

September 26, 2005

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 26, 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  
Frank Garcia, Wastewater Field Supervisor  
Daniel Almeida, Wastewater Superintendent  
Stanley Fees, City Engineer  
Diana Gonzales, Human Resource Director  
Jennifer Cantu, Director of Development Services  
Robert Rodriguez, Library Director  
Al Lopez, Fire Chief  
John Garcia, Garage Superintendent  
Caron Vela, Accounting Manager  
Ricardo Torres, Police Chief  
Vilma Castillo, Collections Manager  
A.L. Noyola, Health Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting of the City Commission at 6:00 P.M.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Mayor Fugate called for the consideration of the minutes of the regular meeting of September 12, 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).<sup>1</sup>**

NONE

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

1. Proclamation designating the week of October 2<sup>nd</sup> – 8<sup>th</sup>, 2005 as "National 4-H Week".

Commissioner Wilson presented the proclamation to several members of the Wild Horse Desert 4-H Club.

2. Proclamation designating the month of October 2005 as "National Domestic Violence Awareness Month".

Mayor Fugate read the proclamation.

3. Proclamation designating the month of October 2005 as "Czech Heritage Month".

Mayor Fugate read the proclamation.

4. Presentation by Mr. Hal Ham on the Hotel/Motel Tax Fund for the John E. Conner Museum.

Mr. Ham, Director provided a brief overview of the report on the Hotel/Motel tax expenditures in fiscal year 2005 and projected expenditures in fiscal year 2006. He provided information on the events/projects that they have assisted. He explained the reason for the surplus.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on Staff attending numerous EOC meetings regarding Hurricane Rita; and on Staff attending a Board of Directors meeting at the Chamber of Commerce to describe projects the City is working on.

- 5.1. Presentation regarding information for continuation of refurbishing the Central Fire Station/Station 2.

Fire Chief Al Lopez provided an update on a project to refurbish the fire stations. He provided a summary of the repairs and stated that the majority of the repairs for the roof are finished. He stated that the balance of approximately \$171,538 will be used to refurbish the fire station. The aerial truck will also be refurbished.

City Manager Yerena stated this was preliminary information, but repairs are vital for the fire station.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on a copy of the motion mandated by Senate Bill 18, the revision to Section 26.05, Section 1, Subsection B of the Tax Code where the Legislature has provided the specific language for the motion on the tax rate; on attending mediation in Corpus Christi on Thursday; and on the next Charter Review meeting.

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

Mayor Fugate called for the City Commission's reports. Commissioner Garcia reported on holding a meeting to critique the actions taken during the preparation of Hurricane Rita. Mayor Fugate reported that Emergency Management personnel did a good job on informing the public and it was the right decision to order the Mandatory Evacuation. Commissioner Laskowski reported on deadline for completing the NIMS certification.

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

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

NONE

#### V. Consent Agenda

1. Motion approving final passage of an ordinance amending the Fiscal Year 2004-2005 Budget for the City of Kingsville. (City Manager).
2. Motion approving final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, setting the speed limit on certain areas of Caesar Avenue to 45 miles per hour; providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Engineer).
3. Motion to approve awarding Bid No. 26-14 Automotive Parts to Carquest Auto Parts and O'Reilly Auto Parts from Kingsville for various types of automotive parts. The expenditure for these two contracts will be approximately \$30,000.00. (Carquest - \$8,000 and O'Reilly - \$22,000). (Purchasing Director).
4. Motion to approve awarding Bid No. 26-20 Tires & Tubes for all Depts. Except Police & Task Force to Firestone from Kingsville, for approximately \$60,000.00. (Purchasing Director).
5. Motion to approve awarding Bid No. Skid Loader to H & V Equipment Company from Corpus Christi for a total of \$17,737.00. (Purchasing Director).
6. Motion to approve awarding Bid No. 26-22 Cleaning & Pressing of Police Uniforms to Kingsville Cleaners from Kingsville, for approximately \$30,073.00 including approximately \$600.00 to clean jackets, annually or approximately \$60,147.00 during the term of the contract. (Purchasing Director).
7. Motion to approve out of state travel for Ms Dora Byington, Purchasing Director to attend the National Purchasing Institute's (NPI) 2005 Annual National Forum in Orlando, Fl on November 13-16, 2005. (City Manager).

Mayor Fugate called for the consideration of the consent agenda. Commissioner Laskowski made a motion to approve the Consent Agenda Items 1-7, 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.<sup>4</sup>

8. Consider authorization for the purchase of an Asphalt Zipper through the HGAC Contract. (City Engineer).

Mr. Stanley Fees provided information on the asphalt zipper to be used for reconstructing streets. Total cost is \$82, 619.25, funding is available under line item 039-5-305.0-712.00. Staff's recommendation is to purchase equipment to make our streets better. A list of streets (68 blocks) was made available to the Commission.

Commissioner Laskowski made a motion to approve the purchase of an asphalt zipper through the H-GAC contract, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**9. Consider awarding a bid to remove and replace the stairs, handrails and gates at the North and South Wastewater Treatment Plants. (Purchasing Director).**

Mr. Daniel Almeida stated bids were reviewed and recommendation is to award the bid to the 2<sup>nd</sup> lowest bidder, Maintech International, LLC from Corpus Christi, Texas. He provided information on previous problems with the lowest bidding company.

**Commissioner Laskowski made a motion to award the contract to the 2<sup>nd</sup> lowest bidder, Maintech International LLC for a total bid of \$209,978.08, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".**

**10. Consider two appointments to the City County Board of Health. (Commissioner Laskowski).**

Commissioner Laskowski commented on previously having requested a copy of the attendance records for Health Board members. He stated that two Board members had attended the last Commission meeting. Since that meeting, the Health Board has held a meeting and has elected a new Chairman, Dr. Charles Clements and the new secretary, Mr. Leo Ramos. Commissioner Laskowski voiced his concern about the attendance of two Board members. Since 2003, one Board member has only attended one meeting and another has only been present eight times. He stated that the City and County are best served if they have a full Board that is willing to participate in giving the Health Director his direction.

Ms Alvarez stated that Board member attendance is not spelled out in the ordinance, but would up to the Board president to bring it up to the City or County Commission.

City Manager Yerena stated he was in attendance at the Board's last meeting and the Board had some question on their charge and mission. He recommended to them to look at the Charter provision that deals with their Board and to make recommendations to the Charter Review committee and the City Attorney.

Mr. Noyola stated that the Board members are looking into their duties.

There was discussion on how the Board appointments are set up and on how each appointee should be confirmed by both the City and County.

Commissioner Laskowski stated that Ms Judy Anthony is willing to continue serving: Dr. Oballo has not been asked, but has not attended the meetings. Commissioner Laskowski also pointed out that Dr. Hubert has missed 3 out of 4 meetings this year. Mr. Noyola stated that Dr. Hubert was bedridden and that he has advised his secretary to keep better record on reasons for absences. Commissioner Laskowski stated he would like to replace the members with bad attendance records.

Mayor Fugate suggested replacing the two whose terms have expired, and allow the others to improve their attendance record. Commissioner Laskowski suggested sending a letter of interest for continued service to the two members that have been attending the meetings and request a response. Mayor Fugate stated that Ms Anthony's and another nomination could be considered at this meeting.

Commissioner Laskowski made a motion to nominate Mr. Roy Medina and re-nominated Ms Judy Anthony, seconded by Commissioner Wilson. Mayor Fugate called for other nominations. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**11. Consider removing from the table Guidelines and Criteria for Stimulating Residential & Commercial Development. (Director of Development Services).**

Commissioner Pecos made a motion to remove from the table Guidelines and Criteria for Stimulating Residential & Commercial Development, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR"

**12. Consider Guidelines and Criteria for Stimulating Residential & Commercial Development. (Director of Development Services).**

Ms Jennifer Cantu stated this was brought to them at an earlier time, and since then she is recommending two changes. She stated that the first change is with regard to the residential incentive area. She provided information on her recommendation.

Commissioner Laskowski suggested changing the boundary to the area of 22<sup>nd</sup> Street. Ms Cantu stated the northern boundary would be changed to the northern city limits. She then provided a brief overview of incentive program for residential and commercial properties.

Commissioner Wilson stated he would like to see included a starting and ending time from the time you apply for the abatement. He provided an example and stated this would be extremely beneficial for the City, and would take the pressure off the City Manager.

Ms Cantu stated this would be taken into consideration and she would get with Ms Alvarez.

Commissioner Wilson suggested for future reference, Staff identify when an item has been put on the table, so that those who have notes can refer to those notes.

Commissioner Laskowski suggested passing it over until changes are made and brought back to the Commission at the next regularly scheduled meeting.

Ms Cantu stated that she would have the maps incorporated into the document.

**NO ACTION TAKEN**

**13. Discuss Tax Increment Financing Reinvestment Zone. (City Manager)**

City Manager Yerena stated the time spent on this was worthwhile due to the fact of putting a good incentive package together. The document addresses the Commission's focus of existing businesses. This is another tax incentive tool to attract companies, more importantly to focus on retaining the existing

businesses and encourage the expansion of existing business. This provides a mechanism to publicly finance needed structural and infrastructure improvements within a defined area. He provided information on the three criteria, and on creating a board with a minimum of five members and maximum of fifteen members. He stated it would be worthwhile to encourage the County and the School District to participate in order to have greater revenue coming up to this zone.

City Manager Yerena will make a presentation to the other entities and information on the proposed boundary of the zone will be provided at the next meeting.

**14. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies providing for the adoption of the job classification and compensation plan for FY 2005-2006. (Human Resource Director).**

Ms Diana Gonzales provided information on a revised ordinance that was provided to the Commission before the meeting. She informed the Commission about a conversation she had with Commissioner Laskowski regarding this item. She read the highlighted/underlined information of the document.

City Manager Yerena stated that the main idea is to level the playing field and to make sure that numbers of years that an employee has worked are accounted for.

Commissioner Laskowski suggested clarification to the longevity requirements language in the second paragraph.

**INTRODUCTION ONLY**

**15. Consider final passage of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 1, 2005 and ending September 30, 2006. (City Manager).**

City Manager Yerena stated that this basically adopts the new budget which is based on the tax rate of \$.7100. The budget provides for a fund balance of \$84, 053 in the General Fund and \$275,802 in the Utility Fund, as previously discussed in workshops.

Mayor Fugate called for questions or comments. Commissioner Wilson asked if the language in the ordinance that is part of the packet was accurate, according to State law. Ms. Alvarez responded there were no requirements for the budget.

**Commissioner Wilson made a motion to adopt the ordinance as presented, seconded by Commissioner Pecos.**

Mayor Fugate called for any other discussion. Commissioner Garcia voiced his concern in reference to car allowances; stating there needed to be justification for car allowance.

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

**16. Consider final passage of an ordinance establishing and adopting the Ad Valorem Tax Rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 1, 2005 and ending September 30, 2006, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).**

City Manager stated the proposed ordinance sets the tax rate at \$.71000 per 100 valuations. The proposed tax rate is distributed in the following manner: Maintenance & Operations \$.45633 and Debt Service (I&S) \$.25367.

Mayor Fugate called for a motion. Commissioner Laskowski made a motion that the property taxes be increased by the adoption of a tax rate of \$.71000, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

**17. Consider resolution approving the City of Kingsville's 2005 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(E). (City Manager).**

City Manager Yerena stated this was a procedural matter; the Commission is called to approve the certified tax roll.

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

**18. Consider resolution for the approval of South Texas Aggregation Projects letter of intent to enter into negotiation for a capacity contract with the owner of Coal (including Texas Lignite) generation to supply the base load electric power needs (approximately 55%-60% of total energy needs) for STAP members over a 10-year period. (City Engineer).**

Mr. Fees stated it is anticipated by our STAP consultant, J R Covington, that by switching to COAL on a ten year contract would save \$41,000 in 2008, saving would increase to \$158,000 in 2017. This resolution calls for a vote of confidence in the Board's planning for the future. A separate resolution will be sent to STAP once contracts are finalized for approval. Items not agreed on can be sent back to STAP for negotiating. City's commitment is to continue paying electrical bill to STAP vs Constellation New Energy.

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

**19. Consider approval of the proposed water supply contract between the City of Kingsville and South Texas Water Authority. (City Attorney).**

Ms Alvarez provided information on the proposed water supply contract that was revised after the joint meeting between STWA Negotiating team, the City of Kingsville, City of Bishop, Nueces County Water Supply Corp. and Ricardo Water Supply Corp Negotiating committees. The four main areas for discussion were the handling charge, which stayed as previously presented to the Commission; the amounts being used for reserves instead of 1 million, 1.71 million; there was no change to most favorite status clause and it was

determined to be just a 5 year contract without options to renew. Points with regard to delivery points were clarified.

**Commissioner Laskowski made a motion to authorize the Mayor to execute this contract, seconded by Commissioner Garcia and Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".**

The City Commission convened into executive session at 7:30 P.M.

**20. 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 a matter of which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct to the State Bar of Texas clearly conflicts with Chapter 551. (City Attorney).**

The City Commission reconvened into open session at 7:48 P.M.

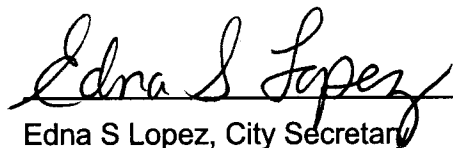
**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:48 P.M. on September 26, 2005.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary