

FEBRUARY 28, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 28, 2005 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
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
Stanley Fees, City Engineer
Dora Byington, Purchasing Director
Diana Gonzales, Human Resource Director
Jennifer Cantu, Director of Development Services
Don Erebia, Fire Captain
Joe Casillas, Water Production Supervisor
Rick Torres, Police Chief
Caron Vela, Accountant
Daniel Almeida, Wastewater Supervisor
A L Noyola, Health Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 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 City Commission's regular meeting of February 14, 2005, and the special meeting of February 18, 2005. **Commissioner Laskowski made a motion to accept the minutes as presented, 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).¹

1. None.

III. Petitions, Grievances, and Presentations.²

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the City's newly developed monthly activity report which is featured on the City's website; training for Skywarn Spotters at the Kleberg County

Courthouse and the PDAP luncheon on March 2nd; and on the Navy League and Woman's Club – Casino Night on April 2nd.

Commissioner Garcia reported he attended the Trio Alliance program at Texas A&M University-Kingsville on Saturday, February 26th. Students from area communities were present.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on March events: Ranching Heritage Festival, TXDOT – Trans Corridor Meeting, and a possible proposed joint meeting with STWA at Jones Auditorium on March 9th.

Ms Alvarez commented in regards to the Water Authority, she reported a letter and resolution were received by the City Manager stating the Water Authority did not adopt the City's contract. She noted the resolution was factually inaccurate.

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

Commissioner Laskowski thanked Staff for their hard work in putting together the report on the Certificates of Obligation.

IV. Public Comment on Agenda Items³

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

Mr. Glen Simpson, HotZone Systems of Texas, LLC, provided information in regards to Item #8.

V. Consent Agenda

1. Motion to approve for final plat for Paulson Falls Phase II. (Director of Development Services).

2. Motion authorizing the City Manager to enter into a contract with the Texas Department of Housing and Community Affairs – Manufactured Housing Division for Installation Inspection of Manufactured Housing. (Director of Development Services).

Mayor Fugate called for approval of the Consent Agenda. Commissioner Laskowski made a motion to accept the consent agenda as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider resolution in support of full state funding for the Irma Lerma Rangel College of Pharmacy at Texas A&M University-Kingsville. (Mayor Fugate).

Mayor Fugate stated this resolution was started by Judge DelaGarza. Representative Escobar has asked that the City support and circulate this resolution.

City Manager Yerena stated that he had distributed this resolution to other City Managers in the area to take to their boards.

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

4. Consider authorizing City participation in sponsorship of Ride on the Wild Side – Bike Tour on the King Ranch on April 23, 2005 in conjunction with the Kingsville Convention and Visitor's Bureau and the Kingsville Noon Lions Club; and other matters related thereto. (Mayor Fugate & Kingsville Convention & Visitor's Bureau).

Commissioner Wilson abstained from discussion.

Ms Alvarez provided information on previous City participation at this event, and on the waiver and release agreement. She stated that the KCVB pays for the insurance through the City's insurance carrier, TML.

Commissioner Laskowski made a motion to authorize the City's participation in the sponsorship of the Ride on the Wild Side, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Commissioner Wilson "ABSTAINED".

5. Consider awarding bid to rehabilitate water storage tanks. (Director of Purchasing).

Ms Dora Byington provided information on the summary, background and financial impact. The consulting engineer from LNV Engineering Company reviewed the bids and determined the low bidder meets all specifications. This action will expend \$991,965.00 for repairs and specifications. Funds for these services will come from the Bond Money, Account No. 062-5-600.2-719.00. Recommendation is that the City honors the consulting engineer's recommendation to award the bid to the lowest bidder, Tank Pro, Inc. from Northport, Alabama.

Commissioner Laskowski made a motion to award the contract to Tank Pro, Inc., seconded by Commissioner Pecos.

Commissioner Laskowski asked about the water storage tank located on 6th Street by Kleberg Elementary. Mr. Joe Casillas stated the tank is abandoned.

Mr. Robert Viera, LNV Engineering advised that there might be changes to the dollar amount after sandblasting begins, and added that he would view and prepare all the recommended change orders.

The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

6. Discuss and consider the formation and size of the Charter Review Committee. (City Attorney).

Ms Alvarez stated this item was discussed during the special meeting on February 18th. She informed the Commission that several cities across the state have been updating their Charters.

The process for forming a committee was discussed. Committee would work in stages from six to nine month period. Issues will be brought to the Commission, than placed on a future ballot, May 2006.

Suggestion was made to advertise in the newspaper, City Attorney would have a vote, and each Commissioner would appoint two members.

Commissioner Wilson suggested having only seven members on the committee, and stated the larger the group the harder it is to get everyone together.

Mayor Fugate asked to check with other cities that have had a successful Charter revision.

Commissioner Laskowski suggested to Ms Alvarez to put an article in the local newspaper to give citizens basic information on what is expected. Ms Alvarez stated she would contact other cities for information.

No action taken.

7. Discuss and consider modifications to the Guidelines and Criteria for Stimulating Residential Development within the City of Kingsville. (City Manager).

City Manager Yerena stated that the RDA is a document utilized by the City to entice developers to build single family subdivisions in Kingsville. The agreement has a two year life span or 115 lots, and the completion of the timeline is nearing. The RDA has been the source for the development of three subdivisions: Las Palmas del Rey, Paulson Falls, and Santa Gertrudis Arroyo Estates. City Manager Yerena provided infrastructure information on these subdivisions. A representative from Integrity Development Group has approached the City about the intent to submit an application for assistance with Paulson Falls Phase II. City Manager Yerena stated that the issue at hand is whether the City wants to revise the agreement, timeline, or number of lots in the agreement. Staff's recommendation is not to revise the agreement at this time. The purpose of the agreement was to provide incentives for the developers to locate here and has served its purpose well.

Mayor Fugate asked for clarification to the agreement which states "New phases of existing subdivisions are allowed". City Manager Yerena responded that is handled on a case by case basis. Commissioner Wilson stated that the objective has been met in the statement being questioned by the Mayor, and provided an example of the intent.

Ms Alvarez provided information on the initial passage date, and on a revision to the initial amount of homes allotted.

Commissioner Wilson made a motion to table agenda item #7 until there is a better grasp on timeline for expiration, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

8. Consider authorizing the City Manager to enter a Commercial WIFI Site Lease Agreement between the City of Kingsville and HotZone Systems of Texas, LLC. (City Manager).

City Manager Yerena provided information on the revised agreement explaining the locations and fees. Free service will be provided to City Hall, Police, Fire and some parks within the City. Should the City be unsatisfied with the service, than a \$65.00 charge per site will be accessed to the company.

Mr. Glenn Simpson, HotZone Systems of Texas, LLC provided information on equipment locations. He touched on some of the problems that could arise.

City Manager Yerena stated this would attract people from NAS and the new Pharmacy School, and the company can use this for marketing to attract clients.

In regard to other persons coming in, Ms Alvarez stated that is allowed as long as there isn't interference.

Commissioner Laskowski made a motion to authorize the City Manager to enter Commercial WIFI Site Lease Agreement, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

9. Consider introduction of an ordinance amending Chapter XI, Article X: Taxicabs, providing for deletion of zones; increase in fare from \$3.00 to \$7.00; and allowing pets in the vehicle. (Director of Development Services).

Ms Jennifer Cantu, Director of Development Services provided information on the history and the need for the revision/update of this ordinance. She explained the major changes: zones were deleted; the flat rate was changed from \$3.00 to \$7.00; a sentence had been duplicated so it was deleted; and pets will be allowed.

Commissioner Pecos suggested that service animals be added to the ordinance.

INTRODUCTION ONLY.

10. Consider introduction of an ordinance amending the Code of Ordinances, Chapter VII, Traffic Code, Article 8, Traffic Control Devices; providing for the authority to install, specifications, and locations of Traffic Control Devices. (City Engineer).

Mr. Stanley Fees, City Engineer stated that basically what is being done is the traffic control ordinances are being taken out of the 1962 "blue book" and being recodified into the 1996 "red book". He advised that his staff had confirmed the accuracy of the information.

INTRODUCTION ONLY.

11. Consider introduction of an ordinance amending the Code of Ordinances, Chapter IX, General Regulations, Article 7, Nuisances; providing for affirmative defenses. (City Attorney).

Ms Alvarez provided information on the additions and deletions of the ordinance, and the procedure used by Staff. The 50-foot buffer idea was developed from a practice the Health Department has been employing in working property owners and from instructions given to defendants in court. The goal is to save property owners and staff both time and money by clarifying defenses to the ordinance. Clarifications would be helpful to citizens and city staff.

Commissioner Laskowski asked about filing liens. Ms Alvarez stated that has always been addressed in the ordinance, but staff would have to have documentation in place in order to bring forward for the process to flow. Commissioner Laskowski stated, for the record, "we need to do what we can to try to collect fees by filing a lien; it is not fair to the citizens and to the Health Department to continue to mow lots and the property owners got off scott-free."

INTRODUCTION ONLY.

12. Discuss and consider request from the Parks Department for financial assistance in the amount of \$4,000.00 for existing lighting repairs to ball fields at Dick Kleberg Park. (Parks Director).

Ms Susan Ivy, Parks Director provided a revised list with information on lighting repairs at the ball fields. The breakdown of the project cost is: equipment for repairs, \$3753.98, from Mid Coast Electric; electrician time, \$1440.00; crane rental, \$2500.00. The requested funds (\$2,846.99) from the City are for half the amount of the project cost. County and the City. The Kleberg County Commissioners Court has already committed.

City Manager Yerena reminded the Commission that the City has a tight budget with major expenditures pressing.

Mayor Fugate commented that in the interest of working together with the County, the Commission should approve the request.

Commissioner Wilson made a motion to approve the amount of \$2847.00 from the City Commission budget, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

13. 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).

14. Executive Session: Under Section 551.087 of the Texas Open Meetings Act, the City Commission shall convene in executive session to discuss and deliberate the offer of a financial or other incentive to a business prospect that the City seeks to have located in the City and with which it is conducting economic development negotiations. (City Manager).

The Commission took a break at 7:23 P.M., and convened into Executive Session at 7:34 P.M.

The Commission reconvened into Open Session at 8:35 P.M.

15. Consider proposal for a five year contract with the South Texas Water Authority and any other action necessary regarding the current water supply contract. (City Manager).

Ms Alvarez stated the City received a letter and resolution from the Water Authority which indicated they did not accept the City's 5 year proposed contract. The Water Authority continues to misstate that they have accepted the contract sent in October, when in fact they sent a counter proposal. The Authority has indicated that they would like to have a joint meeting with their current customers who they will be doing contract negotiations with in the future. Currently, the City of Kingsville is the only customer that they have started negotiating with for 2005 Contract period. A joint meeting at the University is tentatively set for March 9th and request has been made for a representative from the City. With regard to the meeting, Ms Alvarez stated that the Commission may want to consider who to send to that meeting or wait until after the meeting to decide what to do with regard to the contract.

Mayor Fugate stated he would like to see the entire negotiating team attend the meeting.

Commissioner Garcia made a motion to send the City's negotiating team, Commissioner Laskowski and Commissioner Pecos, and whatever support staff is necessary to this conference, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

Commissioner Laskowski instructed the City Attorney to send a letter to Mr. Willatt, Law Firm Willatt and Flickinger, requesting clarification of the resolution; what points in the contract they have a problem with; and a follow up with regard to the information that was requested by the Mayor in his letter with the proposed contract regarding the 5 year average of total gallons sold to all customers. He requested a timeline that information will be made available to the Commission prior to any meeting scheduled with other customers.

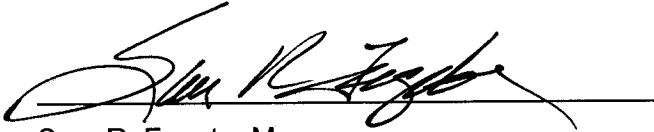
16. Consider resolution approving an application for funding through the Texas Department of Agriculture/Office of Rural Community Affairs Texas Capital Fund Real Estate Development Program. (City Manager).

City Manager Yerena provided a brief overview of the proposed grant application on behalf of Customer Relationship, LLC. City assumes no liability in the gathering of information for the submission of the application or in the payment of the grant loan. In the process, the City hopes to attract an employer to our community.


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

VII. Adjournment.

There being no further business to come before the City Commission, Mayor Fugate adjourned the meeting at 8:45 P.M. on Monday, February 28, 2005.


Sam R. Fugate, Mayor

ATTEST:


Edna S. Lopez, City Secretary