

SEPTEMBER 14, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 14, 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
 Dora Byington, Purchasing Director
 Yolanda Cadena, Health Director
 Bill Donnell, Public Work Director
 Robert Rodriguez, Library Director
 Frank Garcia, Wastewater Supervisor
 Jennifer Vela, Code Enforcement Officer
 Diana Gonzalez, Human Resource Director
 Ken Clark, Director of Development Services
 Naim Khan, City Engineer
 Al Lopez, Fire Chief
 Joe Casillas, Water Production Supervisor
 Caron Vela, Accounting Manager
 John Garcia, Risk Manager
 Dianne Leubert, Solid Waste Superintendent
 Julian Cavazos, Lieutenant
 Vilma Castillo, Collections Manager
 Fidel Gonzalez, Task Force Commander

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 Ms 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 special meeting of September 7th, 2009. **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, Garcia, Wilson, Pecos, Laskowski voting “FOR”.**

II. Public Hearing - (Required by Law).¹

1. A Public Hearing on the proposed Fiscal Year 2009-2010 budget. (Finance Director).

Mayor Fugate opened the public hearing at 6:03 P.M. and called for public comments on the proposed budget.

Mayor Fugate closed the public hearing at 6:05 P.M.

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, Budget Workshop. No formal action can be taken on these items at this time."

City Manager Yerena reported on the Staff providing the Emergency Management budget to the County Judge, the next TML Region Meeting is being hosted jointly by the City of Ingleside and Ingleside on the Bay on Thursday, September 24th, 2009. There will be a presentation by Scott Houston, TML Attorney from 4:00 PM to 5:00 PM at the Humble Youth Center in Ingleside, Texas. The evening meeting will be in Aransas Pass, Texas starting at 6:00 PM at the T.P. McCampbell Airport. He announced the Make-up day for Open Enrollment - Benefits will be on Wednesday, September 16th, 2009 from 10:00 AM to 2:00 PM in the City Hall Commission Chambers. He announced the City Commissions' next meeting is a Special Meeting on Monday, September 21st, 2009 at 6:00 PM for the 2nd public hearing on the proposed FY 2009-2010 budget; the final passage of an ordinance adopting the annual budget for FY 2009-2010; discuss and consider ratifying the property tax increase reflected in the 2009-2010 Annual Budget; final passage of an ordinance establishing and adopting the ad valorem tax rate for FY 2009-2010. There will also be an introduction of an ordinance amending the FY 2008-2009 Budget for deficit accounts and year end contractual amounts.

Upon a question from Commissioner Pecos, City Manager Yerena reported there will be a meeting with TXDOT regarding the flooding in certain areas of the cities. City Manager Yerena reported on a meeting that was held with the KISD Superintendent regarding the retention pond for the new Harvey school. Mayor Fugate stated there isn't a way to design a system to drain that much water instantly. Commissioner Laskowski stated that the streets drain within 45 to 60 minutes. City Manager Yerena stated the area was inspected but there was a lot of water in very little time. Mr. Khan stated he would address the problem with TXDOT. Commissioner Laskowski provided information on a phone call from a citizen complaining about the amount of animals a citizens can have. He stated the ordinance has been somewhere and would like an update at the next meeting.

Ms Alvarez reported on working with the Kingsville Convention and Visitors Bureau on an art walk in the downtown area, and that item will be on the next meeting for consideration by the Commission. She announced the date (September 21st) for adopting the budget and the tax rate.

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.

Ms. Ode Moreno, 916 W Ave H and Ms Alice Byers, 1308 Palm Dr. representing the Chamber of Commerce read a proclamation with regard to the County utilizing the certificates of obligation for funding the park system.

Mr. Clyde Allen, 722 W Lee, spoke in opposition of the final passage of Agenda Item # 7.

Mr. Jack Beacham, 1317 Brenda, spoke in opposition of the final passage of Agenda Item #7.

Rev Chris Robinson, 1621 Santa Monica, spoke in opposition of the final passage of Agenda Item #7.

Mayor Fugate called for consideration on the items on the Consent Agenda, Items 1-6. Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

V. Consent Agenda

1. ORDINANCE ORD2009-26 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director). Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair. (Human Resource Director).
2. Motion to approve awarding annual contract, Bid No. 10-09 for gasoline to Oil Patch Petroleum from Bishop, Texas for regular unleaded gasoline to be delivered to the City Warehouse and to SSP, Inc. from Corpus Christi, Texas for regular unleaded gasoline to be delivered to the Landfill. (Purchasing Director).
3. Motion to approve awarding annual contract, Bid No. 10-10 for diesel fuel to Oil Patch Petroleum from Bishop, Texas for fuel delivered to City Warehouse and Landfill, and SSP, Inc. from Corpus Christi, Texas for Ultra Low Sulfur. (Purchasing Director).
4. Motion to approve awarding contract, Bid No. 10-12 for automotive parts with O'Reilly Auto Parts from Kingsville, Texas. (Purchasing Director).
5. Motion to approve awarding annual contract, Bid No. 10-13 for automotive batteries to O'Reilly Auto Parts from Kingsville, Texas. (Purchasing Director).
6. Motion to approve awarding annual contract, Bid No. 10-15 for automotive filters to Fleetpride from Corpus Christi, Texas. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter VII, Article 6, Traffic Control Devices, providing for the restriction of parking on the west side of Third Street from Henrietta Avenue to Yoakum Avenue from 7:00a.m. to 4:00p.m. Monday through Friday. (City Engineer).

Mr. Khan stated request came from KISD, the main reason being for the safety of the children. Mayor Fugate asked if any of the neighbors or the Staff at the Episcopal Church School told this was going to happen. There was no reply from Staff. Mayor Fugate asked if the church was consulted because this does not involve children from KISD and once again asked if the Staff from Episcopal School were consulted. Mr. Khan replied they were not. Mayor Fugate called for the real reason this was being done. City Manager Yerena stated he understood this is being done at the request of the school district which came through the City Engineer and based on that Staff moved forward. Mayor Fugate called for further questions. Commissioner Wilson stated he was glad to see that the City is taking a thought of this because at the last meeting when he inquired he was somewhat taken aback at the attitude relative to the painting of this curb. He stated that he agrees with the parishioners of Epiphany Episcopal School, that the City is going to possibly ratify extremely bad behavior and poor judgment on behalf of the Kingsville Independent School District to go out and paint that curb simply because they were told there wasn't an ordinance that prohibited them from painting their curb. He stated he seriously thought about painting his curb red since there is no ordinance prohibiting this type action. He stated people do things that are just absurd and bad and they come to the City and the City ratifies their actions. He stated this is a problem because there are no children on the west side of that street, and Epiphany Episcopal have never voiced a problem and it is their children and staff that cross that street. He stated the City needs to rethink this ordinance and added that he would encourage his fellow Commissioners to vote no. Mayor Fugate asked Rev Robinson to the podium. Upon a question from Mayor Fugate, Rev Robinson replied he has spoken to his Staff

and no one has ever requested that the curb be painted. He stated that when it was painted red, he did not know why, and his first reaction was to think it through and that it was not that big of a deal, because it only took about eight parking spaces. He added it is inconvenient for them. Rev Robinson stated he has to admit that it impacts the safety of the children because the lines of sight are better.

Mayor Fugate called for a motion.

NO ACTION

8. RESOLUTION R2009-47 Consider resolution authorizing the City Manager to enter into a Residential Development Agreement between the City of Kingsville and the South Texas Benevolent Society. (City Attorney).

Ms Alvarez stated in July the City approved new RDA guidelines and pursuant to those guidelines the City recently received a completed application from the South Texas Benevolent Society presented by Mr. Mark Dizdar. She stated that the company is seeking certain economic incentives which are stated in the agreement. Ms Alvarez stated that in exchange for those economic incentives and the conditions being required of Mr. Dizdar, the improvements of sixty-three single family houses each with a minimum square footage of 1,350 feet will be built in Paulson Falls Phase III subdivision in the city limits of Kingsville. She stated the agreement has a recapture provision and the City received along with the application his engineer's estimate for all of the improvements with regard to infrastructure that he will be making within the subdivision. An irrevocable letter of credit was received from the Kingsville Area Industrial Foundation which covers 105% of the economic incentives that may potentially be awarded. She stated that the request for in-kind assistance is for the final overlay of the streets in Phases I, II, & III. She stated the guidelines will become a part of the contract. Ms Alvarez stated the County approved their portion of the next agenda item, Item #9, which would be their commitment to assist in this should the City approve it.

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

9. RESOLUTION R2009-48 Consider resolution authorizing the City Manager to enter into an Interlocal Agreement with Kleberg County for residential development assistance pursuant to a Residential Development Agreement between the City of Kingsville and the South Texas Benevolent Society. (City Attorney).

Ms Alvarez stated this item was presented to the Commissioners Court at their meeting today. The payment terms were clarified at today's meeting, with the initial payment being made on September 29th, 2009 which would come out of their current fiscal year budget and their last payment would be made on September 29th, 2012.

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

10. RESOLUTION R2009-49 Consider resolution authorizing the City Manager to enter into an Interlocal Agreement between the City of Kingsville and Kleberg County for capital expenditures for shared departments. (City Attorney).

Ms Alvarez stated this agreement was also considered and approved by County Commissioners' Court at their meeting. She stated this document ratifies what they had already preliminary agreed to, which was to pay half of the principal only for the items that the City purchased through the City's 2009 Certificates of Obligation for the Parks and Health Department. She added there would be a onetime lump sum payment for that half on or before February 1st, 2010.

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

11. Review and discuss proposed fiscal year 2009-2010 budget for departments of the City of Kingsville. (City Manager).

City Manager stated he provided them with a proposed budget for the Emergency Management Department; a major change to the budget is the addition for three air condition units for the Police Department at a cost of \$38,000. Mr. Rushing stated there are three scenarios: the general fund had a decrease adjustment on the revenues coming in and the expenditures relative to the Main Street Manager, \$33,486, there was an adjustment in the Tourism budget for group health for \$754; an adjustment of an increase in copying machine services operating lease for the Service Center; \$38,000 was added to building maintenance; an adjustment of \$10,000 of the Emergency Management; and \$23,251 adjustment reduction in benefits based on elections of group health and life insurance formulas. In the utility fund there were also adjustments of \$155,892, and a reduction of the benefits relative to group health elections and life insurance formulas. He stated he believed those were the only adjustments to the budget.

Upon a question from Commissioner Laskowski, Mr. Rushing replied the \$18,730 was reclassified and moved into the new department (Department 125) for Emergency Management. He stated the \$31,600 which a list Mr. John Garcia had on the conversion if the City went alone. He stated then it was adjusted \$10,000 the other way which would be \$21,600 which remains as a contingency for Emergency Management department. Mr. Garcia stated that the amount budgeted was reduced but enough money was left there just in case the Emergency Management department has to be moved to the Recycling Center building. Mayor Fugate stated it is his understanding after a conversation with the County Judge that the City would be able to move into the basement. Mr. Garcia explained there is an additional \$10,000 over what the budget is planned. Commissioner Garcia suggested leaving enough money for purchasing equipment. Commissioner Laskowski stated the County should be contacted to advise them of their share for this position. Commissioner Laskowski reminded Staff that monies from FEMA are about \$4,000. Commissioner Laskowski reminded Staff that things need to get ironed out within the next seven days.

12. Discuss proposed water and sewer rate study for the City of Kingsville. (City Manager).

City Manager Yerena stated this item was just in case the Commission had any questions. Mayor Fugate stated the Commissions' idea is to get down to the industry standards.

13. Consider introduction of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 1, 2009 and ending September 30, 2010. (City Manager).

Mayor Fugate called for question or comments. Commissioner Laskowski requested information providing a summary of revenue of expenditures in the general fund and utility fund at the meeting, to be held on September 21st.

INTRODUCTION ONLY

14. Consider introduction 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 1, 2009 and ending September 30, 2010, 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).

City Manager Yerena stated the proposed tax rate recommendation is to stay with the same rate, \$.80187.

INTRODUCTION ONLY

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:03 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary