

JANUARY 22, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JANUARY 22, 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 arrived at 6:03 PM
Charles E Wilson, Mayor Pro-tem
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
Albert Pardo, City Engineer
Bill Donnell, Public Works Director
Dora Byington, Purchasing Director
Frank Garcia, Wastewater Supervisor
Mark Rushing, Finance Director
Yolanda Cadena, Health Director
Art Alvarez, Risk Manager
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Dianne Leubert, Solid Waste Superintendent
John Garcia, Garage Superintendent

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-Tem Wilson 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 of the Special Meeting of Tuesday, January 16, 2007. **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

None

III. Petitions, Grievances, and Presentations.²

1. Proclamation designating the week of January 28th – February 4th, 2007 as “Catholic Schools Week”.

Mayor Fugate presented the proclamation to several students from St Gertrude Catholic School.

2. City Manager’s Report. (City Manager).

Mayor Fugate called for the City Manager’s Report. City Manager Yerena reported that the Fire Department’s Annual Inspection by the Fire Commission had gone well; that the requested resolutions which were distributed at the TML Region 11 meeting in Goliad were coming in; the

next meeting of the BiNational Economic Alliance will be on Friday in Tamaulipas; and that the Senate will be recognizing our City and Mayor for the efforts of the alliance.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported that there will be two executive sessions tonight; and on the next trash-off day, February 24th.

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

Mayor Fugate called for the City Commission's reports. No reports.

IV. Public Comment on Agenda Items³

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

Mayor Fugate called for comments on all agenda and non- agenda items. No comments.

Mayor Fugate called for consideration of the Consent Agenda Items 1 & 2.

V. Consent Agenda

1. Motion to approve authorizing submission of application to the Texas Department of State Health Services - Safe Riders' Child Safety Seat Distribution and Education Program. (Police Chief).

2. Motion to approve authorizing change order #1 for the 2006 Lift Station and Force Main Improvements Project in the amount of \$8,301.60 to come from 2005 Certificate of Obligations. (Public Works Director).

Commissioner Laskowski made a motion to accept the Consent Agenda as presented, 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.⁴

3. Consider final passage of an ordinance amending the Fiscal Year 2006-2007 Budget for the City of Kingsville for Public Works mold remediation to come from CO 2002-2002A General Fund Unallocated Balance. (City Manager).

City Manager Yerena stated this item is being brought back to the Commission with final numbers for the mold remediation expenses. The anticipated cost is \$44,758 which is the budget amendment amount being requested from the Interest Revenue of 2002-2002A CO's. He stated that 50% would be taken from the General Fund and 50% from the Utility Fund.

Mayor Fugate called for questions. Commissioner Laskowski asked for the original estimate. Risk Manager Art Alvarez stated that the original estimate was \$10,000 for the remediation. He stated that other problems were found when an assessment was being made. City Manager Yerena stated the original estimate was \$27,106. Commissioner Laskowski asked about the amendment amount. City manager Yerena replied the amount would be coming from the unallocated interest revenues. Commissioner Laskowski asked if this item was ever an introductory item. Ms Alvarez responded the introduction date was October 23rd, 2006.

Commissioner Laskowski made a motion to pass this final reading, amending the ordinance, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

4. Discuss and consider authorizing reallocation of capital projects money for development of Kleberg County Parks webpage. (City Manager).

Ms Susan Ivy, Parks Director provided information for this request. She stated that the current webpage was developed about 5 to 7 yrs ago which has never functioned properly. A proposal from Mr. Robert Williams from Williams Web Solution was received. The proposal includes development of the calendar which Staff will be able to update information after the website is set up. She stated all sport registration schedules will be included. She stated that all Park information would be linked to other youth groups. She stated that she does not have a line item in her budget to pay for this; the proposal is for \$750.00, to be transferred from capital improvement funds. She provided information on the present capital improvements. She asked that after approval, she would like the Parks website linked to the City website. Ms Ivy stated that the County approved this item pending the City's approval.

Mayor Fugate called for other questions. Commissioner Laskowski asked if all parks will be included on this website. Ms Ivy replied they would. Commissioner Garcia asked if there will be an annual or recurring expense for the website. Ms Ivy replied the monies are in her budget, and the maintenance will be done in-house. Commissioner Garcia requested Ms Ivy report on Park activities in the near future.

Commissioner Pecos made a motion to authorize the reallocation of \$750.00 from the capital projects money for development of Kleberg County Parks' webpage, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

5. Executive Session: Pursuant to Section 551.074 of the Texas Government Code, the City Commission shall convene in executive session to discuss personnel matters regarding the appointment of an Interim City Attorney and an Interim Assistant City Attorney for prosecutorial purposes. (City Attorney).

6. Executive Session pursuant to Section 551.071, Texas Government Code, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

Mayor Fugate announced the Executive Sessions. The City Commission then adjourned into executive session at 6:24 P.M.

Mayor Fugate announced the City Commission back into Regular Session. The City Commission reconvened into regular session at 6:48 P.M.

7. Discuss and consider the selection of an Interim City Attorney and an Interim Assistant City Attorney for prosecutorial purposes both of which to fill in during the City Attorney's FMLA Leave. (City Attorney).

Commissioner Laskowski made a motion to appoint Mr. Ron Walker, Interim Assistant City Attorney for prosecutorial services in Municipal Court, and appoint Mr. Ruben Perez, Interim City Attorney and authorize the City Manager and City Attorney to negotiate a rate and cap in office to 16 hours per week, seconded by Commissioner Garcia.

For clarification, Mayor Fugate asked Commissioner Laskowski if the 16 hour cap applied to Mr. Perez. Commissioner Laskowski replied that was correct and that his motion was to appoint Mr. Walker for prosecutorial services for Municipal Court and to authorize the City Manager or City Attorney to negotiate an hourly rate and cap 16 hours with Mr. Perez, and also to negotiate with Mr. Walker.

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


8. Discuss and consider proposal by attorney Robert Rosenthal on rental contract and related matters. (City Attorney).

Mayor Fugate called for discussion on this item.

No action taken.


VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary