

SEPTEMBER 22, 2008

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 22, 2008 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  
Al Garcia, Mayor Pro-tem  
Charles E Wilson, Commissioner  
Arturo Pecos, Commissioner  
Stanley Laskowski, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Mark Rushing, Finance Director  
Yolanda Cadena, Health Director  
James Creek, Firefighter  
John Torres, Firefighter  
Diana Gonzales, Human Resource Director  
Armando Gutierrez, City Engineer  
Al Lopez, Fire Chief  
Ricardo Torres, Police Chief  
Jose Casillas, Water Production Supervisor  
Miguel Sandoval, Firefighter  
Joey Cordero, Firefighter  
Yolanda Vasquez, Municipal Court Manager  
Caron Vela, Accounts Manager  
John Garcia, Int. Risk Manager  
Macario Mayorga, Water Supervisor  
Jennifer Vela, Code Enforcement Officer  
Tamera Blackstock, Sergeant

**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 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 special meeting of September 15, 2008. **Commissioner Wilson made a motion accept the minutes, as presented, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".**

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

1. Public Hearing for an alcohol variance application for the Kingsville Food Mart located at 1102 S. 6<sup>th</sup>. (City Secretary).

The public hearing was opened at 6:04 P.M.

Ms Lopez stated this business is applying for a wine and beer retailer's permit because the location is under new management. The old business was L&M Superette #2. She

stated that letters were mailed to residents within the 300 foot boundary with one citizen opposing.

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

### III. Reports from Commission & Staff.<sup>2</sup>

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Convention and Visitor's Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration – Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations. No formal action can be taken on these items at this time."*

City Manager Yerena reported on the food drive and provided the amount of food that has been collected. He reported that staff will deliver the items to League City on Wednesday.

Ms Alvarez reported that a special meeting will be held on Thursday, that the 29<sup>th</sup> is St. Jude's Day at the Chili's restaurant, and reported that 16<sup>th</sup> of September celebration will be held on Saturday, October 4<sup>th</sup>. She reported on the dates for the next regularly scheduled meeting and the next TML Regional meeting to be held in Bishop, Texas.

Commissioner Wilson reported on the location of a dangerous intersection, King Street & Armstrong. He stated the light pole is missing and needs to be installed immediately.

Mayor Fugate announced the home football games for the upcoming week.

### 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.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-3. **Commissioner Pecos made a motion to accept the items on the consent agenda, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".**

### V. Consent Agenda

1. ORDINANCE ORD2008-27 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for grease trap reinspection fee. (Public Works Director).
2. Motion to approve awarding annual contract Bid No. 2009-08, to the sole bidder that met specifications, Petroleum Traders from Ft. Wayne, In. for diesel fuel. (Purchasing Director).
3. Motion to approve awarding annual contract Bid No. 2009-09, to the sole bidder that met specifications, Petroleum Traders from Ft. Wayne, In. for gasoline. (Purchasing Director).

### REGULAR AGENDA

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

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

**4. Consider approval of alcohol variance for the Kingsville Food Mart located at 1102 S. 6<sup>th</sup>. (City Secretary).**

Ms Lopez stated this business has applied for a wine and beer retailer's permit. There was no opposition at the public hearing.

Commissioner Wilson made a motion to adopt and approve the alcohol variance for Kingsville Food Mart located at 1102 S 6th, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

**5. Consider accepting an easement and right of way along the east side of Farm Lot 4, Section 30 of the K.T. & I. Subdivision. (City Engineer).**

Mr. Gutierrez stated that the property owner encroached on the easement and they are now in the process of selling this property and the title company would like some clearance. He stated the option is to move the house out of the way or relocate the power lines. He stated that obviously the least costly would be to relocate the power lines. Mr. Gutierrez stated that the adjacent property owner, Mr. James Krueger is willing to donate a 15 ft easement along his property. He stated there is no cost to the City.

Commissioner Wilson made a motion to accept the easement and right of way along the east side of Farm Lot 4, Section 40 of the K.T. & I. subdivision, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

**6. RESOLUTION R2008-20 Consider a resolution authorizing the Mayor to sign all necessary documentation on behalf of the City of Kingsville regarding placement of 310 West Huisache in the Kingsville Wipe Out Program. (City Manager).**

Mayor Fugate stated this City owned property needs to be demolished. City Manager Yerena stated all taxing entities own this property. He stated the School District, South Texas Water Authority, and the County has signed or in the processing of signing to have this structure demolished.

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

**7. RESOLUTION R2008-21 Consider a resolution authorizing the Mayor to sign all necessary documentation on behalf of the City of Kingsville regarding placement of 200 North 6<sup>th</sup> Street in the Kingsville Wipe Out Program. (City Manager).**

City Manager Yerena stated Staff would like direction on this property. Commissioner Pecos stated that Pastor Rodriguez was interested in rehabbing this building for a museum. Mayor Fugate recommending putting this property on the KWOP list for January. He stated this should give him some initiative to get the work done. Commissioner Pecos requested that Pastor Rodriguez be given a chance. Ms Alvarez stated the property could be removed from the KWOP list but it would have to be brought back for Commission approval. Mayor Fugate stated a museum will be costly to operate and right now the City is having trouble keeping up with the property. Upon a question from Commissioner Laskowski, City Manager Yerena replied it would probably be cheaper to rebuild then to remodel that building in order to house some of the

inspectors. Commissioner Pecos asked that the City consider another building for Pastor Rodriguez if this one is demolished.

**Commissioner Garcia made a motion to put this location on the KWOP program for February, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

**8. Consider authorizing the City Manager to enter into a contract for actuarial analysis for Other Post Employment Benefits (OPEB). (Purchasing Director).**

Mr. Rushing stated this would allow the City to be in compliance with GASB 45 study which is required to set up adequate reserves for the retirees. He stated this item authorizes the City Manager to enter into a contract for actuarial analysis for Other Post Employment Benefits. This action will cost \$8,915.00 for the first year plus \$1,250.00 for a one day on site meeting for a total of \$10,165.00. It is recommended that Lewis & Ellis, Inc. from Richardson, Texas be awarded the contract. He stated that there are fifteen retirees.

**Commissioner Pecos made a motion authorize the City Manager to enter into a contract for actuarial analysis for Other Post Employment Benefits, seconded by Commissioner Garcia, Commissioner Wilson, and Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting "FOR".**

**9. Consider removing from the table appointment of a temporary Municipal Court Judge to fill in when there is an absence or conflict. (TABLED 9/15/08) (City Attorney).**

**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".**

**10. Consider appointment of a temporary Municipal Court Judge to fill in when there is an absence or conflict. (City Attorney).**

Ms Alvarez stated that at the last meeting there was discussion that Judge Krueger will be absent. She stated that the Mayor has mentioned that Judge Krueger asked that the Commission consider Mr. Lee Murphy and that the Commission recommended that Mr. Murphy attend this meeting. Mayor Fugate stated he knows Mr. Murphy and he is a good and reasonable attorney. Upon a question from Commissioner Laskowski, Ms Alvarez replied there was discussion on a fee. She recommended the rate to be paid to be the same rate that was paid to the prosecutor that assisted while she was on leave.

There was discussion on the allocation of monies to pay for these services.

Mr. Murphy addressed the Commission and stated he would assist for approximately six weeks and possibly three to four court sessions. He provided some background information of himself.

**Commissioner Pecos made a motion to consider an appointment of a temporary Municipal Court Judge, Mr. Lee Murphy to fill in when there is an absence or conflict which would depend on funding, seconded by Commissioner Wilson and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Wilson, Garcia, Pecos voting "FOR".**

**11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 2, Stopping, Standing and Parking, Prohibited in**

**specified places in the right of way or in a yard; Providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Attorney).**

Ms Alvarez explained that the Code Enforcement and Police Departments have been trying to enforce the right of way and in yard parking. She stated in trying to help, this ordinance would clarify this issue for compliance and enforcement purposes.

**INTRODUCTION ONLY**

**12. ORDINANCE ORD2008-28 Consider final passage of an ordinance adopting the Annual Budget of the City of Kingsville, Texas and appropriating funds for the fiscal year beginning October 01, 2008 and ending September 30, 2009, in the particulars hereinafter stated. (City Manager).**

City Manager Yerena stated that the information is based on the direction that Staff received at the last workshop, at the proposed tax rate of \$.80187 just under the rollback rate and with a cost of living raise of \$1,000 for each employee. He stated that the fund balance is \$119,991.00. He stated that the increase for the Commissions' car allowance is not included and added that this does not include the improvements for the fire station. He stated that the fire department's parking lot can be done in-house and the rest would have to be contracted out. City Manager Yerena stated that funding can be provided through the Unrestrictive/Unreserved account. Mr. Rushing further explained the funding for the Fire department.

Commissioner Laskowski commented that there was no discussion during the budget workshops about needing more funds to complete the Fire Department project. Mayor Fugate stated the building must be finished because it is a safety issue. Upon a question from Commissioner Garcia, Chief Lopez explained that the air condition unit will be for several new rooms. Mr. Rushing stated if approved a separate fund will be created. Commissioner Wilson stated he understands the building is unfinished and the City must find the funds to complete the project. He added that this is the first time the Commission has seen this and now they are expected to act on this. In Staff's defense, Mayor Fugate stated it is more the timing since the new truck will be arriving soon. Commissioner Wilson stated his comments were not directed as criticism except as fact. Commissioner Laskowski commented he could not believe that only a shell was approved for the building. City Manager Yerena stated that at the beginning stages the building was to house the ladder truck, but this project has expanded to add storage.

Commissioner Wilson recommended that Staff develop a fund and mechanism which should be placed on the next agenda in order to get the building finished. He added that the funding amount should be \$133,000.00 and not to divert anything from streets.

Mayor Fugate called for questions or comments. Commissioner Garcia commented that since 1993 the Commissions' car allowance has been \$400.00 per month. He stated that he is proposing an increase of \$100.00 per month for each Commissioner, for a total of \$5,167.20 a year. Commissioner Laskowski stated this is a road that the Commission does not need to go down. Mayor Fugate stated he will not support this change because this is a tight budget. Commissioner Laskowski stated that car allowances for Staff have not changed since 1993 and they too are affected by the high price of gasoline.

Mayor Fugate called for further questions or comments.

**Commissioner Garcia made a motion to adopt the budget, as proposed, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

**13. Discuss and consider ratifying the property tax increase reflected in the 2008-2009 Annual Budget of the City of Kingsville. (City Manager).**

Ms Alvarez stated there was a change in state statutes in 2007 which required the City last year for the first time that if taxes are raised there had to be a motion to ratify the property tax increase reflected in the 2008-2009 Annual Budget for the City of Kingsville. She stated this is simply a motion that ratifies that and a roll call vote must be taken.

**Commissioner Wilson made a motion to ratify the property tax increase reflected in the 2008-2009 Annual Budget for the City of Kingsville, Texas, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".**

**14. ORDINANCE ORD2008-29 Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2008 and ending September 30, 2009, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).**

Commissioner Wilson made a motion to adopt the ad valorem tax rate for the General Fund Expenditures of Maintenance and Operations at \$.54154 on each one hundred dollar (\$100.00) assessed valuation of such property and for Debt Service Fund Expenditures of annual principal, interest, and service fees of all General Obligation Bonds, Warrants, Certificates of Obligation, and Combination Tax and Junior Lien Revenue Certificates of Obligations of the City of Kingsville, the sum of \$.26033 on each one hundred dollar (\$100.00) assessed valuation of such property, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

**15. ORDINANCE ORD2008-30 Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).**

Ms Gonzalez provided information on the proposed changes to the compensation plan.

Mayor Fugate called for questions or comments. Upon a question from Commissioner Pecos, Ms Gonzales explained the scenarios for the cost of living raises.

**Commissioner Pecos made a motion to approve the final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski, Pecos voting "FOR".**

**16. ORDINANCE ORD2008-31 Consider final passage of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Finance Director).**

Mr. Rushing stated a revision was distributed. He pointed out an error under Municipal Building – Communications. He stated that the revision shows the correct amounts. For clarification, he stated that communication for Municipal building should only be bumped up \$700.00.

**Commissioner Laskowski made a motion to approve the final passage of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville for deficit accounts and year end contractual amounts, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".**

**17. 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. (Police Chief).**

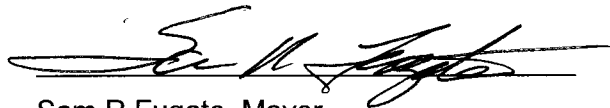
Chief Torres stated there is a slight change to the proposed organizational structure a current lieutenant position would be omitted and two police officers would be hired. He stated this would increase the amount of police officers. He stated the net difference in cost is within the range of what the lieutenant's salary would have been.

Mayor Fugate called for questions or comments.

**INTRODUCTION ONLY**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:24 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC

City Secretary