

November 22, 2004

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE ON MONDAY, NOVEMBER 22, 2004 AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S. Lopez, City Secretary
George Bejarano, Asst City Manager
Dora Byington, Director of Purchasing
Dianne Leubert, Solid Waste Superintendent
Stanley Fees, City Engineer
Al Lopez, Interim Fire Chief
Rick Torres, Chief of Police
Tamera Blackstock, Police
Jennifer Cantu, Director of Development Services
Diana Gonzalez, Human Resource Director
Ron Pray, Firefighter
Arnold Valadez, Warehouse Clerk

**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 November 8, 2004. **Commissioner Laskowski made a motion to accept 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).¹

NONE

III. Petitions, Grievances, and Presentations.²

1. Presentation to the family of Lance Corporal Arthur O. Garza. (Mayor)

Mayor Fugate and Commissioner Pecos presented Ms Mary Helen Luna Garza, mother of Lance Corporal Arthur O. Garza's with his photo and the United States flag.

2. Presentation by Financial Advisor of First Southwest Company. (City Manager).

Ms Ann Berger provided details on each section of an information booklet that was presented to the Mayor and Commission. She pointed out information regarding rates. She said that now is the opportune time to excess the capital markets and explained the two event timetables. Finally, Ms Berger stated that she would be working closely with staff.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the closing of City Hall for the Thanksgiving holiday, and that City staff and the Commission would be attending National League of Cities Conference in Indianapolis, Indiana from December 1st – 5th.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on attending a County Commission Special Meeting, a meeting with the Police Union, commended the Bockholts for a successful Toys for Tots campaign drive, and announced the dates for La Posada parade and the City Christmas party.

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

Mayor Fugate called for the City Commission's report. Commissioner Wilson reported on his trip to Shelby, Mississippi. Mayor Fugate reported on receiving a Family Day appreciation plaque from Christ to Pueblo.

5.1 Presentation of award to Halo Flight, Inc.

Mayor Fugate made a \$5,000 presentation to an employee from Halo Flight.

IV. Public Comment on Agenda Items ³

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

Ms Mary Windham, 628 E Escondido, spoke on the success of the Wild Life Festival.

Ms Minnie Rangel Henderson, 303 Alexander, spoke in opposition of Item #6 – Rezoning 1701 S. 6th.

Ms Danielle Bowden, 304 Elizabeth, spoke in opposition of Item #6 – Rezoning.

Mr. Jesse Mendez, 1701 S 7th, spoke in favor of Item #6, presenting information on the history of the property in question and asked that this be grandfathered.

Ms Aurora Garza, 410 Elizabeth, spoke in opposition of Item #6 – Rezoning.

Mr. Robert Mendez, 290 County Road, spoke in favor of Item #6 - Rezoning.

V. Consent Agenda

Mayor Fugate called for consideration of the consent agenda (Items 1 – 5).

1. Motion approving a contract with Roll Offs of American for \$20,600.00 for (50) all steel 3 cubic yard garbage containers and with Bryan Containers for \$22,900.00 for (50) 4 cubic yard steel reinforced polyethylene rust free bottom garbage containers for a grand total of \$43,500.00, in accordance with Bid Invitation No. 25-20. Funds for this item are in the budget, Account # 001-5-170.2-220.00. Delivery for these containers is scheduled within 14-30 days after the receipt of the purchase order. (Director of Purchasing).

2. Motion approving a contract with Hansen Pipe and Products from Robstown, Texas for 120 linear feet of 8' x 6' and 120 linear feet of precast concrete box culvert in accordance with Bid Invitation No. 25-21. The award is based on our knowledge that this is the only company in our area that sells this product, bid invitations were mailed to seven companies in the Valley, Houston and the Corpus Christi area and only one bid was received. This item is for the materials only; City Crews will perform the installation of the culverts. The action will expend \$77,760.00 from Account #039-5-305.0-531.00. (Director of Purchasing).

3. Motion approving removal from the table a 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)

4. Motion approving removal from the table an action item authorizing the City Manager to enter into a Communications Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County. (Commissioner Pecos).

5. Motion approving removal from the table final passage of an ordinance changing the zoning map in reference to 1.499 acres of land out of Lots 29-31, Southmore Acres from "R-2", Two-Family District, to "C-4", Commercial District, on 1701 South 7th Street. (Director of Development Services).

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

Mayor Fugate recused himself from the next Regular Agenda Item #6.

REGULAR AGENDA

VI. Items for consideration by Commissioners.⁴

6. Consider final passage of an ordinance changing the zoning map in reference to 1.499 acres of land out of Lots 29-31, Southmore Acres from "R-2", Two-Family District, to "C-4", Commercial District, on 1701 South 7th Street. (Director of Development Services).

Ms Cantu presented a brief overview on the history of this rezoning, adding that the Planning and Zoning Commission recommended that the property not be rezoned to commercial primarily because the road is not built for commercial traffic.

Commissioner Garcia made a motion that the Commission affirms the Planning and Zoning Commission's decision, seconded by Commissioner Laskowski.

Mayor Pro-Tem Wilson stated that the decision of the Planning and Zoning Commission was to deny the rezoning request.

Commissioner Garcia asked Ms Alvarez to explain the City's powers. Ms Alvarez stated that the memorandum prepared for the Commission by the outside law firm lays out the police powers of the City and how broad they are. According to the opinion, the Commission is well within its authority to take whatever action they feel is appropriate. Per request, Ms Alvarez also explained some of the language in the memorandum and the grandfather clause.

Mayor Pro-tem Wilson called for roll call vote. The motion was passed and approved by the following vote: Wilson, Laskowski, Garcia voting "FOR", and Pecos voting "AGAINST" Fugate "ABSTAINING".

7. Discuss and consider terminating the Fire Department's laundry service contract with The Man Shop of Kingsville. (Director of Purchasing).

Ms Byington stated this action will terminate a contract as per the information provided in the packet.

Commissioner Laskowski made a motion to accept staff's recommendation, to give notification of the contract termination and to authorize Ms Byington to go out for formal bids for the service, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski voting "FOR", and Garcia, Pecos voting "AGAINST".

8. 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).

Ms Tamera Blackstock, Union President stated that during a recent meeting with Staff, language clarification in the contract was cleared and cadet pay was agreed to. Only the decision on the months of service for senior officers was left undecided.

City Manager Yerena stated that staff's recommendation is a 72 month period for senior officer pay. Ms Alvarez explained the inserts given to the Commission at the meeting. Mr. Bejarano explained the pay difference for the 60 month and 72 month period.

Ms Gonzalez reported on officers who have left the department and provided information on the City's position to the 72 month period.

There was much discussion on the senior officers starting timeline. Commissioner Wilson recommended starting the 60 month timeline after a Police Officer is TCLOSE certified and commissioned by the City of Kingsville.

Regarding officers taking vehicles home, Chief Torres gave several reasons why this was being done.

After much discussion, Commissioner Wilson suggested for Staff and the Association to get back together with one document where all changes are made.

Commissioner Wilson made a motion to table this item until the next regularly scheduled meeting giving both parties the opportunity to create one consistent document that can be acted on, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos voting "FOR", Laskowski voting "AGAINST".

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

Commissioner Pecos stated that the County had approved this item and that this is a win-win situation.

Commissioner Wilson made a motion to authorize the City Manager to enter into a Communications Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

10. Consider resolution creating a position of Building Official in the Planning Department and establishing a pay range. (City Manager).

City Manager Yerena stated that due to the growth of the City there is a need for this position. This resolution would create the position of Building Official. The position will serve under the Development Services. Monies will be transferred from the Utility fund to the General fund for this position.

Commissioner Laskowski commented that he would be more comfortable calling this position Building Official/Building Inspector. He asked questions about the job description. He voiced his concerns about conflicting language regarding the wording of building official and building inspector, and the Building Official being over the Plumbing and Electrical Inspector.

City Manager Yerena explained the functions of other communities who have this position.

Commissioner Wilson agreed with Commissioner Laskowski in reference to the inconsistent language throughout the document. He stated that if it is the City's objective to get a building division, to build this division right. City Manager Yerena stated the City is trying to create a better flow.

After a question from Commissioner Laskowski, Ms Cantu explained the minimum qualifications for the position.

Ms Gonzalez clarified the City's probationary period policy, after a question was raised concerning an inconsistency of the policy with regard to building inspectors. She advised that the salary was surveyed through TML's website.

Commissioner Garcia asked about transferring money from the Utility fund to the General Fund. City Manager Yerena responded that the auditor has advised it is okay to do. Ms Alvarez stated that Mr. Luke Womack has advised it was feasible to do.

City Manager Yerena stated that there is a dire need for this position and would like for the Commission to give staff the authority to hire this individual. He added it would help with the setting environment and flow, and a one stop center would be good.

Commissioner Laskowski reminded Staff about changing the language in the Third Party Plan Review ordinance to reflect the changes.

Commissioner Pecos made a motion to create the position of Building Official, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Wilson, Garcia, Pecos voting "FOR".

11. Consider introduction of an ordinance amending the FY 2004-05 Budget for the City of Kingsville for the position of Building Official. (City Manager).

City Manager Yerena stated that this ordinance would amend the budget to reflect changes to create a position for Building Official.

There was discussion about taking monies from the utility fund to the general fund. Commissioner Laskowski stated that notation should be made when looking at historical data that the City has gone from \$1 million to \$1,250,000.00 last budget year, and now \$1,300,000.00.

City Manager Yerena stated that the Auditor seemed to have a comfort level in the City having the authority to make these changes.

Commissioner Laskowski recommended that before the final passage, staff research as to where the money should come from

INTRODUCTION ONLY

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Amending the Definition of Building Official. (City Manager).

City Manager Yerena stated that this would allow the City Manager the discretion to assign the Building Inspector as the designated official to handle all building permit matters. As it is now, the City Commission designates a staff person.

INTRODUCTION ONLY

13. Discuss and consider establishing the procedure for the evaluations of the City Manager, the City Attorney, and the Municipal Court Judge. (Commissioner Laskowski).

Mayor Fugate stated that this is something that was talked about during goal setting which is critical for the City Manager to know what direction the Commission believes that the City is going, how he is performing, and what expectations are. He also said this is needed to do on regular basis.


Commissioner Laskowski explained the past evaluating process. Then he asked Ms Alvarez if the evaluation form filled out is a working document and not subject to open records where the evaluation would be. Ms Alvarez responded that she would have to find out if there was a change in the Attorney General's opinion. Mayor Fugate stated that the Attorney General's opinion is that evaluations are discoverable. If executed they are subject to open record.

Mayor Fugate stated that he trusted that this Commission will be constructive in whatever is done. He stated he would like evaluations done every six months, in January and July.

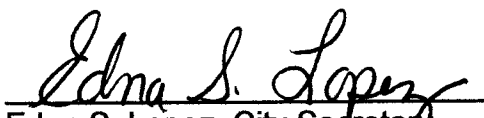
Commissioner Laskowski made a motion to revise the documents to reflect that evaluations be conducted in January and July, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

VII. Adjournment.

There being no further business to come before the Commission, Mayor Fugate adjourned the meeting at 8:30 P.M. on November 22, 2004.


Sam R. Fugate, Mayor

ATTEST:


Edna S. Lopez, City Secretary