

AUGUST 27, 2007

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION ON MONDAY, AUGUST 27, 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  
Armando Gutierrez, City Engineer  
Dianne Leubert, Solid Waste Superintendent  
Dora Byington, Purchasing Director  
Robert Rodriguez, Library Director  
Yolanda Cadena, Health Director  
Mark Rushing, Finance Director  
Ricardo Torres, Police Chief  
Bill Donnell, Public Works Director  
John Garcia, Garage Superintendent  
Diana Gonzalez, Human Resource Director

**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)**

Mayor Fugate announced that the Texas Legislature had approved a change to the wording of the Texas Pledge. 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 August 13<sup>th</sup>, 2007. **Commissioner Pecos made a motion to approve the minutes, as presented, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski, Pecos voting “FOR”.**

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

NONE

**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 that Staff was not ready to report on the mobile home parks; that a total of 176 employees have been trained on NIMS; on a health fair in October; on negotiations continuing with Fire and Police Unions; and on the TML Region 11 meeting in Sinton. He announced that Dr. Jose Rodriguez would be making a presentation.

- A. Presentation by the Price of Freedom Awards Committee for proposal to convert the Old Kingsville Police Department building into a “Heroes Museum”.

Dr. Rodriguez addressed the Commission and provided information on turning the old Police Department building into something nice for tourist. He stated various people will be making donations to the museum. Information was provided as to the organizations that will be involved with this project. There was discussion on the cost of the project.

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

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez reported on the Labor Day holiday trash schedule; on the Shelter Operation/Management Course which will be conducted locally and is opened to anyone who would like to attend; and reported on progress being made with the Police Union negotiations.

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

Mayor Fugate called for the City Commission's reports. Commissioner Wilson stated that an agenda item that was tabled at the last meeting was not on this agenda, he asked that when items are tabled and the motion calls for item to be brought back to the Commission, he would like to see this done. Commissioner Laskowski stated that he had requested a copy of the Planning and Zoning minutes and had not received them. He also requested the date for the family picnic.

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. Leotis Carter, 711 W Johnston commented that he would like garbage picked up on both sides of the street.

Mayor Fugate called for consideration of the Consent Agenda items 1 – 8.

V. Consent Agenda

1. Motion to approve final passage of an ordinance to rezone 10.41 acres out of Farm Lot 3, and 1.36 acres out of Farm Lot 7, Kleberg Town & Improvement Subdivision, from R3 Multi Family District to R1 Single Family District. (Interim Director of Development Services).

3. Motion to approve awarding annual contract Bid No. 28-05, to the lowest bidder, A-Z Tire Company from Corpus Christi for tires and tubes for all departments except Police and Task Force that based on estimated usage will expend approximately \$55,000.00. (Purchasing Director).

4. Motion to approve awarding annual contract Bid No. 28-06, to five (5) various firms (Vulcan Materials, San Antonio; Valero Marketing, Corpus Christi; Bay, Inc., Corpus Christi; R. Loera Truck, Kingsville; SEM Materials, Corpus Christi) for road materials. Based on projected quantities, less than \$225,000.00 will be expended under this contract. (Purchasing Director).

5. Motion to approve awarding annual contract Bid No. 28-07, to the lowest bidder, Oil Patch Petroleum from Corpus Christi for diesel fuel. Based on estimate usage, approximately \$236,500.00 will be expended under this contract for the purchase of diesel fuel. (Purchasing Director).

6. Motion to approve awarding annual contract Bid No. 28-08, to the lowest bidder, Oil Patch Petroleum from Corpus Christi for gasoline. Based on projected usage, approximately \$240,000.00 will be expended under this contract for gasoline only. (Purchasing Director).

7. Motion to approve awarding annual contract Bid No. 28-09, to the sole bidder, O'Reilly Auto Parts from Kingsville for automotive parts for a total of approximately \$30,000.00. (Purchasing Director).

8. Motion to approve awarding annual contract Bid No. 28-10, to the lowest bidder, O'Reilly Auto Parts from Kingsville for automotive batteries for an approximate annual cost of less than \$5,000.00. (Purchasing Director).

Commissioner Wilson made a motion to remove Agenda item #2 and pass the rest of the Consent Agenda, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

### REGULAR AGENDA

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

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

**2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, providing for a new school zone for the Christian Life Academy and the installation of school zone signs; repealing all ordinances in conflict herewith and providing for an effective date and publication. (Public Works Director).**

Public Works Director Bill Donnell provided information on the location in question. Commissioner Wilson explained his reason for continuing to discuss this is that he is not sure that the City should be in the business for purchasing for private schools their signal devices. He stated he was certainly in agreement that the City should pass an ordinance that gives the City the right to enforce a speed zone at that location. He stated Staff did some research back to 10 years and the City has not purchased for anyone any signaling devices whether public or private. He stated that as tight as money is, an ordinance should be created that would support signaling devices, but the school be responsible for providing equipment that is approved by the City or State, and that they pay for the setup and maintenance.

Mayor Fugate asked if Commissioner Wilson's request could be accomplished because he agrees with him. City Manager Yerena replied this was probably a legal question. Upon a question from Mayor Fugate, City Attorney Alvarez stated that the action could be authorized but until the actual signs or lighting are put up this is not actually effective. Mayor Fugate then asked if this ordinance is passed does this provide a duty on the part of City to put up the signs. City Attorney Alvarez replied it could be construed that way, unless additional language was provided to say that this new light would be conditioned upon receipt of funds or equipment to be installed. She stated the item could be tabled until the Church is approached to see if this is something they want to do and added that she did not believe that any of the other private schools are paying for the lights. She stated that ordinances from September 12, 1988 to October 18, 1982 could be looked since this is when the other private school zones were established. To protect the children, Commissioner Pecos suggested putting up some signage. Commissioner Garcia asked who pays for the electricity on these lights. Public Works Director Donnell replied the City does.

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

**9. Consider final passage of an ordinance to rezone 3.77 acres out of Vista Alegria Addition, Block 2, Lots 5-20, Block 3, Lots 3-22 and 207.7 feet of abandoned 60' right-of-way, from R1 Single Family District to C1 Neighborhood Service District. (Interim Director of Development Services).**

Interim Director of Development Services Bill Donnell stated this is a request to rezone this property to C1. There were several letters from surrounding property owners in opposition. He stated that Planning and Zoning approved this by a 6-2 vote. Mayor Fugate stated that it is zoned for single family and it is obvious that this structure is not single family. He stated they are being asked to zone the property to what it already is, C1. Commissioner Wilson stated that it really bothers him that this group was offered an abandoned part of City property which they are now going to sale and make a profit from it.

Mayor Fugate called for comments or questions. Upon a question from Commissioner Pecos, Public Works Director Donnell replied the reason for this rezone is because the Diocese wants to sale the property. Upon a question from Commissioner Garcia, City Attorney Alvarez replied abandoned property is divided in half by each abutting property owner. Mayor Fugate stated

that if this property is sold to a private individual, then this property could go back on the tax roll. Commissioner Laskowski stated that the abandonment of the right of way is already a dead end street that is closed and there exists a building. For the benefit of all the Commissioners, he stated that he had requested a copy of the Planning and Zoning minutes in order to hear what the comments were from the citizens that had attended that meeting, but had not received the minutes.

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

**10. Consider authorizing the Mayor to enter into a professional services contract with the Kingsville Convention and Visitor's Bureau, Inc. (City Attorney).**

City Attorney Alvarez stated this is essentially a mirror of the contract that the City has with the KCVB, drafted by the former City Attorney. She stated the dates changed and the only real difference is that this contract is for a 5 year primary term, and has an extension of five additional one year terms by mutual consent of the parties which is slightly different from the initial contract which was essentially a six year contract, and this one would be a ten year contract. She added that the wording is identical.

Mayor Fugate called for a motion.

**Commissioner Wilson made a motion to authorize the Mayor to enter into a professional services contract with the Kingsville Convention and Visitor's Bureau, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

**11. Consider removing from the table to amend the Agreement for Ad Valorem Tax Collection Services with Kleberg County. (TABLED 07/09/07) (City Manager).**

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

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

City Manager Yerena stated this information was previously provided. He stated that Staff was looking to see what the other entities were doing, and staff is recommending approval.

Mayor Fugate called for questions or comments. Commissioner Laskowski stated that since the other entities have already approved this, he did not think it advantageous economically to start our own collection service.

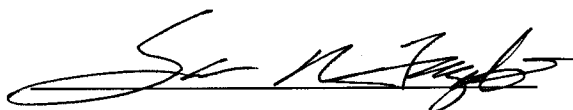
**Commissioner Laskowski made a motion to amend the agreement for the Ad Valorem Tax Collection Services with Kleberg County, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson voting "AGAINST".**

The Commission convened into Executive Session at 6:50 P.M., Mayor Fugate announced there would be no action items after the Executive Session.

13. Executive Session: Pursuant to Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation of the City Manager, the City Attorney, and the Municipal Court Judge. (Mayor Fugate).

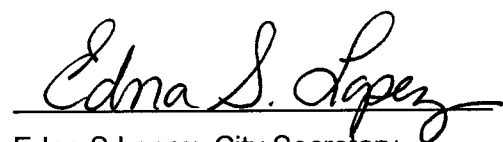
**VII. Adjournment.**

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



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary