

APRIL 11, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, APRIL 11, 2005 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT 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

CITY COMMISSION ABSENT:

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
Orlando Torres, Computer Tech
Al Lopez, Interim Fire Chief
Ricardo Torres, Police Chief
Ramon Loera, Field Supervisor
Macario Mayorga, Water Supervisor
Jaime Garza, Task Force Commander
Frank Garcia, Field Supervisor
A. L. Noyola, Health Director
Jose Casillas, Water Production Supervisor
Stanley Fees, City Engineer
Diana Gonzales, Human Resource Director
Jennifer Cantu, Director of Development Services
Caron Vela, Account Manager
John Garcia, Garage Superintendent
Art Alvarez, Risk Manager
Wilma Castillo, Collections Manager
Daniel Almeida, Wastewater Superintendent

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 City Manager Carlos Yerena, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for the approval of the minutes of the City Commission's regular meeting of March 28, 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, Wilson, Laskowski voting "FOR".**

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

1. Public Hearing for a Special Use Permit for the placement of the Kingsville Community Federal Credit Union on PT Lot 2 & 3, Block 18, K.T.& I. Subdivision also known as 605 E. Caesar. (Director of Development Services).

The Public Hearing was opened at 6:03 P.M.

Ms Cantu, Director of Development Services explained the property in question was located at 605 E. Caesar. She said that the request is for a Special Use Permit to relocate Kingsville Federal Credit Union. She stated that the Planning and Zoning Commission are recommending unanimous approval. The permit is valid as long as business is in place.

There were no public comments.

The Public Hearing was closed at 6:06 P.M.

III. Petitions, Grievances, and Presentations.²

- 1. Proclamation designating the month of April 2005 as "School Library Media Month."

The proclamation was presented to Ms Nadine Jones from Gillett Middle School and Ms Maple Pippin from H.M. King High by Commissioner Wilson.

- 2. Proclamation designating the month of April 2005 as "Sexual Assault Awareness Month."

The proclamation was presented to Chief Torres by Mayor Fugate.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the garbage pickup schedule for Memorial Day holiday and on receiving a Resolution from the City of Rockport in support of full State funding for the Irma Rangel College of Pharmacy School.

Ms Cantu introduced the new Building Official, Mr. Bob Daehn.

- 3.1. Certificate of Obligation presentation by the Finance Department.

Mr. George Bejarano, Assistant City Manager/Finance Director went over a PowerPoint presentation depicting the Certificate of Obligation Series 1998, 2001, 2002 & 2002A. He explained the figures regarding "Original Budget", "Current Budget", "Expensed", and "Balance". Mr. Bejarano explained that items under "Proposed Expenditure" will be addressed at the next Commission meeting.

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

None

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

None

IV. Public Comment on Agenda Items³

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

Mr. Dick Messberger, EDC, spoke in support of Item #4.

Ms Ricki Cunningham, 1210 Cypher, spoke in support of Item #4.

Mr. Rudy Ramos, owner Ramos Refrigeration, spoke in support of Item #4.

Mr. Rick Vega, Manager, Zarsky Lumber Co., spoke in support of Item #4.

Mr. Roland Ramirez, vice-president of Integrity Group Developers, Inc. and residing at 1903 Margaret Lane, spoke in support of Item #4.

V. Consent Agenda

1. Motion approving an ordinance amending the zoning Ordinance by changing the zoning map in reference to 3.783 Acres out of Farm Lot 1, Section 22, K.T.&I Subdivision from "R-1" Residential District to "R-2" Two Family Residential District. (Director of Development Services).
2. Motion approving an ordinance amending the City of Kingsville Code of Ordinance by deleting Chapter XI, Article 12, Landscape Policy, and adopting Chapter XV, Article 8, Landscape Policy providing for a preferred plant list. (Director of Development Services).
3. Motion approving an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 3, Subdivision Regulations, Providing for approval of plats to be valid for 12 months. (Director of Development Services).

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Discuss and consider approval of an application by Integrity Developers Group, Inc. for residential development infrastructure assistance in the City of Kingsville, Texas for Paulson Falls Phase II. (Director of Development Services).

Ms Cantu explained that the City of Kingsville has adopted a residential incentive program known as the Residential Development Agreement (RDA). This document provided for the provision of city staff and equipment to install water and/or sewer lines based on City Commission approval. The work must not interfere with city work and no overtime can be accrued. One of the criteria for approving the request for infrastructure assistance is a determination of the return to the City the cost of providing assistance. She explained total taxes generated per year per house.

The construction cost is \$84,648.33, city crew labor and equipment cost is \$30,288.88 which is 35.78% of the project cost. The percentage is below the 50% maximum allowed by the RDA Guidelines.

City Manager Yerena stated that staff would not oppose the approval of the RDA, if Commission chooses to move forward.

Commissioner Garcia made a motion to approve application, seconded by Mayor Fugate. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia voting "FOR". Laskowski voting "AGAINST".

5. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for the placement of the Kingsville Community Federal Credit Union. (Director of Development Services).

Ms Cantu explained that earlier a Public Hearing was held and no comments were made.

INTRODUCTION ONLY

6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-3-25 and 9-3-35; providing for revisions to the definitions of vicious animal and for authority of animal control. (City Attorney).

City Manager Yerena relayed information due to City Attorney being unable to speak. City Manager Yerena read memo provided by Ms Alvarez.

Mayor Fugate asked if dogs get two bites. Mr. A.L. Noyola, Health Director replied this involves animal to animal and explained the amount of bites.

City Manager Yerena stated that as per Ms Alvarez, the ordinance leaves the discretion up to the Animal Control Officers.

INTRODUCTION ONLY

7. Discuss and consider the formation and size of the Charter Review Committee and all matters related thereto. (City Attorney).

City Manager Yerena relayed background information regarding the Charter Review Committee as provided by Ms Alvarez. He said that staff recommendation is to establish a Charter Review Committee of five persons and instruct staff to work with the committee. Ask the committee to provide recommendations to the City Commission by January 23, 2006 so that the Commission can make a decision by February 27, 2006 as to what should be on the May 2006 City General Election ballot.

Mayor Fugate asked for discussion. Commissioner Wilson stated it should be a seven member panel and they should be empowered for no longer than eight months. He added that at the first meeting in May, the panel could be empowered and could then proceed.

Commissioner Laskowski asked about appointments. Commissioner Wilson replied the Commission would appoint all seven. Mayor Fugate suggested each Commission member could pick one member and two members would be appointed at large.

Commissioner Wilson made a motion to form a Charter Review Committee of seven individuals, five appointed, one by each Commissioner and the Mayor, two appointments would be from majority vote and that the group be impaneled for no longer than eight months, and term to began in May, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson voting "FOR".

8. Consider resolution providing for the adoption of Human Resource Initiatives for the City of Kingsville General Compensation Polices and Pay Issues: Policy No. 620.4 Overtime Pay. (Human Resource Director).

Ms Diana Gonzales, Human Resource Director stated this is a cost efficient method to minimize the cost while still continuing the generous benefit package.

Mr. Bejarano provided information on the overtime spreadsheets and provided information regarding estimated savings for various time periods.

There was discussion on the fire and police department overtime.

Commissioner Wilson made a motion to implement this policy at the beginning of our next fiscal year, October 1st with 2005-2006 Budget, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Laskowski, Wilson voting "FOR". Garcia voting "AGAINST".

9. Discuss and consider policy for Commission approval of reprogramming Certificate of Obligation monies. (Commissioner Laskowski).

Commissioner Laskowski stated the reason for this item was that monies have been moved around without Commission approval. By law the Commission is required to vote to approve to borrow these monies for specific projects, if the funds need to be reprogrammed it should be brought before the Commission in order to have an understanding or accounting of where the money is going.

Commissioner Laskowski made a motion that any reprogramming of any funds, or any capital or certificates of obligation must come before the Commission for their approval to reprogram the funds, seconded by Commissioner Wilson. The motion was passed and approved by the following votes: Fugate, Garcia, Wilson, Laskowski voting "FOR".

City Manager Yerena stated staff really welcomes this decision.

The City Commission took a break at 8:09 P.M., than convened into Executive Session.

10. Executive Session: Under Section 551.076 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the deployment of security personnel or devices. (Commissioner Wilson).

11. 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).

12. 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 pending litigation concerning the case of Roberto Alvarez vs. City of Kingsville, Civil Action No. V-04-064, In the United States District Court for the Southern District of Texas, Victoria Division. (City Attorney).

The City Commission reconvened into Regular Session at 9:22 P.M.

13. Discuss and consider proposed and current contracts with the South Texas Water Authority and any other action necessary regarding the current water supply contract. (City Attorney).

Mayor Fugate stated this item would be tabled. Commissioner Laskowski responds with a motion.

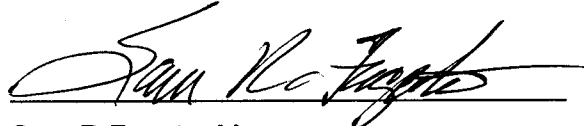
Commissioner Laskowski made a motion that the City sends the South Texas Water Authority a signed contract for their approval, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting "FOR".

14. Consider authorizing the City Manager to enter into a confidential settlement agreement for the resolution of all matters in dispute regarding pending litigation of Roberto Alvarez vs. City of Kingsville. (City Attorney).

Commissioner Wilson made a motion to authorize the City Manager to enter into the confidential settlement agreement for the resolution of that matter, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson voting "FOR".

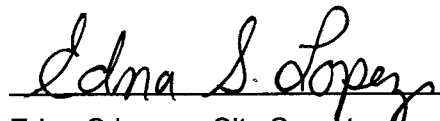
VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 9:23 P.M. on Monday, April 11, 2005.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary