

November 8, 2004

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 8, 2004 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**COMMISSION PRESENT:**

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

**STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S. Lopez, City Secretary  
Courtney Alvarez, City Attorney  
George Bejarano, Asst. City Manager/Finance Director  
Dora Byington, Director of Purchasing  
Al Lopez, Interim Fire Chief  
Macario Mayorga, Water Supervisor  
Diana Gonzales, Human Resource Director  
Stanley Fees, City Engineer  
Susan Ivy, Parks Director  
Tina Galvan, Sanitation Field Supervisor  
Dianne Leubert, Solid Waste Superintendent  
Daniel Almeida, Wastewater Superintendent  
Ricardo Torres, Police Chief  
Julian Cavazos, Lieutenant  
Joe Casillas, Water Production Field Supervisor  
Ted Figueroa, Police Officer  
Margarito Gonzalez, Police Officer  
Sherman Benys, Police Officer

**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 meeting of the City Commission held on October 25, 2004. **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, Garcia, Pecos, Laskowski voting "FOR".**

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

None

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

1. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported that a presentation by the financial advisor on the issuance of bonds would be scheduled for the next meeting, and that the County approved the Paulson Falls Interlocal Agreement.

2. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported that the rezone item will be ready for the next meeting on November 22<sup>nd</sup>, and provided information regarding Operation Uplink.

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

Mayor Fugate called for the City Commission's report. Commissioner Wilson reported on the Javelina playoff game on Saturday, November 13<sup>th</sup>, at 1:00 P.M. Commissioner Pecos reported on the farewell for the 36<sup>th</sup> Engineer Battalion in Fort Shelby, Mississippi. Mayor Fugate read a letter from a Boy Scout in Troop #186 regarding littering in the city.

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

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

None

V. **Consent Agenda**

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

1. **Consider awarding contract for the repairs to Lift Station on 17<sup>th</sup> and Lee Street. (Director of Purchasing).**

2. **Consider awarding contract for management services under the Texas Capital Fund to benefit Kingsville Memorial Funeral Home. (Director of Purchasing)**

Commissioner Garcia made a motion to accept the consent agenda, (Staff recommendations: Item #1 – award contract to EMR Electrical Group; Item #2 – award contract to Ms Kim Lacey), seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson, Garcia voting "FOR".

**REGULAR AGENDA**

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

**3. Discuss and consider a request from the Parks Department for financial assistance in the amount of \$5,000.00 for lighting an additional ball field at Dick Kleberg Park. (Park Director).**

Ms Susan Ivy explained the need for more lighting for the ball fields at the Park and advised of the commitments already made. Ms Ivy asked to commit \$10,000 from the 2005 water trade and requested another \$5,000 from the City.

Mayor Fugate called for questions or comments. Commissioner Laskowski asked where money would come from if expenditure was approved. Mr. Bejarano replied from the Capital Improvement Fund.

There was discussion on the Capital Improvement Fund expenditures.

**Commissioner Wilson made a motion to allocate \$5,000 from the Capital Outlay Fund for this project, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia, Pecos, Wilson voting "FOR".**

**4. Discuss and consider authorizing the City Manager to negotiate with an engineering firm to obtain engineering services for the rehabilitation of the Wastewater Treatment Plants, Lift Stations and Infiltration and Inflow Studies. (Director of Purchasing).**

Ms Byington explained that this item authorizes city staff to negotiate with an engineering firm to obtain engineering services for the rehabilitation of the Wastewater Treatment Plants, Lift Stations and Infiltration and Inflow Studies. It is recommended that city staff be authorized to negotiate with the engineering firm with the highest ranking, which were obtained from the evaluations submitted from three of the evaluation committee members. Monies for these services will come out from the proposed Certificates of Obligations, and added that LNV Engineering will wait for their money until the City receives the C.O.'s.

Commissioner Laskowski asked about the top two firms averaging. Ms Byington explained the procedure.

**Commissioner Wilson made a motion accept staff's recommendation to enter into a contract with LNV Engineering, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".**

**5. Consider resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville and the Kingsville Law Enforcement Association for the period covering October 1, 2004 to September 30, 2007. (Commissioner Laskowski).**

City Manager Yerena stated that from staff's prospective, they would like to be given one more opportunity to meet internally to discuss items, and advised that this item would be on the next agenda.

Commissioner Garcia asked to hear from the Police Union representatives. Police Officers Margarito Gonzalez, Sherman Benys, and Ted Figueroa advised impasse has been declared.

City Manager Yerena stated that based on the new information provided, city staff feels positive that a mutual understanding can be arrived at. Mr. Gonzalez stated that information presented was discussed at the previous Commission meeting.

There was discussion on the proposed Collective Bargaining Agreement, Article 27, Section 1. Compensation.

Mayor Fugate encouraged staff and the Union to meet one more time.

There was discussion on the turn over rate.

Mayor Fugate requested figures from the Union regarding four (4) year break off point and the cost for training an officer.

**Commissioner Wilson made a motion to table this agenda item until November the 22<sup>nd</sup>, and encouraged both parties to have a free flow of information so that everybody is up to speed every step of the way, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".**

**6. Consider authorizing the City Manager to enter into a memorandum of understanding with John Womack & Co., P.C. to perform all pre and post audit procedures for the year ended September 30, 2004. (City Manager).**

Commissioner Wilson made a motion to authorize the City Manager to enter into such a contract, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

**7. Consider authorizing the City Manager to enter into a memorandum of understanding with Patrick L. Moore, CPA to audit the financial statements for the year ended September 30, 2004. (City Manager).**

Commissioner Laskowski made a motion to authorize the City Manager to enter into a contract with Patrick L. Moore, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

**8. Consider authorizing the City Manager to enter into a Communications Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County. (Commissioner Pecos).**

Commissioner Laskowski stated that the County had tabled this item until their next meeting. He added that the County at their next meeting would like to have the City Attorney and Police Chief present to answer questions.

Chief Ricardo Torres advised that on Friday he had gone by the County Judge's office to ask if City staff was needed at today's meeting, but never received a call.

Commissioner Wilson made a motion to table agenda item #8 until such as the County has acted, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

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

The Commission convened into executive session at 6:45 P.M.

**9. 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 7:45 P.M.

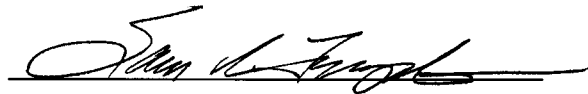
**10. Discuss and consider South Texas Water Authority Water Supply Contract. (Commissioner Laskowski).**

Mayor Fugate asked for discussion or comments.

Commissioner Laskowski made a motion to authorize the City Manager to audit the bill received from South Texas Water Authority and to pay the Water Authority based on the present contract, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

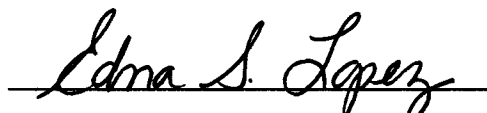
## VII. Adjournment.

There being no further business to come before the Commission, Mayor Fugate adjourned the meeting at 7:47 P.M. on November 8, 2004.



Sam R. Fugate, Mayor

ATTEST:



Edna S. Lopez, City Secretary