

FEBRUARY 14, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON FEBRUARY 14TH, 2011 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager
Edna S Lopez, City Secretary
Naim Khan, City Engineer
Ken Clark, Director of Development Services
Al Lopez, Fire Chief
David Mason, Purchasing Director
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
Bob Trescott, Downtown Manager
Diana Gonzales, Human Resource Director
Willie Vera, Task Force Commander
Ricardo Torres, Police Chief
Gary Fuselier, Landfill Supervisor
Diana Medina, Collections Supervisor
John Garcia, Risk Manager
Bill Donnell, Public Works Director
Joe Casillas, Water Production Supervisor

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 Mr. Mark Rushing, 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, January 24th, 2011, and the special meeting of Thursday, February 10th, 2011 and Friday, February 11th, 2011. **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, Garcia, Wilson, Laskowski, Pecos voting "FOR".**

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

1. Public Hearing to rezone 1.364 acres out of Escondido PK 4, Block 1, Lots 1-10, Lot PT common ground with Lots 11-17 located at 800 Escondido Road from R-2 Two Family District to R-3 Multi Family District. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:02 P.M.

Mr. Clark stated this item was presented to the Planning & Zoning Commission; the property is located on Escondido across from the Kleberg Park. This project was developed a number of years ago and only half was implemented. Subsequently, the piece of the property on the other side of the units did not get developed, so the current owner, applicant, is requesting the rezone to be able to have more flexibility to help them develop some multi-residential townhouses or garden type units. The P&Z voted unanimously to rezone.

Mr. Clark stated that he has advised them that they will have to come forward to plat the property. There are some issues with regard to the past, there was a homeowners

association that was formed but went defunct, one of the units was sold and an easement was given. He stated these are some issues that need to be straightened out when they come in for the platting process. They have been advised that they need to seek legal advice in order to resolve those issues before the plat is able to move forward. He added that the rezone is a straight forward thing.

Mayor Fugate announced this was a public hearing and anyone wanting to speak about this subject could do so by coming to the podium.

Mayor Fugate closed the public hearing at 6:04 P.M.

III. Reports from Commission & Staff²

"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, Keep Kingsville Beautiful, 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, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor presentation. No formal action can be taken on these items at this time."

Interim City Manager Alvarez reported on doing a joint meeting with the County on Friday, February 18th. The Finance Director will not be available for that meeting. The next Commission meeting is two weeks from today, and the Budget Amendment ordinance has been revised. She provided an update on Street department projects. She thanked Mr. Clark for his service to the City; Mr. Clark is leaving to work with the City of Harlingen.

Mr. Clark addressed the Commission and provided information on a County meeting that he attended. He stated that the County has submitted a termination letter as February 28th, on the golf course contract with Mr. Balt Ramos

Mayor Fugate presented a proclamation for "Black History Month" to Ms Madeline Caraway.

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 Peggy Hayes, 1213 W Santa Gertrudis, spoke regarding Agenda Item #10 and provided information on parking problems on her street.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-5. Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

V. Consent Agenda

1. ORDINANCE NO. ORD 2011-03 Motion to approve final passage of an ordinance amending the Kingsville Code of Ordinances Section 5-1-57(C) and (D), revising the rate for volume haulers who exceed a specified monthly threshold at the City Landfill. (Public Works Director).
2. Motion to approve out of state travel for Commissioner Laskowski to attend I-69 Alliance Conference in Washington, DC on February 28th, 2011 to March 2nd, 2011. (Interim City Manager).
3. Motion to approve out of state travel for Commission members to attend the National League of Cities – Congressional City Conference 2011 in Washington, DC on March 12th – 16th, 2011. (Interim City Manager).

4. Motion to approve the purchase of a 2011 Chevrolet Tahoe for the Fire Department from Caldwell Country Chevrolet through Buyboard for \$32,383.00 using CO2011 funds. (Purchasing Director).
5. RESOLUTION NO. R2011-07 Motion to approve resolution authorizing reallocation of Kingsville Operation Border Star with the Texas Border Security Operations Center from Law Enforcement Personnel overtime and fuel costs to Radio Communications Equipment; Authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. RESOLUTION NO. R2011-08 Consider resolution approving the application for Home Funds to Finance Redevelopment and a resolution of support for the proposed reconstruction of the development known as Connell Villa. (Interim City Manager).

Mr. Rene Canales, Chairman of the Housing Board and Ms Cory Hinojosa, Executive Director addressed the Commission. Mr. Canales stated they are very excited about this new project. Ms Hinojosa requested support on the resolution which would provide forty new single family units.

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

7. Consider introduction of an ordinance amending the zoning ordinance by changing the Zoning Map in reference to 1.364 Acres out of Escondido Park 4, Block 1, Lot 1-10, Lot PT Common Ground with Lots 11-17, known as 800 Escondido Road from R-2 Two Family District to R-3 Multi Family District. (Director of Development Services).

Mr. Clark stated the recommendation is to rezone this property to R-3 to allow the flexibility for them to build townhouses or garden homes.

INTRODUCTION ONLY

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, amending the location of speed limit zones on East King Avenue; Providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Engineer).

Mr. Khan stated this request is from TXDOT, since school was relocated further east they are requesting speed limit changes.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Appendix A: Land Use Categories, Section 1 Land Use Chart, Amending the Chart to require certain permitted uses in C2 and L1 be changed to Special Uses. (Director of Development Services).

Mr. Clark stated this item is on the agenda because a lot of King Street was rezoned to C-2 in compliance with the recommendations in the Master Plan. The City has had some problems on Corral where it was zoned for scrap yard or an auto salvage type use which was changed because the decision was made as part of the Master Plan that back in the day it was okay to have those kind of uses but now that are not wanted within the City. One problem with the land use chart under the C-2, there's a lot the permitted uses that the City doesn't want see developed in certain areas of the City. The reason for the recommendation and the change on the L-1 is that the L-1 now allows outside salvage yards. He stated this is a pre-empted thing that if it's changed then it has to come before the Commission for a special use permit. This would allow the Commission to review it based on the proposal. If it is appropriate use and they can meet conditions to put it in there where it can be a compatible land use for that particular piece of property then it can be approved or if not acceptable it can be denied. Some things in the ordinance are plain out of date. Mr. Clark stated the Commission will see more of this in the future because of the Master Plan

INTRODUCTION ONLY

10. Consider introduction 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 streets around the University from 7:00am to 5:00pm Monday-Friday. (Interim City Manager).

Interim City Manager Alvarez stated requests were received from citizens concerned about off campus parking in the residential areas. This makes trash pickup difficult in those areas. She stated the Police Chief has made contact with the University Police Chief and they had some input. The City Engineer has also reviewed this. Police Chief Torres stated he has witnessed the problems.

Commissioner Wilson stated the problem that exists is because of the failure of the University to address the lack of parking for their student population, their Staff and Faculty and it's now overflowing and being a problem of the citizens that are in that neighborhood. He stated that Corral Street is a good example. He stated that the Police Department is over worked all the time and they can't address that issue. During football days, the "NO" parking signs are there and they still park in that area. He stated that periodically he will hear a report that everybody needs to move their car or you're going to get a ticket. He added that to him is the wrong way to be handling that issue. If the City can't pass an ordinance and have the manpower to enforce then it really does become a mood point. The other example is on Santa Gertrudis to Santa Monica in which any given day they are cars parked bumper to bumper, literally, from the corner of Seale all the way down. He provided other locations with this problem. He stated this is going to require a commitment to issue the citations, enforce the citations, and if that requires towing them off, then it will require towing them off. Chief Torres stated there may be a way to handle this through dual commissioning with some of the Texas A & M Police Officers. Commissioner Wilson stated he thought they had that authority already to issue citations on streets that border a State university. He stated he could guarantee they are not going to do it because they don't want to be the bad guy for their students. It's a balancing act of growth and impact on the population that lives on the border area. This is a legal mechanism and should be handled in a professional legal law enforcement manner.

INTRODUCTION ONLY

11. RESOLUTION NO. R2011-09 Consider resolution authorizing the City Manager to enter into an agreement for auctions of abandoned motor vehicles between the City of Kingsville and Texas Auto Title. (Task Force Commander).

Task Force Commander Vera stated that they have been using Texas Auto Title Company for several years without a contract. The Texas Auto Title company collects 15% from each sale to take care of the transaction. He stated he would like to add seized vehicles to the resolution. The contract is a standard contract.

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

12. RESOLUTION NO. R2011-10 Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville- Kingsville Specialized Crimes and Narcotics Task Force and Kleberg County for Kleberg County Constable Precinct One for law enforcement services. (Task Force Commander).

Task Force Commander Vera stated this will assist the Task Force and Constable Pct 1. The Constable would be able to enhance his budget and the Task Force will be able to expand the area that they can work. The percentage is 5%.

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

13. RESOLUTION NO R2011-11 Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville-Kingsville Police Department and Kleberg County for Kleberg County Constable Precinct One for law enforcement services. (Police Chief).

Mayor Fugate stated this is the same as the previous resolution.

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

14. Consider proposals for lease or purchase of copier for City Hall. (Finance Director).

Mr. Rushing stated he provided a comparison in the agenda packet. He stated that the City is currently on a month to month lease agreement. The City has had a loaner since December. He stated this machine is a little faster, and this machine can scan in color. If the City continues on this path, over a three (3) year period the City would spend approximately \$29,200 doing this month to month. He received quotes from BuyBoard, Neville, and Dahill. The two (2) scenarios are: (1) an outright purchase of the machine and attached to that after the City owns the machine a maintenance agreement on a monthly basis over a three (3) year period; Scenario #2 – a straight operating lease where the City does not buy the machine in a three (3) year time period. On the outright purchase, once it gets past the third year virtually it is almost free other than the maintenance agreement that costs about \$162 per month. He stated the currently budget is \$10,800 this process in the fiscal year. If the outright purchase is done which would cost \$17,340 then this would require a conditional budget amendment for \$6,540.

Commissioner Laskowski made a motion to award operating lease to Neville for three (3) years, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

15. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful, for the costs related to the City Manager search, to cover the costs of an operating lease for a copier at City Hall, and to cover the costs of the agreed upon improvements of the parking lot at the Douglass Center and for the Utility Fund Capital Projects Fund to cover the costs for the installation of the generator for the North Plant and for the improvement project for all of the Wastewater Plants. (Finance Director).

Mr. Rushing stated the donations are \$1108, the corresponding expense is \$1,108; the TCEQ penalty assessed of \$80,625, expenditures would be reduced relative to the Landfill supervisor of \$66,802, combined with additional revenues of bumping up the estimated revenues in landfill fees to \$13,823, combined equals \$80,625; the portion of \$6,540 will be taken out on the next reading; and for the Douglass Center the cost is \$11,894, the other street impound was bumped up. He stated that last fiscal year in the Utility Fund Capital Projects funds there were expenditures that were budgeted in 054 that washed to fund balance and were not delivered in a timely fashion. These amounts need to be budget into the 2010-11 Budget from fund balance.

INTRODUCTION ONLY

16. Consider revising administrative directive regarding waiver of interest of paving liens. (Finance Director).

Mr. Rushing stated that on September 13th the Commission approved writing off interest on paving liens prior to October 1, 2000. Over the past, statements have been sent out. He stated as he goes through and talks to individuals and looks at payment history and the liens filed at courthouse, he felt it was reasonable for him to present an alternative and consider waiving all paving liens that have been accumulated through time. If approved, the City would waive any prior through March 1st and it would allow Staff to do recalculations and refunds on interest that was collected since September 13th as was structured that the interest would be waived prior to October 1st, 2000. He stated a system would be implemented of just trying to collect the principal less, any payments applied to principle since that point and time. In looking at numerous individuals, he is trying to get at what is justice for the individuals. He stated there's a history of not sending out notices, by law the City isn't required to send out a notice of the lien and how

much the calculation of that interest is through time. As he looks at it definitively, he can establish that there's a very high probability that statements have not ever been sent out in the past fifteen (15) years. He added that a lot of people in this pool never received a notice reminding them of the principle plus interest of at least the last fifteen (15) to twenty (20) years. He stated he is trying to build a mechanism for the Commission whereby they can consider waiving all the interest.

Commissioner Laskowski clarified a comment to waive all paving liens, but that Mr. Rushing was talking about waiving the interest only. Mr. Rushing replied that was correct.

Mayor Fugate called for further questions or comments. Commissioner Pecos stated he had a lot of calls from citizens that they didn't know anything about this. Some comments made were that their parents agreed to pay but most of them are now dead. These citizens are living on social security and to them this would be a burden.

Commissioner Garcia stated he had a call from a citizen that they had paid but has no records. Mr. Rushing stated the way the structure is built is that whenever someone pays off a lien, the party that paid off the lien is given the release. The City doesn't file the release at the Courthouse. The individual is responsible for filing at the Courthouse. He added that the City is finding out that some liens still exist at the Courthouse.

Mayor Fugate asked if it is Staff's intent to waive all the interest. Mr. Rushing replied that it would start March 1st. He added that the citizens have been told that if they do not pay off the principle net of the payments applied to the principle between now and the end of this fiscal year (September 30th), then they would liable for the principle plus interest as accrued through time. Mr. Rushing stated once again that he does not see where notice was given to the citizens in fifteen (15) to thirty (30) years. This in turn does give them due diligence of notice and the City would start the clock ticking on the interest, which would be waived if paid within this fiscal year.

Mayor Fugate stated the City thought they were doing a favor by waiving the interest when a citizen brought it to their attention. Mr. Rushing stated his thought was that it was reasonable waiving the interest prior to 2000, but as studied further, it is probably reasonable to waive all the interest.

As per the status of limitations, Mr. Rushing stated he had spoken to Interim City Manager Alvarez regarding this situation. For this particular situation his understanding is that this attaches to the lien and so doesn't go away until it is resolved.

Interim City Manager Alvarez stated she would double check it, but with regard to these types of liens as with regard to tax liens these liens are only subordinate to tax liens and they attach to the property. Based on what was found there's not a statute with regard to that debt.

Upon a question from Commissioner Laskowski, Mr. Rushing stated the City is recommending forgiving, \$310,433.25 as currently structured based on the guidelines of September 13th; if all the interest is waived, then it would drop down to \$132,939.85, writing off \$175,493.40.

Upon a question from Commissioner Garcia regarding discounting interest, Mayor Fugate replied has already done this.

Mayor Fugate called for a motion. **Commissioner Pecos made a motion to accept Staff's recommendation to collect the principle amount of money owed and waiving the interest on these paving liens.** Mayor Fugate asked if his motion was consider revising the administrative direction because that is the first step and the second step would be if the City is going to waive any interest. **Commissioner Garcia seconded the motion.**

Mayor Fugate called for further discussion. Commissioner Wilson stated he wanted to be clear on the motion because his understanding is that Staff's recommendation is that they will begin accruing interest effective March 1st on the principle amount and it is due and payable by September 30th (or end of fiscal year) in its entirety and if that sum is not paid then they will bow everything that has accrued prior to that. Mr. Rushing stated that was correct and if not paid it would fall back to the Commissions' previous motion of September 13th. He stated that's the incentive for citizens to go ahead and settle. Mr. Rushing stated the dates can be changed from September 30th to another date.

Commissioner Garcia stated that between March and September is not a long time. Taking into account the income of the individuals, he suggested stretching the deadline so the payment can be less per month.

Commissioner Garcia withdrew his second.

Commissioner Laskowski stated he would like to make clear that the payment for the principle and the accrued interest has to be paid by September 30th because interest will

be accrued on March 1st of this year. Mr. Rushing replied no, as put forth, it would be paid principle net of any payment applied to principle by September 30th. Commissioner Laskowski referred to Mr. Rushing's memo that was in the agenda packet.

Commissioner Pecos withdrew his motion.

Commissioner Wilson made a motion to forgive all interest on paving liens issued by City, and that they would accrue interest beginning March 1st 2011 at the stated rate for one calendar year, the accrued interest and principle of the original lien would have to be paid in its entirety on or before February 29th, 2012, for the original lien would then become effective or reinstated, seconded by Commissioner Garcia for discussion.

Commissioner Garcia asked if there's any reason why the principle and interest has to be reinstated. Mr. Rushing replied it's the Commissions' choice. Commissioner Garcia then asked what would be gained. Mayor Fugate replied \$132,000. Commissioner Wilson explained what is being asked is for citizens pay the principle plus reasonable interest that starts to accrue on March 1st, they have one year to pay it off and if they don't the original lien is reinstated, otherwise, then no incentive for them to ever pay it off.

In defense of the taxpayers, Commissioner Laskowski commented what was performed back in 1960 was a project for street improvements that had to be either funded from general tax revenue for bonds and the City still had to pay those bonds or collect the taxes to pay for the expenditure of that. The taxpayers of this community paid for those services and they have every right to expect that the Commission would do its due diligence to try to collect the money that they put out to provide this improvement. He added there are a lot of folks on fixed income but the City also has taxpayers on fixed income that the City continues to raise their rates to make this City function. He stated he doesn't want to put undue burden on the people. Commissioner Pecos stated the City is just doing this by coming here fifty (50) years later and tell the citizens leaving in a particular household that they owe money when they did not know anything about it. Mayor Fugate stated the people don't have to pay but when they sell this property they will have to pay. Commissioner Pecos stated that about 80% of the people that agreed and signed to have the street paved are now dead. Mayor Fugate stated they are wiping the slate clean.

Commissioner Wilson called for the question, seconded by Commissioner Garcia. Mayor Fugate called for a roll-call vote.

The motion was passed and approved by the following vote: Fugate, Laskowski, Wilson voting "FOR". Garcia, Pecos "AGAINST".

17. Consider waiving principle & interest on paving lien for Kleberg County property. (Interim City Manager).

Interim City Manager stated a paving lien was placed on some property previously owned by Mr. George Myer who subsequently after that lien was attached the property was donated to Kleberg County. Notice was received from Kleberg County Judge Escobar that they had been notified that they actually owned a property that a prior lien was assessed in Precinct 4. Judge Escobar is requesting that the City waive the principle and interest since it is another governmental body. The principle is \$625.00.

Commissioner Laskowski made motion to offer them the same payment as the citizens of this community and that they pay the principle plus any interest that would accrue beginning March 1st, seconded by Commissioner Wilson. Commissioner Pecos requested clarification, Interim City Manager Alvarez further explained. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski voting "FOR". Garcia, Pecos "AGAINST"

18. RESOLUTION NO. R2011-12 Consider a resolution authorizing the City Manager to enter into an Amended Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for fiscal years 2010-2013. (Interim City Manager).

Interim City Manager Alvarez stated the attached memo explains the clarifications that the Police Union recently approved and Staff is asking for the Commissions' consideration.

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

19. Consider authorizing the purchase of P25 Compliant Radios for Kingsville Police Department from sole source provider, Daily-Wells Communications from Kingsville Operation Border Star Grant award. (Police Chief).

Chief Torres stated this was a grant under to the Criminal Justice Division that is used for both overtime and fuel to assist with Homeland Security issue along U S 77. He stated he was made aware that the entire amount has to be expended by March 31st. There's approximately \$70,000 in the Stone Garden Grant; another Stone Garden Grant for \$159,000; and \$110,000 that has to be expended within six (6) months. By 2015, the Department's Project 25 limitations must be addressed. They will be able to purchase twenty-eight (28) radios which will give them a total of thirty-seven (37). The entire amount to fund the Project 25 compliance issues for the Police, Task Force and Fire Departments is roughly about \$600,000.

Commissioner Wilson made motion to authorize the purchase of the P25 Compliant Radios, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

20. Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, Personnel Matters, the City Commission shall convene in Executive Session to deliberate the appointment, employment of the position of City Manager. (Mayor Fugate).

Mayor Fugate announced the Executive Session. The Commission convened into executive session at 7:30 P.M.

The Commission reconvened into regular session at 7:38 P.M.

21. Consider action on applicants for the position of City Manager, to include but not be limited to the selection of a finalist for a prospective offer of employment. (Mayor Fugate).

Commissioner Laskowski made motion to select Vincent Capell as the finalize and authorize the Mayor to negotiate the terms of his employment and bring such terms back to the Commission at another meeting for approval, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

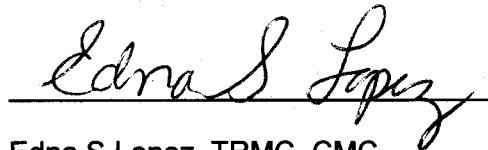
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:40 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC
City Secretary