

JUNE 13, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JUNE 13, 2005 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Charles Wilson, Mayor Pro-tem
Al Garcia, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S. Lopez, City Secretary
Ricardo Torres, Police Chief
Al Lopez, Interim Fire Chief
Dianne Leubert, Solid Waste Superintendent
Jaime Garza, Task Force Commander
Dora Byington, Purchasing Director
Diana Gonzales, Human Resource Director
Jennifer Cantu, Director of Development Services
Stanley Fees, City Engineer
J R Ibarra, Task Force
Arnold Valadez, Warehouse Clerk
Joe Casillas, Water Production Supervisor
Vilma Castillo, Interim Finance Director
Macario Mayorga, Water Supervisor
John Garcia, Garage Superintendent

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Wilson 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 Pro-tem Wilson called for approval of the minutes of the City Commission's regular meeting of May 23, 2005. **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: Wilson, Garcia, Pecos, 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 Pro-tem Wilson called for the City Manager's report. City Manager Yerena reported that presentations would be made by Mr. Robert Viera from LNV Engineering and Mr. Chris Caron, TXDOT Area Engineer.

Mr. Viera provided information on the progress of the elevated storage tank project and on the change orders. He said that he would keep track of all the change orders and at the end one change order would be presented. He also said that the Commission would receive an update on each tank project.

Mr. Caron provided information on the U.S 77 and General Cavazos project. He stated that the US 77 project has reached project milestone. He provided information on project for the intersection of FM 1717 & General Cavazos. He said that money is programmed for the rest of the work at General Cavazos to 6th Street project.

City Manager Yerena reminded the Commission that the budget process is taking place and if they need anything to be put on the budget the deadline is Wednesday at 3:00 P.M.

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

Mayor Pro-tem Wilson called for the City Attorney's report. Ms Alvarez reported on attending a May 26th meeting with NAS to discuss the AICUZ issue; on attending the County Commissioner's meeting regarding the Interlocal Agreement between the City of Kingsville and the Kleberg County relating to the approval of plats and the regulation of AICUZ restrictions within the extra territorial jurisdiction of the City of Kingsville and on attending the Annual City Attorney's Conference. She advised that an updated Memorandum of Understanding with the National Guard for the KWOP program would be presented at the next meeting. She advised there would be a warrant roundup on June 30, 2005.

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

Mayor Pro-tem Wilson called for the City Commission's report. Commissioner Laskowski reported on a memo from Mr. Tom Sanchez, Emergency Management Coordinator stating that all first responders which include the City Commission must complete the National Incident Management System training by calendar year 2005. He said that FEMA can deny monies if course is not completed.

IV. Public Comment on Agenda Items³

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

NONE

V. Consent Agenda

NONE

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. **Consider authorizing the Chief of Police to execute a memorandum of understanding between the Kingsville Police Department and the Bureau of Alcohol, Tobacco and Firearms to participate in the eTrace Internet Based Firearm Tracing program. (Chief of Police).**

Chief Torres stated that due to the close working relationship with the South Texas Crime and Narcotics Task Force and the ATF an opportunity occurred to participate in the eTrace Internet Based Firearm Tracing program. Information provided will help in the Police Department's investigation process.

Mayor Pro-tem Wilson called for a motion. **Commissioner Laskowski made a motion to authorize the Chief to execute the Memorandum of Understanding between the Kingsville Police Department and the Bureau of Alcohol, Tobacco and Firearms, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Wilson, Pecos, Garcia, Laskowski voting "FOR".**

2. **Discuss and consider appointing a City of Kingsville Master Plan Committee by naming two City of Kingsville Officials, and a representative from each of the following: Kleberg County, South Texas Water Authority, Texas A&M University-Kingsville, Naval Air Station, Economic Development Council, Industrial Foundation, Celanese, Chamber of Commerce, King Ranch, and Kingsville Independent School District; and four non-business owner/citizen one each to be selected by the four taxing entities. (Commissioner Laskowski).**

Commissioner Laskowski stated that several years ago the Commission past a format to establish how to come up with people who would serve on the Kingsville Master Plan committee. He stated that he had researched the minutes for the make up of the committee and is bringing it forth for consideration. Commissioner Laskowski said that \$10,000 is budgeted and there is currently a master plan. He added that he would like for the committee to take the plan, review it, and see if it is viable, workable and if we can move forward to come up with an updated master plan.

Mayor Pro-tem Wilson called for a motion. **Commissioner Laskowski made a motion to put two City officials on the Master Plan Committee: Jennifer Detloff Cantu and the City Manager, seconded by Commissioner Garcia.**

Mayor Pro-tem asked if his plan would be to send a letter or make contact with the listed entities in order for them to provide the City with a member to be on the committee. Commissioner Laskowski replied that was correct and also stated the reason for not bringing up the appointment by the Commission.

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

3. **Discuss authorizing Entrust to share medical claims data with Kleberg County and the Kingsville Independent School District for the purpose of establishing a medical use trend report. (Commissioner Laskowski).**

Commissioner Laskowski provided information on a meeting that was held with Entrust several months ago where discussion was to have a Health Fair with the City, County and KISD. He said that David Jacobson from Entrust felt like it would be beneficial to the City to allow them to share our medical use data so that he could do a consolidated report that would include the County and KISD to look at the trends of use by all employees of KISD, County and City of Kingsville. He stated that any private information will be protected.

Commissioner Garcia asked the purpose for the combined information. Commissioner Laskowski replied to prepare one report that shows the overall use by KISD, County and City employees at the emergency room.

City Manager Yerena stated this would be done to see if it is feasible to move forward.

Commissioner Laskowski stated this trend may give the opportunity to do a cooperative working agreement between the City of Kingsville, Kleberg County and KISD to open up an urgent care center.

Mayor Pro-tem Wilson called for a motion. **Commissioner Pecos made a motion to authorize Entrust to share medical claims data with Kleberg County and the Kingsville Independent School District for the purpose of establishing a medical use trend report, seconded by Commissioner Laskowski; Commissioner Laskowski added to ensure that any private data that is protected under the HEPA Law be protected and asked if Commissioner Pecos agreed. Commissioner Pecos replied that he agreed. The motion was passed and approved by the following vote: Wilson, Garcia, Laskowski, Pecos voting "FOR".**

4. **Consider appointing two members of the Commission to a Task Force for the purpose of meeting with representatives from Kleberg County and the Kingsville Independent School District to determine the feasibility of entering into a Cooperative Working Agreement for the purpose of lowering healthcare costs. (Commissioner Laskowski).**

Commissioner Laskowski stated that a Task Force would be organized to discuss feasibility to open lines of communications.

Mayor Pro-tem Wilson called for a motion. **Commissioner Garcia made a motion to appoint Commissioner Laskowski and Commissioner Pecos to this Task Force, seconded by Mayor Pro-Tem Wilson. The motion was passed and approved by the following vote: Wilson, Laskowski, Pecos, Garcia voting "FOR".**

5. **Consider reallocation of Series 1998 Certificates of Obligation funding for the Kingsville Police Department. (Chief of Police).**

Chief Torres stated there was approximately \$31,000 left over from the Series 1998 Certificate of Obligation. That money was supposed to be used for items that have been addressed. He provided information on the items that he would like to purchase. He stated the purchase of a Business Communications Module would benefit the department greatly.

Any overages relating to the new telephone system would come out of the forfeiture funds.

City Manager Yerena informed the Commission that this item, if approved, was for reallocation of funds and the items being requested would follow Purchasing procedures.

Commissioner Garcia asked about maintenance agreement and training. Chief Torres replied training is integrated in the cost.

Mayor Pro-tem Wilson called for a motion. **Commissioner Laskowski made a motion to reallocate the Series 98 Certificates of Obligation funding for the Police Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR".**

6. Consider rescinding the contract that was awarded to South Texas Urethane for roof repairs at the Central Fire Station. (Purchasing Director).

Ms Byington stated that based on the information furnished, the Commission was led to believe that the company that was awarded the bid was a sole-source. It was found out later that it is not. Item will be bid out.

Commissioner Laskowski asked if Garza-Keller has shown proof that they are certified GE applicator. Ms Byington replied they have not, and information was not requested. City Manager Yerena stated that the specs will require the companies to provide what the City is looking for.

Mayor Pro-tem Wilson called for a motion. **Commissioner Garcia made a motion to rescind the contract that was awarded to South Texas Urethane for roof repairs at the Central Fire Station, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Laskowski, Garcia, Pecos voting "FOR".**

7. Consider introduction of an ordinance amending the Fiscal Year 2004-2005 Budget for the City of Kingsville for Codification of Ordinances, for Mold Remediation at the Fire Department with funding to come from the Unreserved Fund Balance and for Public Works fence with funding to come from the CO 2002-2002A Fund. (Interim Finance Director).

Ms Vilma Castillo, Interim Finance Director explained this item includes a budget amendment which included the General Fund and the CO 2002-2002A.

Commissioner Laskowski stated he had gone through the budget print-out and looked at line items that funds would not be needed. He provided information as to where money could be taken from: Professional Services at the Railroad Depot – balance \$11,000, take \$5,000; City Special: Training & Travel (HR Department) – balance \$6,100, take \$1,000; City Special: Catering – balance \$3,000, take \$2,000; City Commission: Car Allowance – balance \$8,441, take \$1,000;

City Commission: Travel & Training – balance \$10,706, take \$3,000 which would give \$12,000. He stated the reason is that a tight budget was established and just because the money is in line item does not mean it can be spent.

INTRODUCTION ONLY

8. **Consider introduction of an ordinance granting a franchise to Etan Industries, Inc. D/B/A CMA Communications, its successors or assigns, to own and operate and maintain a cable system in the City of Kingsville, Texas, setting forth conditions accompanying the grant of franchise, and providing for the regulation and use of said system. (City Attorney).**

Ms Alvarez stated the cable franchise contract is coming up for renewal, and provided information on the ordinance containing the contract. She pointed out the changes that were made by the City Engineer. This is a non-exclusive franchise and the term being proposed by CMA is for a period of ten (10) years. She stated that the Certificate of Insurance from CMA is on file.

There was discussion regarding the transmission of the City Commission meetings. Mr. Kenneth Harrington, CMA General Manager stated he would take care of the situation. Mr. Harrington provided information on all their present and future services.

INTRODUCTION ONLY

The City Commission convened into Executive Session at 7:12 P.M.

9. **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).**
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. (City Manager).**

The City Commission reconvened into Regular Session at 7:58 P.M.

11. **Consider authorizing the Mayor to enter into an Economic Incentive Agreement with a business prospect and other matters related thereto. (City Manager).**

City Manager Yerena stated as the City moves forward to negotiate this agreement; it was decided to set the incentive agreement based on the payroll investment in the community. The first year would be \$1.1 million, second year \$5 million, and the third year \$6.8 million. He stated this was similar to the package provided to Capgemini.

Mayor Pro-tem Wilson called for a motion. **Commissioner Pecos made a motion to authorize the Mayor to enter into an Economic Incentive Agreement with a business prospect and other matters related thereto with \$1.1, \$5, and \$6.8 by year three, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Wilson, Laskowski, Garcia, Pecos voting "FOR".**

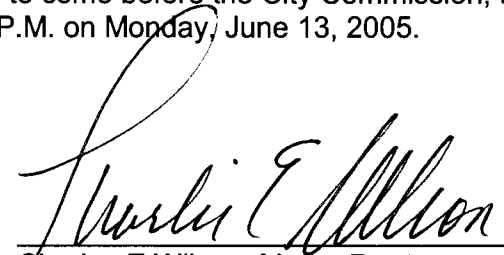
12. Consider out-of-state travel for member(s) of the Task Force. (City Manager).

City Manager stated that approval is being asked for out-of-state travel for members of the Task Force as discussed in executive session.

Mayor Pro-tem Wilson called for a motion. **Commissioner Pecos made a motion to approve the out-of-state travel, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Wilson, Garcia, Laskowski, Pecos voting "FOR".**

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:00 P.M. on Monday, June 13, 2005.


 Charles E Wilson, Mayor Pro-tem

ATTEST:


 Edna S. Lopez, City Secretary