

JULY 9, 2007

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JULY 9, 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 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  
Robert Rodriguez, Library Director  
Mark Rushing, Finance Director  
Diana Gonzalez, Human Resource Director  
Yolanda Cadena, Health Director  
Susan Ivy, Parks Director  
Al Lopez, Fire Chief  
Dora Byington, Purchasing Director  
Ricardo Torres, Police Chief  
Dianne Leubert, Solid Waste Superintendent

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

The invocation was delivered by Purchasing Director 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 regular meeting of June 25<sup>th</sup>, 2007. **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”. Fugate “ABSTAINED”.**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public Hearing to rezone 0.77 acres out of Retama Park, Block 12, Lots 1-3, from R-2 Two Family District to C2 Retail Commercial District, located at 401 S. 14<sup>th</sup> Street, applicants Charles & Richard Ivey. (Interim Director of Development Services).

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

City Attorney Alvarez read the memo from the Interim Director of Development Services Bill Donnell. She stated that the request was made to rezone a property from R2 Two Family District to C2 Retail Commercial District, 0.77 acres out of Retama Park Block 12, Lots 1-3 property is located at 401 S 14<sup>th</sup>. She stated his memo indicates letters were sent out to property owners within 200 feet of the location, and there were no objections. The Planning and Zoning Commission unanimously approved this request.

Mayor Fugate called for comments from the Commission and the audience.

Mr. Richard Deleon, 2511 E Main, Alice, Texas provided information on the project and provided preliminary plans for the project.

The public hearing was closed at 6:07 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 Staff holding an Emergency Management Meeting; on the next TML Region 11 meeting scheduled for Thursday, July 12<sup>th</sup>; on the schedule for budget workshops, and on the next Master Plan meeting to be held on Thursday, July 12<sup>th</sup>.

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

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez reported tomorrow's Master Plan meeting at Kleberg Bank; she reported that she will be out of office on Friday, 13<sup>th</sup>; she provided information on the next Collective Bargaining with Fire and Police, and reported that August 3<sup>rd</sup> as the date for the Family picnic.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reported on the next Trash-Off Day. Mayor Fugate commented on the success of previous Trash-Off Day programs and encouraged the citizens to take advantage of the clean-up program. Commissioner Pecos congratulated Staff for their work on Sage Road and requested further cleanup in that area.

### 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.

Mr. Leo Alarcon, 1501 E Warren, spoke in support of agenda item #4.

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

### V. Consent Agenda

**2. Motion to approve the renewal of a contract with Bank Card from Omaha, Nebraska for the use of purchasing cards to make low dollar purchases. The renewal of the one year contract will enable the City to continue using the purchasing cards currently in place. The Bank Card service is offered through Kleberg First National Bank with its third party, BankCard, at no cost to the City. This contract will be effective, September 1, 2007 through August 31, 2008. (Purchasing Director).**

Commissioner Laskowski made a motion to remove Agenda Item #1 from the Consent Agenda, and approve Consent Agenda Item #2, 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>**

**1. Motion to approve changing the City's Purchasing Policy to reflect the passage of SB 1765 which will increase competitive bidding limit from \$25,000 to \$50,000 and will require the City to contact at least two Historically Underutilized Businesses (HUBs) in Kleberg County for all contracts between \$3,000 to \$50,000, (currently up to \$25,000), effective September 1, 2007 . (Purchasing Director).**

Commissioner Laskowski stated that in reading the changes in the policy he noticed there was a change to the effective date but not to the revision date. He stated he wanted to make sure that the revision date reflects today's date with the effective date of September 7<sup>th</sup>.

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

**3. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.77 acres out of Retama Park, Block 12, Lots 1-3, from R-2 Two Family District to C2 Retail Commercial District. (Interim Director of Development Services).**

City Attorney Alvarez stated she did not have anything further to add. Mayor Fugate asked Mr. Deleon to address the Commission. Mr. Deleon stated this business would be Pueblo Tires and Service, located at the old McCoslin business, corner of 14<sup>th</sup> & Lott. Commissioner Garcia asked about keeping the existing building. Mr. Deleon replied only a part of the building will be kept. He then asked how the parking lot would affect the drainage. Mr. Deleon stated the company will comply with all City ordinances.

Mayor Fugate called for further questions or comments. City Manager Yerena stated Staff will look at the drainage.

**INTRODUCTION ONLY**

**4. Consider introduction of an ordinance renaming a street for PFC Daniel Alarcon. (Commissioner Garcia).**

Commissioner Garcia stated that Mr. Alarcon had expressed his family's will in honoring his uncle. He stated City Staff recommended the street location, Park Street. He stated it is about time that the community recognized Mr. Daniel Alarcon. Commissioner Pecos suggested using a street in a new subdivision to honor PFC Daniel Alarcon. Upon a question from Mayor Fugate, City Attorney Alvarez replied there were no objections from the Historical Board in the name change for this street, but suggestion was made with regard to some of the upcoming subdivisions as an alternative. Commissioner Wilson asked City Attorney Alvarez if the City had passed some guidelines to naming streets. City Attorney Alvarez replied there is an ordinance in place. She stated it takes a 4/5 vote for the change. Mayor Fugate stated it is appropriate to name this street after PFC Daniel Alarcon for his service. He asked if the family had a preference of which street is named. Mr. Alarcon replied any street would be fine. Commissioner Pecos then named some of the streets named after fallen heroes.

**INTRODUCTION ONLY**

**5. Consider authorizing the Parks Department to use \$20,000, out of the \$30,000 credit for capital improvements, each year for three years as a cash match for the 2007 Texas Parks & Wildlife Grant. (City Manager).**

Parks Director Susan Ivy stated a schedule of the Texas Parks & Wildlife grant project has been provided. She provided information from the handout. She stated that private funding has been accepted. She stated that projects being funded are at 50% to 50% match to Texas Parks and Wildlife. She stated only items that provide recreation are being considered. Some of the items to be considered are ball field #5 lighting, materials and labor for fencing at the Pony field, repairs at the BBQ building, new playground unit, game tables and picnic tables, barbecue pits, a walking trail, a change to park entrances, and work at the soccer field/flag football goals. She stated she is asking the county to match \$20,000. Commissioner Pecos asked about monies for fixing the road. Ms Ivy replied this does not qualify. Commissioner Garcia asked about the walking trail location. Ms Ivy replied it will depend on how much monies she receives. Commissioner Pecos stated it might be a good idea to put down some caliche for the walking trail.

Commissioner Laskowski stated that the last time that Ms Ivy addressed the Commission was for permission to use the Water Trade monies for the Master Plan. He added that he was under the impression that the County would be doing a bond issue to address the results from the Master Plan. He stated that now she's back asking for \$20,000 of the Water Trade monies for the next three years to match one grant for \$342,558. Ms Ivy stated she was also under the impression of working towards the possibility of a bond. She stated she has been advised that the bond is going to the jail and added she does not know what the future holds for the park. Commissioner Laskowski asked if there would be an election for jail bond issue. Ms Ivy replied an effort is being made to get this done through this grant. For the record, Commissioner Laskowski stated this Commission supports a bond issue which is long over due. Ms Ivy agreed with Commissioner Laskowski's comment.

Mayor Fugate stated this Commission supports Dick Kleberg Park. He stated that even though it is a County park this Commission is very concerned about its condition. He stated this request should be granted with the condition that the County match \$20,000 for the next three years. He added that this is their park and they need to help. Commissioner Laskowski stated that the City owns four parks that are maintained by the County. He added that for the next three years these City parks will suffer because of instead of having \$30,000 worth of park equipment dedicated to those parks, only \$10,000 will go to these parks. He stated that \$60,000 of equipment that would go into our City parks is going to Dick Kleberg Park a County owned park. City Manager Yerena stated Staffs' concern is if there will be other calls for additional funding.

Mayor Fugate stated this will be a burden, but it is something that needs to be done. Commissioner Laskowski stated the City gives the County \$200,000 to maintain the City's parks. He stated that an extra \$16,000 has been on the County agenda twice and they have not approved it. He stated that his main concern is that there is a contract that states that the County will maintain the necessary personnel to maintain these parks and that every time they look to cut, they cut the parks budget. He stated that the City has never wavered from the \$200,000, and granted it, it has never been increased. Commissioner Wilson stated that this Commission believes in the Park system. He asked the citizens to stand up to the Kleberg County Commission to provide a better park system. He stated that the City of Kingsville works and does as good as it can to help subsidize the parks because they believe in it.

**Commissioner Wilson made a motion to contribute \$20,000 from the Water Trade monies, for the next three years, as needed for the grant application, seconded by Commissioner Pecos.** Mayor Fugate called for questions. Commissioner Laskowski asked if this motion was contingent upon the County contributing the same amount of money or if the City was making their commitment. Commissioner Wilson stated that his motion is that they are committing the City of Kingsville to a better quality of life. Mayor Fugate called for further discussion. For the record, Commissioner Garcia stated that he will personally support a bond issue to get the park to where it needs to be. Mayor Fugate stated he would support a bond issue to include all parks. Mayor Fugate called for a roll-call vote. **The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson voting "FOR". Laskowski "AGAINST".**

**6. Consider amending the Agreement for Ad Valorem Tax Collection Services with Kleberg County. (City Manager).**

City Manager Yerena stated information is provided in reference to an increase for the cost per parcel from \$.95 to \$1.50. As the letter from the County states this was due to the rising cost associated with the collection process. He stated that this action was taken by the County

Commission Court on June 25<sup>th</sup>. He stated the City's fee would increase from \$10,671.35 to \$16,849.50, an increase of \$6,178 which amounts to about 58%. He stated that during a conversation with the Tax-Assessor Collector, she stated this was a County Commission decision. City Manager Yerena stated that no other entity has approved this agenda item. Mayor Fugate stated that it was his understanding that Ms DelaGarza had recommended an increase of \$1.25, but the County Commission came up with \$1.50 increase.

Mayor Fugate suggested this item be tabled. City Manager Yerena stated that was also his recommendation. Mayor Fugate stated that this might be a situation to get all the other entities together to try to come up with our own program for less money, and added that it is a lot more convenient to have Ms DelaGarza do it. City Manager Yerena stated there is no deadline, but collection starts in October.

Mayor Fugate called for questions or comments. Commissioner Laskowski provided information he researched on inflation data from 1999 to current. He stated that Ms DelaGarza had a better handle on the amount to charge. He stated that the County is trying to balance their budget on the other taxing entities. He added that the citizens of Kingsville are going to get this two-fold because we also buy water from South Texas Water Authority who uses the County for tax collection. He added that the Water Authority's increase will be greater than the City's which will be passed on to their customers. He stated there needs to be a meeting with the County for further discussion.

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

#### **TABLED**

#### **7. Consider reallocation of 2001 Certificate of Obligation monies for Solid Waste Evaluation and Assessment Services. (City Manager).**

City Manager Yerena stated this would allow for the monies for the next agenda item. He stated this would allocate \$48,000 to \$49,000 for the assessment from the 2001 Certificate of Obligation monies, which has a balance of \$363,942.

Commissioner Pecos asked what the assessment entailed. City Manager Yerena replied it involves looking at the current operation and coming up with a plan of action to improve services, looking at equipment and looking at the City's rate structure. Commissioner Pecos stated that \$48,000 is a lot of money to point out the problems that we already know we have. City Manager Yerena stated it also provides information on a rate study.

Commissioner Garcia asked how many years the study was good for. Solid Waste Superintendent Dianne Leubert replied it should far exceed five years. She added this study will look at the entire system. In the history of the City, this study has never been done.

Ms Leubert stated that with this guidance it will give them a better view for the future. Mayor Fugate stated his concern is that the budget process is starting. City Manager Yerena stated there were several RFP's and were limited in the Staffing. Commissioner Laskowski stated he read all of the RFP and provided information on what he read. He stated this would have to be revisited on an annual basis.

Mayor Fugate stated he understood Commissioner Pecos's concern about the monies, but this is very important. He stated the delay was looking to privatize this service.

**Commissioner Laskowski made a motion to accept the reallocation of funds necessary to pay for the evaluation and assessment of Solid Waste operations, seconded by**

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

**8. Consider authorizing the City Manager to negotiate a contract with Southern Ecology from Corpus Christi, Texas for Evaluation and Assessment of Solid Waste Services. (City Manager).**

City Manager Yerena stated information is provided on the scoring sheets. He stated the three companies are very capable. He stated staff's recommendation is Southern Ecology. Commissioner Laskowski stated all five proposals were qualified, MSW was quite clear and in line with the RFP, but they are not the lowest bidder. He provided information on the assessments.

Mayor Fugate called for questions or comments. Commissioner Laskowski stated that RW Beck would far exceed the amount of the assessment, Southern Ecology has set a maximum of \$48,000 for the assessment, and MSW divided the project into eleven tasks and gave a fixed cost for each. Ms Leubert stated she has a working history with both South Ecology and MSW. She stated that she would feel more comfortable with Southern Ecology. City Manager Yerena stated that three people had rated the companies.

Commissioner Wilson made to a motion to authorize the City Manager to negotiate a contract with Southern Ecology, not to exceed \$48,000, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

**9. Consider awarding a bid for uniforms for all departments except the Fire and Police departments to the lowest qualified bidder, Brite Star from Alice, Texas. (Purchasing Director).**

Purchasing Director Byington stated is item authorizes execution of a twenty-four month contract to provide uniforms for all departments except the Police and Fire Departments. It is recommended that the bid be awarded to the lowest bidder, Brite Star from Alice, Texas.

Commissioner Laskowski made a motion to award the contract to Brite Star, in the amount of \$73,517.60 for a two year annual contract, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

**10. Consider a resolution authorizing the City's participation in the submission of an application to the U.S. Department of Justice for the purpose of requesting grant funding on behalf of the City in the amount of \$181,177.00 for the 2007 COPS Law Enforcement Technology-Community Oriented Policing Services Grant for equipment for the Kingsville Police Department with a cash match of \$45,294.00. (Police Chief).**

Police Chief Ricardo Torres stated the entire grant is for \$2,690,065.00, the cash match is \$45,294.00. He stated the funding is available under the Certificate of Obligation 2002-2002A for the cash match. He stated that the Corpus Christi City Council passed their resolution on June 6<sup>th</sup>. He stated that they can participate in this grant as much or as little as they want.

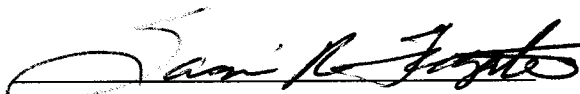
Commissioner Wilson made a motion to authorize the City's participation in the submission of the application for the U S Department of Justice, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

Mayor Fugate read the executive session information and announced there are no action items following executive session. The Commission took a five minute break at 7:33 P.M.; then convened into executive session at 7:38 P.M.

**11. 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 negotiation. (Mayor Fugate).**


**VII. Adjournment.**

There being no further business to come before the Commission, the meeting was adjourned at 8:22 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary