

MAY 26, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, MAY 26, 2009 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
Joe Casillas, Water Production Supervisor
Diana Gonzales, Human Resource Director
Y I Hinojosa, Street Field Supervisor
Yolanda Cadena, Health Director
Ken Clark, Director of Development Services
Al Lopez, Fire 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 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 Monday, May 11th, 2009 and the special meeting of Monday, May 18th, 2009. **Commissioner Laskowski made a motion to accept 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

Mayor Fugate announced there were no public hearings.

III. Reports from Commission & Staff.²

“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, Tax Increment Zone Presentation. No formal action can be taken on these items at this time.”

City Manager Yerena reported that Recycle Kingsville Day is scheduled for Saturday, May 30th, 2009 at the Recycling Center and that there is a vacancy on the Planning and Zoning Commission. He thanked Ms Kate Simpson on a great job done at the Yoakum Street project.

Commissioner Wilson announced that Texas A&M University-Kingsville was conducting a Master Plan meeting on Thursday, May 28th, 2009 and it is opened to the public.

Mayor Fugate and Commissioner Laskowski presented several Keep Kingsville Beautiful awards. Mayor Fugate announced the Lady Brahma Softball team will play on Thursday, and Friday leading to the state finals.

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.

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

V. Consent Agenda

1. **ORDINANCE ORD2009-13 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XIII, Article 2, Weapons control, Adopting §13-2-30(D) providing for discharge of firearms at indoor shooting galleries and pistol ranges, but not at trap shooting and skeet shooting establishments. (City Attorney).**
2. **Motion to approve appointing Mr. Nick Harrel to serve a three year term on the Civil Service Commission. (Human Resource Director).**
3. **Motion to approve re-appointing Mr. Juan G. Lozano to serve another two year term on the Civil Service Commission. (Human Resource Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **Consider appointments to the Joint Land Use Study (JLUS) Implementation Board. (Director of Development Services).**

Mr. Clark, Director of Development Services stated the contract was recently approved with Matrix Designs, and their first recommendation is to establish the JLUS Implementation Board. He added that he would like to recommend that the same people that are on the Policy Committee be appointed, since they are familiar with the study. Mayor Fugate stated some of the people serving on that committee have left or will be leaving town. Mr. Clark stated he would work with the public affairs people to fill in the slots that are vacant from NAS.

Mayor Fugate called for further questions or comments. Commissioner Wilson stated that since there will be a turnover, it would be more prudent to appoint the Commander of the base, a person. Ms Alvarez stated that is what Staff's recommendation is in the memo, to appoint a position from that entity. Commissioner Wilson stated the back up sheet specifically provides names. Commissioner Garcia suggested bringing back to the Commission the names of those appointed.

Mayor Fugate called for a motion. **Commissioner Pecos made a motion to create the JLUS Implementation Board comprised of the same members, 2-City, 2-County, 1-KISD, 1-NASK and the City Manager, seconded by Commissioner Wilson.** For discussion, Commissioner Wilson stated previous discussion was that those people who need support can bring them. Commissioner Garcia stated with the understanding of ratifying the upcoming names. **The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson, Garcia voting "FOR".**

5. Consider introduction of an ordinance amending the Fiscal Year 2008-2009 Budget for the City of Kingsville to retire the Certificate of Obligation, Series 2001 Bond Issuance that matures in 2011 and for the General Fund for additional Municipal Building repairs to come from City Sales Tax and for Street repairs to come from the GF Capital Projects Fund. (Finance Director).

Mr. Rushing stated this is the first reading of the budget amendment which refers to the 2001 retirement deficient. As a point of clarification, he stated this will not completely pay off the 2001; but will only defeasance the 2012 payments for the \$400,000 in principle. He stated there is \$300 in payment payable to the Bank of New York for the call fee and the interest of \$6,735. He explained that the second part is \$25,000 for building maintenance and \$5,000 for rental at the Municipal Building relating to the copy machine. He stated he would look further into the State Comptroller information for copier contracts. He added that those contracts are not available to Cities and County due to pending litigation. He provided information on copy machine surveys. He stated there is an issue with the check signer which would cost approximately, \$895 to replace. He stated that the City Engineer provided a handout for building maintenance. He explained the amount being allocated for street maintenance. Mr. Rushing stated there is \$10,000 allocated for signs & signals.

Commissioner Laskowski asked if the GCS Call Center is responsible for the building and the parking lot maintenance. Ms Alvarez stated that was correct. Commissioner Laskowski stated that the locks on the doors were repaired and now monies are being allocated for further repairs. He stated they have done nothing to try to improve the parking lot. Commissioner Laskowski asked if the amount of \$106,000 will be on top of the \$100,000 already given to Streets. Mr. Rushing replied that was correct. Commissioner Garcia asked if the tenant will be billed for the work if the parking lot is fixed. Mayor Fugate asked that Ms Alvarez review the contract and advise the Commission.

Commissioner Laskowski commented that the rent on their building is no higher than what the City is paying ORCA to repay the debt for the money that was borrowed to buy the building, so the City is not making one penny in profit for renting that building. He added that this is the law. He stated that the City offered them the building under those terms, and that the City is using taxpayer money for the profit of a business. He encouraged staff to see what the City's requirements are. He stated the City should keep all promises made to them and they should keep all promises made to the City.

INTRODUCTION ONLY

6. Consider approval of an ordinance authorizing the cash redemption of a portion of City of Kingsville, Texas, Certificates of Obligation, Series 2001 and approving all other matters related thereto. (City Attorney).

Ms Alvarez stated this ordinance was received from Bond Council; passage of this ordinance would ratify the action that the Commission implemented with regard to retiring the 2011 Maturities out of the 2001 CO's using the \$4,000,000 that was in the budget amendment ordinance prior to this agenda item. She stated that bond ordinances only require one reading.

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

7. Consider payment of invoice from Kingsville Area Industrial Foundation for the month of May for a consultant to promote economic interests of the City at the State Legislative level. (City Attorney).

Ms Alvarez stated the Finance Department received an invoice for May of 2009 for the consultant and they asked what should be done with the invoice since only \$30,000 was budgeted and as of the May payment all monies were expended. She stated there might be funding that can be moved around in the City Special account. She stated that the City Manager and Staff are still without authority from the Commission to extend the contract for that one extra month. She stated that payment can be declined or the Commission can give authority to make the payment.

Mr. Dick Messberger, Economic Development representative addressed the Commission and stated the invoice can be thrown away. He added that the City contributed \$30,000, the County contributed \$30,000 and the Industrial Foundation contributed \$24,000. He stated they are about \$1,000 short of making the last payment; the total contract was for \$84,000.

He provided a brief update on the Legislature; he stated that the funding for the Mechanical Engineering program for Corpus Christi, Texas is in the budget; the Veterinarian Technical program funding could be awarded in this year's budget and that the lobbyist is still working on this. He stated that \$10,000,000 was secured from the Defense Economic Assistance Grant. He provided information on Senate Bill 2222, the encroachment bill, which would allow for creation of a Regional Military Sustainability Commission. Mr. Messberger stated this is important because this is the vehicle for controlling encroachment around the base. He added that monies will be received for infrastructure needs at NAS.

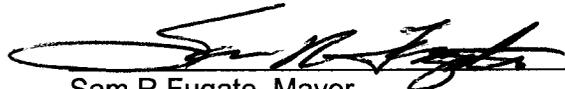
Mayor Fugate called for questions or comments. Commissioner Wilson stated he appreciated the minutes from the Commission meeting being included. He stated that he appreciated the City Secretary doing a good job on trying to capture his consternation over this subject. He stated that he has spoken to the City Manager with regard to this at a couple of opportunities. Commissioner Wilson stated that when the individual was hired at that meeting, he was assured that the individual would come and give a presentation to the Commission and that the Commission would be given brief updates periodically throughout the 81st Legislature. He stated that he has never been briefed on any of the ongoing events that were taking place in the 81st Legislature on behalf of the City of Kingsville through the City's payment. He added that to his knowledge the person hired never came to the Commission. He continued to say that he was not sure that the City ever received a public update on anything and that there was no knowledge on the strategy or on what bills were being worked on. Commissioner Wilson stated others may have known, and he is sure the Mayor knew, but he was never briefed on anything. He stated the situation bothered him that night and it bothers him tonight because he knew all along that was exactly the way it was going to play out. He stated is a sad state of affairs. He continued to say it would have been so simple for Mr. Messberger or anybody else involved in the process to monthly, quarterly, just for fun to throw out a tidbit of what was going on. Commissioner Wilson added that was the least that they desired in the process. He stated that although he is sure that the person hired worked diligently, he for one, has never seen anything that would prove that to him.

Mayor Fugate stated that was a legitimate complaint and legitimate concern, and added that he accepts responsibility for that. He apologized and stated that he should have kept everyone in the loop because he was actively involved in the process. He assured the Commission that Ms Shipley and Mr. Bishop really worked hard for the City of Kingsville in the areas of the Mechanical Engineering program and the Vet Tech program.

No action taken

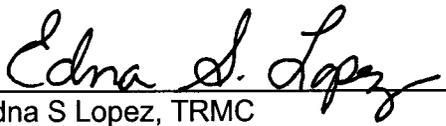
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:52 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC
City Secretary