

OCTOBER 24, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 24, 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
Dora Byington, Purchasing Director
Jennifer Cantu, Director of Development Services
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Diana Gonzales, Human Resource Director
Anita Stewart, Task Force Secretary
Robert Rodriguez, Library Director
Stanley Fees, City Engineer
John Garcia, Garage Superintendent
Joe Casillas, Water Production Supervisor
Cindy Flores, Police Officer
A L Noyola, Health Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers 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 consideration of the minutes from the regular meeting on October 10, 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. Proclamation designating the week of October 23rd – 29th, 2005 as “Red Ribbon Week”.

Mayor Fugate presented the proclamation to U S Custom and Border Protection Agents Roy Stroman and Nick Prado, and Ms Sandra Camarena, sister of DEA Agent Enrique Camarena.

2. Proclamation designating the week of November 6th – 12th, 2005 as “Animal Shelter Appreciation Week.”

Mayor Fugate presented the proclamation to ARK volunteers Ms Clarissa Garza, Ms April Rosse and Ms Susan Smith.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the signing of the Richard St closure project contract with TXDOT; on a presentation by Entrust representatives and an update on the Task Force Annual Haunted House project.

Mr. Jerry Bravenec stated the health insurance for the City is working well. Mr. Rick Medrano, Entrust Representative distributed copies of the utilization and trends for the City. Mr. Medrano reported on a renewal meeting held with the City Manager, provided a brief explanation of the reports of utilization and trends for the City and information on the outcome of risk areas of the health fair and on several wellness programs.

Mayor Fugate asked for questions or comments.

Ms Anita Stewart, Task Force Secretary reported on the 3rd Annual Haunted House sponsored by the Kingsville Specialized Crimes & Narcotics Task Force to be held on Saturday, October 29th at the National Guard Building.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on a new procedure in Municipal Court's FTA fines; and on a Charter Review Committee meeting on Wednesday, November 2, 2005, 6:00 P.M. for public comments to the proposed Charter amendments.

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

Mayor Fugate called for the City Commission's reports. Mayor Fugate reported on a tentative date set for November 18th and 19th for visitors from Reynosa, Mexico. In response to a question from Mayor Fugate, City Manager Yerena replied the first bid for the paint job at City Hall was beyond the City's scope. Mr. Stanley Fees stated monies left over from air condition repairs can be used for this project. Mayor Fugate asked if this required Commission approval. City Manager Yerena replied it did not.

IV. Public Comment on Agenda Items⁻³

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

Ms Paula Maywald, 628 W Alice, commented on theft/burglary issues in the City.

V. Consent Agenda

1. Motion approving final passage of an ordinance changing the zoning map in reference to 15.29 acres out of the S/2 Lot 1, Block 17, K.T.& I. Subdivision, from R-1, Single Family District to C-4, Commercial District at the 1300 Block of South Hwy 77. (Director of Development Services).

2. Motion approving final passage of an ordinance changing the zoning map in reference to 0.7 acres out of the S/2 Lot 1, Block 17, K.T.& I. Subdivision, from R-1, Single Family District to C-4, Commercial District at the 1300 Block of South Hwy 77. (Director of Development Services).

3. Motion authorizing the renewal of an Interlocal Agreement between the City of Kingsville Police Department and the Treasury Law Enforcement Agencies under

the Treasury Forfeiture Fund Act for the reimbursement of expenses for providing resources to joint operations/task forces, and to execute all related documents. (Chief of Police).

Mayor Fugate called for consideration of the Consent Agenda. Commissioner Laskowski made a motion to accept Consent Agenda Items 1-3, 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

4. Discuss and consider an appointment from the City, of a non-business owner/citizen to the City of Kingsville Master Plan Committee. (Mayor Fugate).

Mayor Fugate called for consideration of an appointment to the Master Plan Committee. No nominations were made. Mayor Fugate commented on the importance of filling this position. City Manager Yerena stated there is an urgent need to move this agenda item forward.

Commissioner Wilson made a motion to table this item until the next meeting of November 14th, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

5. Consider removing from the table appointments to the City-County Board of Health. (Commissioner Laskowski).

Commissioner Wilson made a motion to remove this item from the table, seconded by Commissioner Garcia and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia, Pecos, Wilson voting "FOR".

6. Consider appointments to the City-County Board of Health. (Commissioner Laskowski).

Commissioner Laskowski informed the Commission that the County had appointed two members to the Board which are not the same as the City's, only one member is the same. He reminded them that he had asked to table this item until the County had made a decision. At a previous meeting, the City re-appointed Ms Judy Anthony and appointed Mr. Roy Medina, the County re-appointed Ms Anthony and appointed Mr. Brandon Greenwood. For sake of moving the board forward, Commissioner Laskowski requested they agree with the County's appointment.

Commissioner Laskowski made a motion to appoint Mr. Brandon Greenwood to the Kleberg County Health Board, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

7. Consider amendment to Guidelines and Criteria for Stimulating Residential & Commercial Development. (Director of Development Services).

Ms Jennifer Cantu stated the Guidelines and Criteria for Stimulating Residential & Commercial Development was approved at the October 10th meeting. Since that time, Staff has reviewed the commercial boundary and is recommending a change to the eastern boundary, the residential boundary shall remain the same. The major change is to extend King Avenue from where it currently ends on 15th Street, and to extend to the

west side of 19th Street. The eastern boundary instead of being 16th Street will go over another block to 17th Street.

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

8. Consider removing from the table amendment to Human Resource Initiative Policy No. 620.4 Overtime Pay. (City Manager).

Commissioner Wilson made a motion to remove from the table the amendment to Human Resource Initiative Policy, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

9. Consider amendment to Human Resource Initiative Policy No. 620.4 Overtime Pay. (City Manager).

City Manager Yerena stated that basically this is some draft wording changes to the policy.

Commissioner Laskowski stated he would like to see the authority given to Commission.

Commissioner Wilson stated he would feel comfortable giving the authority to the person who activates the Emergency, the Mayor or the Commissioners. City Manager Yerena agreed, and stated it would flow better because of timing issues.

Ms Alvarez suggested inserting the wording, Emergency Management Director of the City, the Mayor or Mayor Pro-tem.

Commissioner Wilson made a motion to approve the 620.4 Human Resource Initiative Policy with the changes made, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

10. Consider removing from the table final passage 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).

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

11. Consider final passage 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 explained the changes and provided specifics of the Classification Plan. She stated that minor changes were made to clarify the document.

In response to a question from Commissioner Pecos, Ms Gonzales explained a demotion scenario.

Commissioner Wilson asked if the word "hourly" on the first page should be stricken. Ms Alvarez explained why this would not be stricken.

In response to a question from Commissioner Garcia, Ms Gonzales explained that the steps recognize years of service only, and not the performance merit system.

Mayor Fugate asked about the legalities of these changes. Ms Alvarez replied this does not deviate from what the Commission has done in the past.

Commissioner Laskowski made a motion to approve the Human Resource Policy – Compensation Plan, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski voting "FOR". Pecos voting "AGAINST".

12. Discuss and consider hiring Lobbyist for BRAC issues. (Mayor Fugate).

Mayor Fugate provided information on the developments since the November BRAC vote. He stated the Master Jet Base in Oceana, Virginia was put on the list for closure for several reasons. Cecil Field in Jacksonville, Florida was named to take over assets. Just recently, Cecil Field has asked to be taken off the list of possible alternative and the State of Florida is in agreement. NAS Kingsville and two other bases were named as possible alternatives. He stated that the BRAC process is still an ongoing process in Kingsville. In consultation with some of our Navy people, Mayor Fugate stated that some Retired Admirals have encouraged a voice in Washington. The Retired Admirals have offered their services for the next six months, or until BRAC ends on March 1st, for a cost of \$8,000 per month, grand total fee of \$48,000. The Kleberg County Commissioners have agreed to assume \$16,000, the Industrial Foundation has agreed to assume \$16,000, and the last piece of the puzzle is the City. Finally, Mayor Fugate stated this is an opportunity that the City has, but he does not know if anything will come of this.

Mayor Fugate asked for discussion.

Commissioner Pecos made a motion to approve \$16,000 along with the Industrial Foundation and the County in order to hire a Lobbyist for the BRAC issues with the Naval Air Station-Kingsville, seconded by Commissioner Garcia.

Mayor Fugate asked for further discussion.

Commissioner Wilson stated it is important to see work product from the firm that will be hired. He stated that work done is immediately public record. Ms Alvarez stated they would be a party of which the City has control, but depends on the information as to whether or not there is an exception to the open records act.

Mayor Fugate stated Commissioners Wilson's point is well taken and government at any level needs to be transparent. At some point there could be a debriefing at the end of six month for the public.

Commissioner Laskowski asked City Manager Yerena to come back to the Commission to tell them where the \$16,000 will come from. The balance that was refunded from the previous BRAC situation is now part of fund balance because it was returned during the previous fiscal year. City Manager Yerena stated that Staff's intent is to start the contract, come back with a budget amendment to fund the additional \$5,000. He stated it is important that Staff and the Commission join to aggressively push this issue forward.

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

The City Commission took a break at 7:23 PM, than convened into executive session.

13. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the contract for the City Manager. (Mayor Fugate).

The City Commission reconvened into regular session at 8:00 P.M.

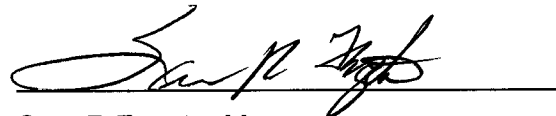
14. Consider removing from the table approval of employment contract for City Manager Carlos Yerena. (Mayor Fugate).

Mayor Fugate asked for motion to remove this item from table. There was no motion was made.

15. Consider approval of employment contract for City Manager Carlos Yerena. (Mayor Fugate).


VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:01 PM.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary