

SEPTEMBER 17, 2007

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, SEPTEMBER 17, 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  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Mark Rushing, Finance Director  
Al Lopez, Fire Chief  
Jennifer Vela, Litter Abatement Officer  
Armando Gutierrez, City Engineer  
Bill Donnell, Public Works Director  
Art Alvarez, Risk Manager  
Caron Vela, Accounting Manager  
Diana Gonzalez, Human Resource Director  
Frank Garcia, Wastewater Supervisor  
Macario Mayorga, Water Supervisor  
Yolanda Cadena, Health Director  
Ricardo Torres, Police Chief  
Fidel Gonzalez, Interim Task Force Commander  
Chito Hinojosa, Street Supervisor

**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 City Manager Yerena, 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 September 10<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: Fugate, Wilson, Garcia, Pecos, Laskowski voting “FOR”.**

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

1. A Public Hearing on the proposed fiscal year 2007-2008 budget.

The Public Hearing was opened at 6:04 P.M.

Mayor Fugate announced this is an opportunity for anyone to come and speak on the subject for five minutes.

City Attorney Alvarez stated that the notice of public hearing for the budget that was published in the newspaper several weeks ago had an error, the date of September 10<sup>th</sup> was inadvertently included and should have only been September 17<sup>th</sup>. She stated the budget deals only with the Local Government Code which requires one public hearing and has to be held after fifteen (15) days after the date the budget is filed with the City Secretary. She added that the meeting date

of the 10<sup>th</sup> would not have complied with the Local Government Code. She stated the tax rate deals with the Tax Code which has specific publication dates and requires two public hearings.

Mayor Fugate called for questions or comments.

The Public Hearing was closed at 6:07 P.M.

2. A Public Hearing on a proposed property tax rate increase from \$0.68544 to \$.77813.

The Public Hearing was opened at 6:07 P.M.

Mayor Fugate announced this is an opportunity for anyone to come and speak on the subject for five minutes.

The Public Hearing was closed at 6:09 P.M.

Mayor Fugate read the statement with information regarding the vote on tax rate. The City of Kingsville will meet to vote on the tax rate for the Fiscal Year 2007-2008 budget on Monday, September 24<sup>th</sup>, 2007 at 6:00 P.M. here in the Alcorn Commission Chambers at City Hall, located at 200 E Kleberg, Kingsville, Texas. The City of Kingsville conducted public hearings on a proposal to increase the total tax revenues of the City of Kingsville from properties on the tax roll in the preceding year by 16.07% on September 10<sup>th</sup> at 6:00 P.M. and on September 17<sup>th</sup> at 6:00 P.M. The City of Kingsville is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on September 24, 2007 at 6:00 P.M. at the Alcorn Commission Chambers at City Hall, located at 200 E Kleberg, Kingsville, Texas.

### **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 as of today, two structures were demolished through the KWOP program, Wednesday is Media Day, and he thanked the National Guard for their help in demolishing the structures. He reported on the next Master Plan Advisory Committee meeting to be held on September 24<sup>th</sup>, and that there will be a presentation on the Master Plan at the next meeting.

City Manager Yerena suggested going over the updated budget information. Mayor Fugate called for questions or comments. Commissioner Laskowski requested an explanation as to why AMR was not giving a presentation as he had requested. City Manager Yerena responded that he had provided the Commission with some Staff analysis information and added it was short notice for a presentation at this meeting. Commissioner Laskowski asked why the structures on West Santa Gertrudis were listed on the KWOP. He stated that the property owner is under the impression that these structures will be demolished and hauled at no cost. City Manager Yerena stated staff has contacted the family estate and there will be a charge for tipping fees and transfer fees. Mayor Fugate stated he was approached by the University President who is glad that we are tearing down the buildings. Mayor Fugate stated that other property owners aren't being charged so we shouldn't single out this family. Commissioner Laskowski asked that he be provided an electronic copy of revenue and expenditure for each department by Friday. He voiced his concern that the newspaper did not recognize the City for contributing to the new cars. Commissioner Laskowski voiced his concern about the Budget Form 6's that were submitted. He stated one Form 6 from the Wastewater Department was omitted. City Manager Yerena explained that this was done in order to equalize the position. Commissioner Garcia voiced his concern about brush pick up; he asked if there would be an increase of crew or vehicles in this department this year. Mayor Fugate stated the study would help make these decisions. City Manager Yerena stated the study is at forty-five days from completion. Commissioner Garcia stated he also had a concern about streets. He stated that citizens are not happy about the City raising taxes, and the City should increase services. City Manager Yerena stated more equipment is needed. Commissioner Pecos suggested hiring

more personnel to get the job done and that the City can not maintain the status quo. Commissioner Laskowski stated the monies might be better spent by hiring a contractor to clean up the City. He suggested several ways of improving the City's clean up program. Commissioner Wilson stated Commissioner Laskowski's idea is the most particle approach to cleaning the City. City Manager Yerena stated alternatives have been looked at but the RFP's were not feasible. Commissioner Garcia voiced his concern about the brush crew not picking up everything from the alleys. Mayor Fugate stated until the citizens buy into the cleanup program, things will not work.

Mayor Fugate stated that this Commission within the last four years has given the employees three raises which are impressive for City government in Kingsville. He added that they want to pay people a better wage to be able to live better and have a better quality of life, but in turn there are high expectations on part of the Commission. He added they should perform their task not only timely but efficiently which is part of the equation. He stated that in some areas the City is behind on wages and would like to catch up, but this has to come from a decent days work. He added that this comes from leadership from the City Manager and staff. City Manager Yerena replied that staff has been mindful of being efficient over the last couple of years and have done the best in being as lean as possible, and tough decisions have been made in order to turn the corner. He stated the City has a long way to go and staff will continue to do better. Mayor Fugate stated a lot of good things have happened in the City and the City is moving in the right direction, but it needs to move a little faster.

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

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez reported the next notice for the tax increase will be published in the newspaper on Wednesday and will also be on the website with regard to the notice of the vote on the tax rate which is scheduled for Monday, September 24<sup>th</sup> in the Alcorn Commission Chamber at 6:00 P.M. She reported on a meeting with the Police Union, and on the next meeting with the Fire Union.

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

Mayor Fugate called for the City Commission's reports. There were no reports.

**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. Dwight Thompson, 601 E Kleberg, stated the street light in front of his business is out.

**V. Consent Agenda**

None

**REGULAR AGENDA**

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

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

1. **Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for an increase in Water Rates. (City Manager).**

City Manager Yerena stated information has been provided in reference to the proposed rate increase as proposed by the study conducted by HDR Engineering.

Mayor Fugate called for questions or comments. Commissioner Pecos asked if the rate increase was appropriate with the plan. City Manager Yerena replied that's what's being recommended by the consulting engineer. Mayor Fugate asked for a brief explanation of the study. City Manager Yerena stated this is the third year of the water and sewer study conducted by HDR Engineering. He stated that basically HDR recommended three increases; this is the last leg for the water increase which is a 5% increase for water and 8% for sewer. He stated the study recommended two more years of increases on the sewer rates. The cost for the study was \$40,000. He stated of the rate increase for this year, \$300,000 is for infrastructure for water and wastewater.

Mayor Fugate called for questions or comments. **Commissioner Garcia made a motion to approve this increase, seconded by Commissioner Pecos.** Mayor Fugate called for further discussion. Commissioner Laskowski commented that this part of the study was actually done and the basis used to show that the City would make the commitment to bring in revenues to pay the debt service on the \$11,000,000.00 borrowed for water and sewer. He added that the City agreed to do this in order to be able to meet those financial obligations for borrowed money. Mayor Fugate called for a roll-call vote. **The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

**2. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for an increase in Sewer Rates. (City Manager).**

City Manager Yerena stated based on previous given information as recommended by the Engineering consultant there is a recommendation to increase the sewer rates.

Mayor Fugate called for questions or comments. Mayor Fugate stated this goes right along with the first item which is the same study, same recommendation, and same reasons. Mayor Fugate called for a motion. **Commissioner Garcia made a motion to approve the increase, seconded by Commissioner Pecos.** Mayor Fugate called for a roll-call vote. **The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

**3. 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 Resources Director).**

Human Resource Director Gonzalez addressed the Commission and stated this will amend the ordinance which specifies the number of personnel in Civil Service in the Police Department and number of ranking positions to comply with what needs to be done with an individual. She explained the recommendations as stated on the ordinance. She stated the department total will remain the same. She stated this is a temporary situation, and would like to include additional wording to that affect in the final ordinance that will be submitted for the Commissions' approval. By attrition the number of corporals shall revert to five and the number of police officers shall increase or revert to thirty-six by attrition. Mayor Fugate called for questions or comments. Commissioner Laskowski asked if the City is cutting the number of police officers being funded why is this not being done in this ordinance. Human Resource Director Gonzalez replied this only amends the 2002 ordinance and provided further information on the previous ordinance. Commissioner Laskowski suggested making the adjustment now. Human Resource Director Gonzalez replied if the ordinance is kept this way the City does not to have to amend the ordinance at a later date.

City Attorney Alvarez further explained that Staff has not had that direction from the Commission and this could be done if that is what the Commission is pushing towards. She added this could be done before the final reading. Mayor Fugate called for staff's recommendation. City Manager Yerena stated Staff would not be opposed if that is the direction that the Commission is looking for.

Commissioner Laskowski asked who made the decision to allow the Chief to fill the Corporal position knowing that the City had a pending arbitration with an officer that the City could possibly have to reinstate. He stated he had spoken to the City Attorney who stated that she

was not consulted. City Manager Yerena stated that he was not familiar with the situation. Human Resource Director Gonzalez stated this was done to keep up with the daily operations. City Manager Yerena stated the rationale behind this was the fact that the department was in need of personnel which was going to cause overtime. Commissioner Laskowski stated Staff could have waited until there was a final determination on the arbitration. Police Chief Torres addressed the Commission and stated that Chapter 143 is very specific on how to fill this position. Upon a question from Commissioner Laskowski, Chief Torres stated he does not make it a practice to have acting positions.

#### INTRODUCTION ONLY

**4. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resources Director).**

Human Resource Director Gonzalez stated this is the introduction of the Compensation Plan for the Fiscal Year 2007-2008. This incorporates items taken into consideration in the proposed budget and includes a 3% across the board increase for hourly and non-civil service chart and an increase on the management level chart. There was lengthy discussion on personnel receiving certifications.

#### INTRODUCTION ONLY

**5. Consider introduction of an ordinance amending the Fiscal Year 2006-2007 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Finance Director).**

Finance Director Rushing provided information on the proposed budget. Commissioner Wilson called for point order and stated this information was off target and that the discussion should be in reference to the 06-07 fund adjustments for the end of the year cleanup. Finance Director Rushing stated the City was able to do transfers within the department budgets, with these exceptions: an additional increase in the interest income to \$73,648 and a \$1,800 increase in the Fire donations; sum total in increase in revenues, \$75,448. He stated there were numerous items in the listing for expenditures. He stated items relate to supplies, communications, printing & publishing, training & travel, Insurance – property/liability, professional services, overtime, and minor equipment. He stated there was a reduction in salaries for Planning, and salaries & wages in Engineering and Street. The revenue increase is \$75,448; the increase in appropriation is \$133,948, and the reduction of appropriation expenditures is \$58,500. There were no adjustments in the utility fund which is projected to be able to transfer within the department itself.

Mayor Fugate called for questions or comments.

#### INTRODUCTION ONLY

#### VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:15 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, City Secretary