

OCTOBER 25, 2004

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE ON MONDAY, OCTOBER 25, 2004 AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Charles E. Wilson, Commissioner  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Courtney Alvarez, City Attorney  
Edna S. Lopez, City Secretary  
George Bejarano, Asst. City Manager/Finance Director  
Stanley Fees, City Engineer  
Dora Byington, Purchasing Director  
Al Lopez, Interim Fire Chief  
Tamera Blackstock, Sgt.  
Sherman Benys, Police Officer  
Velma Garza, Police Officer  
Arnold Salinas, Police Officer  
Margarito Gonzales, Police Officer  
George Crocker, Police Officer  
Ricardo Torres, Chief of Police  
Julian Cavazos, Lieutenant  
Jennifer Cantu, Director of Development Services  
Diana Gonzales, Human Resource Director  
Mark Frost, Police Officer  
Jose Casillas, Water Production Supervisor

**I. Preliminary Proceedings.  
OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers of City Hall at 6:00 P.M.

**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 approval of the minutes of the regular Commission meeting of October 11, 2004. Commissioner Wilson stated that his name was omitted from the "City Commission Present". Commissioner Laskowski corrected page 6, #8, 2<sup>nd</sup> paragraph, last sentence, stating that "approved and also" should be taken out in order to make the sentence clear.

**Commissioner Laskowski made a motion to approve the minutes with the corrections as stated, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski, voting "FOR".**

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

None

### III. Petitions, Grievances, and Presentations.<sup>2</sup>

#### 1. Presentation by Kingsville Law Enforcement Association on Collective Bargaining Proposal for Fiscal Years 2004-2007. (Association President).

Ms Tamera Blackstock, Association President read a letter on behalf of the Association, citing that the Association is sensitive to the City's financial status and what is being asked is fair and reasonable. Police Officers Sherman Benys and Margarita Gonzalez spoke in favor of the proposed raises.

Commissioner Laskowski asked several questions regarding Article 9 - Promotions, Section 9: Appointment of an Assistant Chief; travel time; Article 15 - Safety and Equipment, Section 7: Sidearm Purchase; and Article 20 - Holidays, Section 3: Officers not working on a holiday. It was agreed that Section 7 - Sidearm Purchase language needed to be changed. There were questions regarding the language in the grievance procedure section.

Commissioner Wilson advised that he had written some language for Section 7 - Sidearm Purchase and would pass it on to Ms Alvarez.

Mayor Fugate and Commissioner Pecos both agreed and commented that this was a very reasonable and fair agreement.

#### 2. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's Report. City Manager Yerena reported on an affordable housing initiative explaining the two components. He briefly discussed the draft ordinance and explained the new procedures for properties involved in the wipe-out program. He touched on another initiative being worked on in conjunction with the Chamber of Commerce and the Hispanic Chamber of Commerce, and explained the concept.

Ms Kathy Martinez, Chamber Director reported that evening workshops are planned to help businesses have better access to resources.

City Manager Yerena asked Mr. Stanley Fees to explain the plan/outline for street seal coating. Mr. Fees referred to a city map explaining all areas of the city will be covered.

Finally, City Manager Yerena reported that the City's hat for the United Way event was sold for \$275.00; and reported that he had met with the County Judge, KISD Superintendent, and the Board chairman to discuss community issues.

#### 3. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported that the rezone item from the prior meeting will be ready for next meeting, November 8<sup>th</sup> and advised that the city's negotiating team has not reviewed the Police Union proposal but will have a recommendation at the next meeting. She reported that the TML conference will be taking place in

Corpus Christi, TX on Wednesday – Friday, and that Mr. Alworth was unavoidably detained in San Antonio, but will be available by phone.

4. City Commission's Reports. (City Commission).

Mayor Fugate called for the Commission's report. Commissioner Garcia reported on the hats off event which collected \$30,000, and congratulated City Manager Yerena on his hat. He also thanked Mr. Dick Messberger and Mr. John Ford for their participation.

Mayor Fugate congratulated the Brahmas and Javelinas on their win; Our Lady of Good Council Catholic Church on their 50<sup>th</sup> Birthday and said that the 386 Engineering Reserves would be leaving to Iraq.

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

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

Ms Danielle Bowden, 304 Elizabeth commented on the bump going into Ailsie from 6<sup>th</sup> Street.

Mr. Ricardo Torres, 1018 Hall commented that the Police Department and the Task Force are sponsoring a haunted house at old hospital on Saturday, October 30<sup>th</sup>.

Ms Anita Stewart, Task Force, invited the Commission to see the haunted house before it opens.

**V. Consent Agenda**

Mayor Fugate called for consideration of the consent agenda (Items 1 & 2).

**1. Consider removing from the table an appointment to the Zoning Board of Adjustment. (Director of Development Services).**

**2. Consider removing from the table the appointments to the Ethics Review Board. (Commissioner Laskowski).**

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

**REGULAR AGENDA**

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

**3. Consider appointment to the Zoning Board of Adjustment. (Director of Development Services).**

Ms Cantu explained that this board has had a vacancy for quite some time and that Mr. Leotis Carter had approached her with an interest to serve on this board.

Mayor Fugate called for nominations. Commissioner Garcia nominated Ms Denise Schreiner. Commissioner Pecos stated that Mr. Carter was willing to volunteer.

Ms Cantu advised that Mr. Carter had previously served on this board when Mr. Fees was in charge. Mr. Fees advised that Mr. Carter was removed from this board for lack of attendance.

Mayor Fugate asked for a motion. **Commissioner Pecos made a motion to appoint Mr. Leotis Carter II to the Board of Adjustment. Motion died for lack of second.**

**Commissioner Garcia made a motion to nominate Ms Denise Schreiner, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Wilson, Garcia voting "FOR"; Pecos voting "AGAINST".**

**4. Consider appointments to the Ethics Review Board. (Commissioner Laskowski).**

Mayor Fugate asked for comments. The Commission stated their nominees: Commissioner Wilson – Mr. Julian P. Vest, Jr.; Commissioner Pecos – Mr. Leandro Villarreal; Commissioner Laskowski – Mr. Otis Myers; Commissioner Garcia – Mr. Noel Pena; and Mayor Fugate – Mr. John Williams.

Mayor Fugate asked for a motion. **Commissioner Pecos made a motion to accept individuals as part of the Ethics Review Board, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson, Pecos voting "FOR".**

**5. Discuss and consider placing pole for lighted Christmas tree donated by La Posada Committee. (City Engineer).**

Mr. Fees reported that the 40 ft Christmas tree will be delivered to the City warehouse this week. Staff's recommendation is to consider the location east of the Police department for the tree's placement.

**Commissioner Pecos made a motion to put the Christmas tree on the east side of the Police Department, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".**

**6. Consider awarding bid for repairs to Well #22 located at Avenue C and 5<sup>th</sup> Street. (Director of Purchasing).**

Ms Byington stated that this item authorizes for the repairs to Well #22, four (4) companies were contacted, and two (2) responded. The cost to repair this

well is \$16,917, and funds will come out from the regular budget. Staff's recommendation is to award the contract to Friedel Drilling Company.

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

**7. Discuss and consider designating representatives for the Border Trade Alliance. (City Manager).**

City Manager Yerena provided information on the Border Trade Alliance founded in 1986, adding that this is a non-profit organization made up off private and public entities, and its main goal is to address issues affecting trade and economic development between the USA, Canada and Mexico. In reference to trade flow, this will benefit the community in helping to develop key relationship with Mexico and Canada. He named the committees that he would like for the city to participate in and added that the City will participate at a silver sponsorship level, \$1,000, which provides for three representatives from the City into the alliance. City Manager Yerena suggested to the Commission that one staff member, a Commissioner and the Mayor be appointed to represent the city.

**Commissioner Laskowski made a motion to appoint the City Manager, the Mayor, and Commissioner Pecos to the Border Trade Alliance committee, seconded by Commissioner Pecos. Commissioner Laskowski clarified his motion, adding, "to go in at the Silver level". The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".**

**8. Consider resolution authorizing the submission of a Texas Community Development Program Application to the Office of Rural Community Affairs for the 2005-2006 Texas Community Development Fund; and Authorizing the Mayor to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Community Development Program. (City Manager).**

City Manager Yerena explained that the first intentions had been to apply for funding for the construction of a water well that would have the entire City as the service area, but after exploring the Census information it was learned that the City does not qualify for the grant due to the fact that the total percentage of low to moderate income people for all the census blocks is 50.6%. He continued to say that after looking at the service area and the entire census tracts that comprise the service area, it was discovered that the low to moderate income percentage in the target area was at around 54%. He further mentioned that staff looked at another section of town where the City had once proposed to replace water mains and found that the survey showed that the low to moderate income percentage in the target area was approximately 84%.

Finally, City Manager Yerena said that staff has put together an application that would provide the city a better opportunity to be competitive.

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

**9. Consider resolution accepting funding for Homeland Security Grant Program called Operations Stonegarden by and between the City of Kingsville and the Department of Homeland Security; Authorizing the Mayor to act on the City's behalf with such grant. (Chief of Police).**

Chief Torres provided information on the grant, stating that the Police Department has been identified as one of the agency that can assist with this project, in which \$40,291.20 has been allocated.

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

Mayor Fugate announced the executive session, which was listed on the agenda as follows:

The Commission convened into executive session at 7:24 P.M.

**10. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding potential litigation regarding administration and enforcement of City obligations under the South Texas Water Authority Supply Contract. (Mayor Fugate).**

The Commission reconvened into regular session at 8:10 P.M.

**11. Discuss and consider proposal from mediation with the South Texas Water Authority. (City Manager).**

Mayor Fugate opened this item up for discussion. Commissioner Wilson stated that the proposal has a few disappointments; he suggested that staff come up with a document that better articulates the City's mediation points and for the document to reflect what both parties agreed too.

Mayor Fugate questioned if the document had to come back to the Commission on November 8<sup>th</sup>. Commissioner Laskowski responded that the STWA board meets only once a month, on Thursday, and that the proposal will be presented to them. He added that at no time was there an agreement made to the 5% increase on an annual basis; the Commission does not understand the formula that is provided; and that they are requesting recovery expenses on their next budget.

Commissioner Wilson commented that the STWA board operates under the same laws, and they can meet every 72 hours as long as an agenda is posted.

City Manager Yerena stated there were two options: (1) go back to the \$350,000; or (2) go back to what was on the table at mediation.

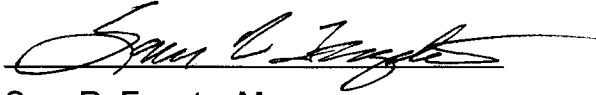
There was much discussion on what the Commission would like to see added or stricken from the proposed contract. Recommendation was made to go back to \$350,000 per year for five years.

Mayor Fugate commented he would like to see everyone treated equally.

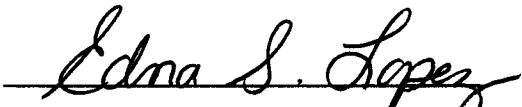
**Mayor Fugate made a motion to continue mediation until November 8<sup>th</sup> and bring back a contract for the recommendation for litigation, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".**

**VII. Adjournment.**

There being no further business to come before the Commission, Mayor Fugate adjourned the meeting at 8:25 P.M. on October 25, 2004.

  
Sam R. Fugate, Mayor

ATTEST:

  
Edna S. Lopez, City Secretary