO. R2010-45 Consider resolution authorizing the City Manager to enter into a water supply contract between the City of Kingsville, Texas and Escondido Creek Estates, Inc. (Interim City Manager).

Interim City Manager Alvarez stated the City has provided water but TCEQ would like to see a contract in place. Staff has come up with this agreement.

Upon a question from Commissioner Laskowski, Mr. Donnell replied this is a single meter. Upon a question from Commissioner Wilson, Interim City Manager Alvarez replied this should meet TCEQ requirements and it is modeled after the contract that the City has with the Water Authority.

Commissioner Laskowski made a motion to authorize the City Manager to enter into a water supply contract with Escondido Creek Estates, Inc., seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Wilson, Laskowski voting "FOR". Fugate, Pecos "ABSENT".

17. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).

Ms Gonzales provided information on the changes made to the final form; Range 17- Equipment Mechanic retitled to Maintenance Technician, delete the Senior Equipment Mechanic; in Range 20 adding Property Maintenance Foreman and on Management Level 4 adding a Golf Course Supervisor. She stated this should the City take over the parks or golf course these job titles would fit both positions.

Commissioner Laskowski made a motion to adopt the final passage of this ordinance, seconded by Mayor Pro-tem Garcia. The motion failed by the following vote: Garcia, Laskowski voting "FOR". Wilson "AGAINST". Fugate, Pecos "ABSENT".

18. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 budget for a parks department and golf course department. (Finance Director).

Mr. Rushing stated two budgets were submitted relating to the parks and golf course. He stated that the revenues for the golf course are built off Mr. Balt Ramos' financials for calendar 2009. The expenditures were derived after meeting with Staff and were modeled after the City of Alice. Staff visited with Mr. Tom Miller in Alice for information on salaries. The benefits came from an excel program that the City has to be able to get the actual benefits. Basically, this is bare bones to get in and manage that operation. An additional \$14,800 was included in professional services for aeration; the operating leases are \$108,478 does not include equipment for aeration which would be contracted out.

Mr. Rushing stated it would take a contribution of \$134,597 from the General Fund but it does not factor in any equipment or capital expenditures. It does not have major renovations that might roll into if the Commission chooses to put it in the CO 2011 for irrigation, or major projects. He added that debt services are not included. If rolled in to the CO 2011, the first payment would be in fiscal year 2011-12.

In the Parks department, bottom line, \$15,000 is included for capital projects which is half of what the Parks has budgeted at this time. The \$200,000 can be reallocated with the Parks budget into the expenditure line items.

Mr. Rushing stated that the items previously purchased with the County would have to be discerned to what will happen with those assets. The \$20,000 match on the grant isn't factored in, which goes until 2011. He added the City might be able to work within the same dollars, the \$200,000.

As for the golf course this is an enterprise fund, the parks department is part of the general fund that is already budgeted for \$200,000 there would be a reallocation within that department to different line items. The golf course will be a standalone enterprise fund and money will have to be advanced over to the enterprise fund, so far as cash flow because the revenue stream will not be coming in for awhile.

Commissioner Laskowski stated the County Judge spoke to Interim City Manager Alvarez and advised her that there was no money in the County budget for the golf course after October 15th, which is not true. Commissioner Laskowski stated that he went to County Commissioner Rosse and they put \$60,000 in their budget. There is no need to rush to jump in on this and make a rash decision. The Commission needs to back off and give Staff an opportunity to look at what this will cost the City because the City is fixing to amend the budget and under this proposal, will take \$134,000 from the unrestricted undesignated fund balance to fund this and this doesn't take into account any equipment and the fixtures. Mr. Rushing stated under this scenario, Mr. Ramos would take his assets with him and the City would lease the equipment that would be necessary to get the golf course running. Commissioner Wilson commented that he is basically gutting it. Mr. Rushing stated the Pro Shop budget is \$16,301 and food & beverage \$34,283.00.

Commissioner Laskowski stated Mr. Ramos is taking everything. Mr. Clark stated there will be a meeting to discuss the issue with Mr. Ramos on Monday. He added that there needs to be a lot of due diligence, research and bring a qualified third party consultant to look at this golf course. The United States Golf Association has been contacted, they will assess everything. He stated there are a lot of drainage problems; the irrigation system is in fairly good shape, but the golf course is not in good condition.

Commissioner Wilson stated the City of Alice model was mentioned and asked if the Alice model makes money. Mr. Rushing replied that they run in the red. Commissioner Laskowski stated that's a golf course in full manicure and full equipment in place.

Commissioner Wilson stated that in the information provided he does not see any of the repairs to the course from Mr. Clark's observation that is needed. He added that the City will be running \$134,000 in the red from the beginning, but will be out another possible \$10,000 - \$50,000 just to get the golf course playable.

Mr. Clark stated the monies could come from some of the bonds. Commissioner Wilson stated this will have to come from Undesignated Unreserved funds. Mr. Clark stated that there are Texas Wildlife Grants available if the City would do a Master Plan of the golf course. Commissioner Wilson stated it was his understanding that the County has a lease agreement with the Federal Government, and whatever improvements made will belong to the County. All the work that is done by the City will not be the City's. Commissioner Garcia commented they would actually belong to the Department of Interior. Interim City Manager Alvarez stated that any permanent fixtures or improvements to the golf course would not be the City's. If this is the direction that they would want the City to go, then the City would have to look at a longer term agreement with the County in order to get the benefit of those improvements.

Commissioner Garcia stated Staff looked at Alice and they are not closing that down. This is a life issue and entertainment issue for the community. If done right, this will take care of itself.

Commissioner Wilson stated he would disagree to some degree. This Commission is not closing this golf course and this is a County issue and if it closes then the City needs to squarely place the blame on the people we elected as our County Commissioners. He stated he's not taking the blame if the golf course closes. This has to be addressed to the folks that the County of Kleberg elected to represent the citizens and they are letting the golf course fail and not the City. He added that this Commission has not said anything about closing any park. Everybody on the Commission is completely and 100% going to endorse the keeping of every City and County park and trying to make them as viable as possible. The two do not go down the same path; he stated he agrees that it could be a quality of life issue. The County should do everything they can to keep it opened and make sure it is a viable opportunity for everybody that wants to play golf.

Commissioner Laskowski stated this is not fair to the taxpayers of Kingsville, the City's debt service has a .21 debt service, and the County has .03 debt service. He asked why is the Commission sitting and proposing to go deeper in debt to save a golf course that the County has plenty of room to go and get the funds that they need to make all the improvements to make that a first class golf course. He asked "how much more can the taxpayers of Kingsville stand?"

Mayor Pro-tem Garcia stated this was a good question and asked the citizens to call City Hall with their input. Commissioner Laskowski suggested they call the County Commissioners because it is still their course. Commissioner Wilson stated he appreciated their candor tonight.

INTRODUCTION ONLY

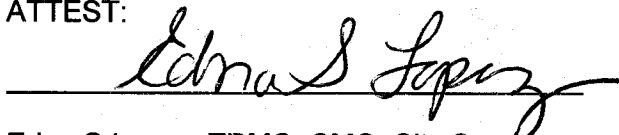
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:08 P.M.



Al Garcia, Mayor Pro-tem

ATTEST:



Edna S Lopez, TRMC, CMC, City Secretary