

NOVEMBER 19, 2007

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 19, 2007 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 Wilson, Mayor Pro-tem  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Armando Gutierrez, City Engineer  
Diana Gonzalez, Human Resource Director  
Dianne Leubert, Solid Waste Superintendent  
Dora Byington, Purchasing Director  
Al Lopez, Fire Chief  
Mark Rushing, Finance Director  
Robert Rodriguez, Library Director  
Jennifer Vela, Litter Abatement Officer  
Frank Garcia, Wastewater Supervisor  
Ray Marcotte, Computer Operations  
Felix Camarillo, Firefighter  
Bill Donnell, Public Works Director  
Ricardo Torres, Police Chief  
Fidel Gonzalez, Interim Task Force Commander  
Richard Kirkpatrick, Task Force Agent  
Augustine Ruiz, Task Force Agent  
Anita Stewart, Clerk

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M., and announce quorum as present.

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

The invocation was delivered by Ms Dora Byington, Purchasing Director, followed by the Pledge of Allegiance and Texas Pledge.

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

Mayor Fugate called for consideration of the minutes of the regular meeting of October 22<sup>nd</sup>, 2007. **Commissioner Laskowski made a motion to accept the minutes, as presented, seconded by Commissioners Wilson and Pecos. 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>**

1. Public Hearing to consider Taxing Tangible Personal Property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

The public hearing was opened at 6:02 P.M.

Mayor Fugate announced this was the time to speak on this subject. Commissioner Pecos asked City Attorney to elaborate on the subject. City Attorney Alvarez explained information was received from the Appraisal District and TML, she added this is all done through the

Appraisal District office. She further provided information on her conversation with the Tax Appraisal Director.

The public hearing was closed at 6:05 P.M.

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

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the successful 5<sup>th</sup> Annual Haunted House, and the Commission was provided some pictures of the event. Mayor Fugate presented a Certificate of Appreciation to the employees that helped at the haunted house. City Manager reported on the City participating in the Christmas Parade and making this an annual event; and the next Master Plan meeting scheduled on Wednesday November 28<sup>th</sup> at the Chamber of Commerce. Ms Jennifer Vela provided information on a successful KWOP.

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

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez reported she spent the day in Corpus Christi on Mediation; on her assistant and the City Secretary attending Election Law School in Austin, Texas; and reminded the Commission of the joint meeting with the County scheduled for Thursday, December 6<sup>th</sup> at 3:00 P.M.

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

Mayor Fugate called for the City Commission's reports. Commissioner Pecos and Commissioner Garcia both reported on their recent trip to NLC in New Orleans and their experience participating with "Habitat with Humanity" to help build a house. Mayor Fugate reported on his trip to Washington, D.C. to visit with Navy on additional missions for NAS Kingsville and on his trip to Dallas to attend TML.

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

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

Mayor Fugate called for comments on all agenda and non-agenda items. There were no comments made.

Mayor Fugate called for consideration of the Consent Agenda, Items 1-7. **Commissioner Laskowski made a motion to remove item #6. City Manager Yerena stated Staff recommends removing item #7 also. Commissioner Laskowski made a motion to accept the remainder of the Consent Agenda, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".**

### V. Consent Agenda

**1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 3, Subdivision Regulations, adopting §15-3-100 through §15-3-109 providing for Drainage Regulations. (City Engineer).**

**2. Motion to approve appointing Mr. Octavio Xavier Alvarez to the Library Board to serve out the remainder of Mr. Bob White's (deceased) term that expires March 8, 2008. (Library Director).**

**3. Motion to approve out-of-state travel for Mayor Fugate on November 15<sup>th</sup> - 16<sup>th</sup>, 2007 to Washington, D.C. (Mayor Fugate).**

**4. Motion to approve the purchase of eight Ticket Writers from Brazos Technology Corporation. Funding for the project will come from the Court Room Security Fund and Police Department Forfeiture Fund. (Police Chief).**

**5. Motion to approve resolution casting votes for nominee Al Garcia to the Board of Directors for the Kleberg County Appraisal District. (City Manager).**

**6. Motion to approve resolution approving a correction to Article 7, Section 4 of the 2007-2010 Collective Bargaining Agreement between the City of Kingsville, Texas and the International Association of Firefighters Local 2390. (City Manager).**

Commissioner Laskowski explained his reason for removing this item from the agenda. With regard to residency, he explained that originally when this contract was approved the language in Section 4 was in this contract. He voiced his concern regarding the omission of the sentence in question. He stated the sentence has been in the contract for two terms and this is a public safety issue. Upon a question from Mayor Fugate, Ms Gonzalez explained the language being removed from the contract was not in the prior contract. She stated that during the negotiations both sides introduced language and at the end it was tentatively agreed upon to leave it as it was in the contract until the next negotiations when both parties would have more information. She stated that the language being reverted is what it was prior to this new contract. Mayor Fugate asked if the correction is made would this be what both sides agreed to. City Manager Yerena responded that was correct and that was the intent of both parties. City Attorney Alvarez stated that would keep it the same as it was the prior three-year contract. Mayor Fugate asked if everyone on Staff agrees with that statement. City Manager Yerena responded that was correct.

Commissioner Laskowski made a motion to table this item until he has the opportunity to go back and research the minutes of the meeting to determine what was discussed at that particular time, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

**7. Motion to approve authorizing the City Manager to file liens for the cost to abate condemned properties declared to be a nuisance by the City Commission on June 12, 2006 for 1205 E. Avenue C; on October 23, 2006 for 705 W. Doddridge; and on May 29, 2007 for the 500 block of W. Santa Gertrudis. (City Manager).**

City Manager Yerena stated this item was removed because payment has been received for the property at the 500 block of West Santa Gertrudis.

Commissioner Laskowski made a motion to approve authorizing the City Manager to file liens for the cost to abate properties located at 1205 E Ave C, 705 W Doddridge, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

**VI. Items for consideration by Commissioners.<sup>4</sup>**

**8. Discuss and consider authorizing the use of First Southwest Financial Services to secure the lowest interest rate available to the City of Kingsville for the purchase of two ambulances. (City Manager).**

City Manager Yerena stated information was provided; basically what is being asked is that First Southwest would provide the City with the most cost effective financing option for the purchase of two ambulances. He stated the fee is \$2,000.00, but would guarantee that the City receive the best interest rate in market and First Southwest would take care of all paperwork in the financial aspects.

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

**9. Discuss and consider authorizing the purchase of two ambulances. (City Manager).**

Ms Byington stated this item authorizes the purchase of two Year 2007 Chevrolet G3500 AEV Type III Traumahawk ambulances. She stated the City research all options available, and Staff recommends Option B to purchase ambulances through Buyboard from Professional Ambulance Company from Comanche, Texas for a total of \$200,832.00 plus the Buyboard fee of \$800.00. The Fire Chief is making this recommendation and she stated that she concurs. She stated delivery would be within 100-12 days after receipt of purchase order.

Commissioner Laskowski made a motion to authorize the purchase of the two ambulances, not to exceed \$200,832.00 and that the proceeds received from the totaled ambulance are utilized as part of the payment of this purchase and the balance come from the lease purchase, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

**10. Consider awarding Bid No. 28-20, 2007 Water Line Improvement Project T.C.D.P. Contract #726311. (Purchasing Director).**

City Manager Yerena stated that a performance modification was provided to the State and word was received that this requires a public hearing and resolution.

**NO ACTION TAKEN**

**11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending sections 9-7-2 through 9-7-3, providing for modifications to the Nuisance Notice and Lien sections. (City Attorney).**

City Attorney Alvarez stated the City's Interdepartmental Clean Up Committee has been meeting to work on ways to beautify the city, and as a result of those meetings, this ordinance was reviewed. She further provided information of the changes. She stated the revisions would make it more closely mirror to the current state law.

**INTRODUCTION ONLY**

**12. Consider authorizing the City Manager to execute an amendment to the Professional Services Agreement Evaluation & Assessment of Solid Waste Services for Kingsville, Texas. (City Manager).**

City Manager Yerena stated this amendment will not be an additional cost to the City. He provided information discussed with the Company.

Mayor Fugate called for question or comments. Commissioner Garcia asked if this only pertains to brush. City Manager Yerena stated the biggest problem is brush. Commissioner Garcia suggested getting the white good items in the RFP.

There was lengthy discussion regarding educating citizens to clean their properties.

Commissioner Wilson made a motion to approve the amendment to include as an alternate the white goods pick up, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

**13. Consider introduction of an ordinance of the City of Kingsville, Texas to Tax Tangible Personal Property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. (City Manager).**

City Manager Yerena stated this relates back to the public hearing. City Attorney Alvarez stated that the 80<sup>th</sup> Texas Legislature in Regular Session enacted House Bill 621 to take effect on January 1, 2008, which added Tex. Tax Code Section 11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past. She stated this are goods taxed in the past which will now be tax exempt unless ordinance is passed than that continues the taxation of those items.

**INTRODUCTION ONLY**

**14. Consider introduction of an ordinance abolishing a certain classified service position; creating a certain classified service position; ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department. (Human Resource Director).**

Ms Gonzalez stated this ordinance reverts the situation that resulted in the changes of September.

**INTRODUCTION ONLY**

The Commission convened into Executive Session at 7:15 P.M.

**15. 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 threatened/contemplated litigation concerning Federico Cano. (City Attorney).**

**16. Executive Session: Under Section 551.074 of the Texas Government Code, Personnel Matter. The City Commission shall convene in Executive Session to deliberate the employment contract for the City Manager. (Mayor Fugate).**

The Commission reconvened into Regular Session at 7:37 PM


**17. Consider removing from the table the approval of employment contract for City Manager Carlos Yerena. TABLED 10/22/07 (Mayor Fugate).**

Mayor Fugate called for a motion remove this from the table. There was no motion made.

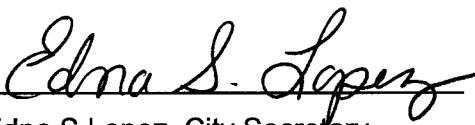
**18. Consider approval of employment contract for City Manager Carlos Yerena. (Mayor Fugate).**

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:38 P.M.

  
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Sam R Fugate, Mayor

ATTEST:

  
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Edna S Lopez, City Secretary