

MARCH 26, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON WEDNESDAY, MARCH 26, 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
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
Robert Rodriguez, Library Director
Bill Donnell, Public Works Director
Yolanda Cadena, Health Director
Al Lopez, Fire Chief
Armando Gutierrez, City Engineer
Rudy Mendez, Waste Water Field Supervisor
Anita Salazar, Litter Abatement Officer
Jennifer Vela, Code Enforcement Officer
Dora Byington, Purchasing Director
Ricardo Torres, Police Chief
Diana Gonzalez, Human Resource Director
Abel Carrillo, Building Official
Dianne Leubert, Solid Waste Superintendent
John Garcia, Garage Superintendent
Caron Vela, Accounting Manager

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 meetings of March 3, 2008 and March 7, 2008. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Wilson. A correction to the minutes of March 3rd, 2008 was made by Commissioner Pecos. Mayor Fugate stated there was a motion to approve the minutes with the correction. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting “FOR”.**

Mayor Fugate announced the public hearings.

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

1. Public Hearings regarding condemnation proceedings for structures located at 1248 E. Nettie, 1025 E. King, 1218 E. Kenedy, and 310 E. Richard. (Building Official).

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

Mayor Fugate announced that anyone who wanted to speak could do so at this time. Ms Santa Barraza, spoke on behalf of the property located at 1025 E King. She stated that she would like to move the front part of the structure out of the city limits and would like to demolish the back of the structure.

Mr. Abel Carrillo, Building Official stated these houses are being brought to the Commission for condemnation. He asked that Ms Barraza's request be considered or to have the structure condemned. Mayor Fugate stated Ms Barraza would have plenty of time to move the structure even if it is condemned. He stated the structures located on Nettie, Kenedy, and Richard Streets are unsafe, and would take a lot of money to fix. Upon a question from Commissioner Laskowski, Mr. Carrillo replied the Building Code and Housing Code are used to determine condemnation. Commissioner Laskowski pointed out several other structures that need to be demolished.

The public hearing was closed at 6:10 P.M.

2. Public Hearing for an alcohol variance application for the K-2 Food Mart located at 128 W Corral. (City Secretary).

The public hear was opened at 6:10 P.M.

Mayor Fugate announced that anyone who wanted to speak could do so at this time. Ms Lopez, City Secretary stated that the owner of the business located at 128 W Corral is requesting a wine and beer retailer's off-premise permit. The business is located 60 feet away from KISD school property which is well within the area that would be prohibited from an alcoholic beverage license unless a variance is approved by the City Commission. A variance was approved in the summer of 2007, but the applicant did not enter into a lease agreement with the owner, so the owner is now applying for this permit. She stated she had not received any comments on this request.

The public hearing was closed 6:14 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. No formal action can be taken on these items at this time."

City Manager Yerena updated the Commission on having a final JLUS Workshop before adopting the JLUS plan. City Engineer Gutierrez updated the Commission on street repairs stating that the crew will be seal coating. He stated he is working on a three-year plan. Commissioner Laskowski questioned the monies available for streets. City Manager Yerena provided financial information.

City Manager Yerena called for Public Works Director Donnell to update the Commission on the one-time cleanup. He provided a brief overview of the changes recommended by the evaluation and provided information on how the public will be educated. He stated this is all in conjunction with Clean Sweep. Solid Waste Superintendent Leubert explained the new brush schedule.

City Manager Yerena announced the first round of graduates for the Code Rangers has been completed. Mayor Fugate presented each graduate with a certificate of completion.

City Attorney Alvarez announced that a public hearing on the JLUS and an introduction of ordinances for the passage of the JLUS and Master Plan would be presented at the next Commission meeting on April 14th. She announced the 27th Annual International Young Performers event to be held on Saturday, April 5th, and the Police Department's bake sale and car wash to raise funds for Palmer Drug Abuse Program.

City Manager Yerena announced that an invitation was received to participate in the luncheon for the National Guard members that will be leaving to Iraq.

Mayor Fugate announced that the Blue Angels will be here in Kingsville on the first weekend in April.

Commissioner Wilson reported on his and Commissioner Pecos's and Commissioner Garcia's trip to Washington to attend the National League of Cities. He stated it was very informative, and they had met with several Senators. He also mentioned that they had the opportunity to see the Federal agenda which will have opportunities for the City of Kingsville to share in some of that process.

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.

Mr. Luis Rodriguez, 927 E Ave C, spoke in reference to a condemned building located at 603 ½ W Ave D. He stated that he was never notified and asked that he be allowed to fix the structure.

Ms Katy Franklin, 700 University Blvd #126, spoke about a Walk for Autism to be held in Corpus Christi, Texas at Cole Park.

Mayor Fugate called for consideration of the items on the Consent Agenda (Items 1-6). Commissioner Wilson made a motion to remove Agenda Item #1, 2, 4, 5, & 6 from the Consent Agenda and move Agenda Items #15, 16, 17, & 18 to position #7 on the agenda, seconded by Commissioner Laskowski. Mayor Fugate stated that Item #3 was being approved. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

V. Consent Agenda

1. Motion to approve out-of-state travel for Mayor Fugate to Norfolk, VA on March 7th – 9th, 2008 for Military related issues. (Mayor Fugate).

Mayor Fugate called for this item to be tabled. Commissioner Wilson made the motion to table, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

2. Motion to approve out-of-state travel for City Commission and Staff to attend the National League of Cities Conference in Orlando, Florida on November 11th - 15th, 2008. (City Manager).

Commissioner Wilson explained that he asked to remove this item from the Consent Agenda so that the dates could be changed from November 11th – 15th, to November 10th – 16th. Commissioner Wilson then made a motion to approve out-of-state travel for the National League of Cities Conference from November 10th -16th, 2008, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson, Pecos voting "FOR".

3. Motion to approve reappointing Mrs. Aurora Garza and Mr. Octavio Xavier Alvarez to the Library Board to serve a three year term. (City Manager).

4. RESOLUTION R2008-05 Motion to approve resolution authorizing the submission of an application to the U.S. Department of Homeland Security for the

purpose of requesting funding for Fire Department equipment through the 2008 Assistance to Firefighters Grant. (Fire Chief).

Commissioner Laskowski stated he requested this item be removed because he would like to see the cash match information in the memorandum to the Commission. Chief Lopez stated the match is anywhere from 0-10%.

Commissioner Laskowski made a motion to authorize the submission of the grant application to Homeland Security for fire equipment, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

5. Motion to approve out-of-state travel for Task Force Agent to attend the Commercial Equipment Direct Assistance Program in Chicago, Illinois on March 26th – 27th, 2008. (Task Force Commander).

Commissioner Laskowski stated that in reviewing this out-of-state travel the flight had been confirmed on March 2nd. He stated the City had a special meeting for the Task Force on March 3rd and that he would like to have had this information before now. He stated that he would appreciate if this was done in a timely manner.

Commissioner Laskowski made a motion to authorize the out-of-state travel, seconded Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

6. RESOLUTION R2008-06 Motion to approve a resolution authorizing the submission of an application to the U.S. Department of Justice for the purpose of requesting funding for bullet proof vests through the Bulletproof Vest Program Grant. (Police Chief).

Commissioner Laskowski stated the grant requires a 50% match and that he noticed this could be done over a period through 2010. He asked how many vests would be replaced. Chief Torres responded he was ordering approximately \$40,000 worth.

Commissioner Laskowski made a motion to approve the resolution authorizing the submission of an application to the U S Department of Justice for the purpose of requesting funding for bullet proof vests through the Bulletproof Vest Program Grant, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

Mayor Fugate called for items 15, 16, 17 & 18.

15. Consider condemnation of structure located at 1248 E. Nettie. (Building Official).

16. Consider condemnation of structure located at 1025 E. King. (Building Official).

17. Consider condemnation of structure located at 1218 E. Kenedy. (Building Official).

18. Consider condemnation of structure located at 310 E. Richard. (Building Official).

Mr. Carrillo stated he would like these structures condemned due to their condition. Mayor Fugate explained to Ms Barraza that if the structure is condemned she still has forty-five days to demolish which gives her plenty of time to move the structure.

Commissioner Wilson made a motion to condemn the structures located at 1248 E Nettie, 1025 E King, 1218 E Kenedy, and 310 E Richard, and that they are found to be unsafe structures, they present conditions that are in violation of City ordinances, they cannot be corrected without substantial

reconstruction, and declare the buildings or structures to be a public nuisance, and order their demolition by the owner/agent or person in charge within forty-five (45) days, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. RESOLUTION R2008-07 Consider resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City General Election on May 10, 2008. (City Secretary).

Ms Lopez stated this resolution appoints the Election Judges, Alternate Judges and the Early Voting Ballot Board Judge for the City's General Election on May 10th, 2008. Each Election Judge is authorized to appoint two clerks, the compensation for the Election Judges will be \$9.00 per hour, plus an additional \$25.00 for delivering election returns to the Courthouse, and the Alternate Judges and Clerks will be compensated \$8.00 per hour.

Ms Lopez stated the appointments are as follows: Ms Mary Flores, Presiding Judge of the Early Voting Ballot Board.

<u>CITY POLLING PLACE</u>	<u>PRESIDING JUDGE</u>	<u>ALTERNATE JUDGE</u>
1 – TAMUK Industrial Tech Bldg.	Selina Perez	Beatrice Garza
2 – School Administration	Diana Garcia	Julia Burroughs Eleazar
3 – Kleberg County Human Serv.	Estela Rodriguez	Nora Cisneros
4 – Gillett Intermediate School	Janie Munoz	Rosa Guerrero
5 – Lamar Elementary School	Amparo Quintanilla	Maria Luisa Alaniz
6 – Perez Elementary School	Tony Torres	Vilma Quintanilla

Commissioner Laskowski made a motion to authorize the resolution appointing the Election Judges and Early Voting Ballot Board Judge for the City General Election on May 10th, 2008 seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

8. Consider approval of alcohol variance for the K-2 Food Mart located at 128 W. Corral. (City Secretary).

Ms Lopez stated that this item was introduced in the public hearing. There were no comments made for or against the variance.

Mayor Fugate called for a motion. Commissioner Laskowski made a motion to approve the alcohol variance for the K-2 Food Mart located at 128 West Corral, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

9. Discuss and consider Emergency Medical Service (911) for the City of Bishop. (Fire Chief).

Fire Chief Lopez stated the agreement between the City of Bishop and Kingsville expired about three months ago. He stated the call volume to Bishop was low and they were billed for six months for twenty-one calls. He stated that in order to continue this is being brought to the Commission for discussion and to get direction from the Commission. City Manager Yerena stated the City of Bishop is still without ambulance service. He stated staff is recommending not being in this business for the long- term.

Ms Billie Erwin, City Councilwomen from Bishop stated they are trying to get their own service and are presently working with an ambulance company for a proposal. Mayor Fugate asked about a timeline. Ms Erwin responded they do not have a timeline.

Mayor Fugate called for questions or comments. Commissioner Laskowski stated the agreement was approved in July for two months. He stated his concern is that as a Commissioner he has a responsibility first to the citizens of this community. He stated he is willing to help the City of Bishop, but they can't rely on this long-term. Ms Cynthia Contreras, Bishop City Secretary stated there is an ambulance service from the Valley that is working on doing a demographic study.

Mayor Fugate called for the Fire Chief's recommendation. Chief Lopez stated that the City of Bishop is depending on Kingsville, but Kingsville does not have the vehicles or staff. He stated that the amount of money being paid by the City of Bishop does not come close to what an average ambulance run in Kingsville costs which is approximately \$900.00. He stated his recommendation would be to set a time limit and adjust the cost. Upon a question from Commissioner Pecos, Chief Lopez stated service is provided for Ricardo because of the mutual aid agreement with the County. For a 911 response, Chief Lopez stated they are not responding in a timely manner because of the distance. Upon a question from Commissioner Garcia, Ms Contreras replied the next responding area would come from Robstown or Annville. Chief Lopez stated if service is to be continued a new agreement must be put together. He stated his recommendation is to set a time limit on the agreement and adjust the cost. Upon a question from Commissioner Wilson, Chief Lopez replied that he met with Finance Director Mark Rushing and Paramedic Felix Camarillo to do an analysis. He stated the rate should be adjusted to \$920.00, minimum and that the patient will be billed. Commissioner Wilson stated that his understanding is if a time limit is set and the rate is adjusted then the Fire Chief would be agreeable to continue the service for a limited amount of time. Chief Lopez responded that was correct. Commissioner Laskowski stated that the present agreement calls for the City of Bishop to be responsible for \$250.00 above what is charged to the patient. Chief Lopez stated that the City of Bishop will be responsible for \$920.00 which will replace the charge of \$250.00, and the patient will still be billed.

Commissioner Wilson made a motion to approve the Agreement with the following amendments: on Section 2 (B) 4, in place of the amount of \$250.00 to be replaced by \$920.00 per service run; and under the Term, Section 3 (A), would be replaced with "this agreement will be in effect from March 26th, 2008 and terminate on June 9th, 2008, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

10. Consider approval of contract for professional services between the City of Kingsville and LNV Engineering for Infiltration and Inflow (I&I) Study and Report. (City Manager).

City Manager Yerena stated this would allow LNV Engineering to complete the I & I Study and Report.

Mayor Fugate called for any questions or comments. Commissioner Garcia made a motion to approve the contract, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

11. ORDINANCE ORD2008-13 Consider final passage of an ordinance amending the Fiscal Year 2007-2008 budget for the City of Kingsville for Water Wells #23 and #24 to come from CO 2005 Utility Fund Interest Revenue. (Finance Director).

City Manager Yerena stated the interest revenue is being recognized in the amount of \$510,000.00 and expending it for water well #23 & #24.

Commissioner Laskowski made a motion to approve the final passage of this ordinance amending the Fiscal Year 2007-08 Budget for the City of Kingsville for Water Wells #23 & #24 to come from CO 2005 Utility Fund Interest Revenue, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

12. Consider introduction of an ordinance amending the Fiscal Year 2007-2008 budget for the City of Kingsville to allocate an increase in revenues from various sources for expenditures in various departments in the General Fund and the Capital Projects Fund. (Finance Director).

City Manager Yerena stated this basically recognizes revenue and makes sure there are enough revenues for certain expenditures, including the Clean Sweep activities.

Mayor Fugate called for questions or comments.

INTRODUCTION ONLY

13. Consider reallocation of Capital Projects Fund for new bay addition at the Fire Department. (City Manager).

City Manager Yerena stated this item would allow the reallocation of \$18,000.00 from the interest revenue to come up with \$180,000.00 that is needed for the construction of the expansion.

Chief Lopez stated that they are at the point of going out for bids for the addition to the fire station which will entail two new stalls and storage area. He stated the size is 50 x 80 foot and will cost \$180,000.00. He stated this will be a metal building and be attached to the present building.

City Engineer Gutierrez stated the building is a steel frame building with concrete slab. He stated he will be ready to go out for bids in about two weeks. He stated any builder will be able to take the plans and build the building. Mr. Gutierrez stated the building should be completed in three months. Upon a question from Mayor Fugate, Chief Lopez stated the new fire truck is due here in September.

Mayor Fugate called for questions or comments. Upon a question from Commissioner Laskowski, Chief Lopez replied the amount spent was to repair the roof and added that all renovations at the fire station have come from the building maintenance line item. Commissioner Laskowski stated the amount for the new bay proposal is estimated at \$180,263.00 and asked where \$18,000.00 would be coming from. Ms Caron Vela, Accounting Manager replied that the \$18,000.00 will be allocated from the \$41,000.00 of interest revenue.

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

14. Consider awarding bid for one time special collection of brush, rubbish, and bulky items to Absolute Waste Acquisitions, Inc. of Corpus Christi, Texas. (Purchasing Director).

Ms Byington stated this item authorizes approval for a one time special collection. Based on the company's estimate this action will cost approximately, \$114,000.00. She stated

recommendation is to award the bid to Absolute Waste Acquisitions, Inc. of Corpus Christi, Texas.

Mayor Fugate called for questions or comments. Commissioner Garcia asked if there would be supervision and coordination with the company on a daily basis. City Manager Yerena replied there would be constant coordination with the project directors, Mr. Donnell and Ms Leubert. Mr. Bill Davis, President Absolute Waste addressed the Commission and stated there will be constant coordination and a lot of communication. He stated there have been meetings with Staff and they are ready to get started. Mayor Fugate stated he hopes the numbers are correct because there is a lot of trash. Upon a question from Commissioner Laskowski, Mr. Davis replied everything will be pushed out even if they have to pick up items by hand. He stated City staff will follow behind and sign off on the various alleys.

Commissioner Wilson made a motion to accept Staff's recommendation and award the bid to Absolute Waste Acquisitions, Inc. from Corpus, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

19. Discuss establishing legislative issues for the 2009 Legislative Session for the City of Kingsville. (Commissioner Laskowski).

Commissioner Laskowski stated since there is a new State Representative the Commission should look at some ideas that will affect Kingsville. With regard to Uranium mining, the County has tasked the Citizens Review Board to come up with some recommendations on the implementation of those new laws. He stated in speaking to members of the CRV, there is things in the legislation that need to be addressed in this next session. He added that the Water Development Board has already passed a resolution identifying some of those things. Mayor Fugate stated that in talking to Mr. Dick Messbarger from the EDC, they are planning a workshop in May to address legislative affairs. He stated that he believes that Representative elect Rios-Ybarra will be present and stated that would serve what Commissioner Laskowski is trying to accomplish. Commissioner Laskowski recommended that everyone should be thinking about this in order to be ready. Ms Alvarez provided information on an email from Ms Molly Bosley, JLUS. She stated that Ms Bosley advised there are three legislative action issues that the City might want to present or consider; the first is with regard to encouraging interim studies regarding military base encroachment, second to include NAS-Kingsville and wildlife management legislation, and third to enact wind energy restriction legislation. She added this is not necessarily the City's position but the JLUS Study committees' position.

20. Discuss and consider the STWA's 5 million gallon tank located in Kingsville on Sage Road per the Water Authority's request. (City Manager).

Mr. Donnell stated Staff feels it would in the best interest of the City if the 5 million gallon tank remains. He added that currently water wells are producing 3,800 gallons of water per minute and the City's need, as per TCEQ is 4,500 gallons per minute. He stated that the City really doesn't need surface water once the new well is up and going. Mr. Donnell stated he feels it is in the best interest to rehab the tank rather than bringing it down to a smaller tank as proposed to a tank of 750,000 gallons. He stated that size tank would barely meet the minimum for the amount of ground storage required for the City's connections.

Mayor Fugate called for questions or comments. Ms Carola Serrato, Executive Director STWA, addressed the Commission. Ms Serrato stated she understands TCEQ requirements. She provided charts and explained an analysis handout. She stated that in preparation that the two entities, Kingsville and Bishop decided in resizing the tanks, STWA had already requested a proposal from HDR Engineering at a cost of \$9,900.00 and the Water Authority Board would be considering this proposal at their next meeting. She stated that the cost of rehabilitating the tank is money that STWA does not have. She stated she will be asking her Board to consider what the analysis would reveal in terms of a different size tank based on the things that the engineering firm recommends.

Mayor Fugate called for further questions or comments. Commissioner Laskowski asked Ms Serrato if the reason for not refurbishing the tank was because it is estimated at \$1,175,000.00. He asked her if the monies had to be paid up front, or if this could be paid with certificates of obligation over a period of time. Ms Serrato replied the underwriters have to be comfortable with the term of repaying the debt and repaying the debt in a 2 ½ year period is not economically feasible. She stated the contracts with some of the Cities will terminate. Commissioner Laskowski then asked for her recommendation on building a smaller tank. Ms Serrato replied that is what will be proposed by the engineering firm and the engineering firm's study would determine the proper size for the tank. Mayor Fugate stated this agenda item is an action item. He asked if it was STWA's obligation if the City wanted a 5 million gallon tank. Ms Serrato replied she would have to defer the question to her legal counsel. Upon a question from Mayor Fugate, Ms Serrato replied she would like to hear from the Council to approve spending \$9,900.00. Mayor Fugate stated it was his understanding that Ms Serrato would ask her Board to fund this study. Ms Serrato replied she was not proposing otherwise, but she was asking that the Commission support or urge her Board to go forward with the study. Commissioner Wilson stated if they encourage the Board to do that, than the City is giving them the encouragement that the City is going to actually look at a smaller tank. Mayor Fugate asked if this was a contractual obligation by the Water Authority. Ms Alvarez responded she has not reviewed the contract within the last three years. She stated there is probably, but not certain, language to the effect that this is what the City had originally requested or needed and it was built to service the City's need. She stated she would think that there is an obligation to repair it to make sure that it is able to service the City's needs. Commissioner Laskowski stated that during negotiations there was discussion on language that all entities would share on the cost through water rates for the repair of these facilities.

City Manager Yerena stated there are two separate systems involved, if the Water Authority hires a consultant, he would assume that the consultant would be working under the assumption to determine what is best for their system. He added that the City has a much larger system and goals and objections that are much different from theirs. He added that the City must be careful because we have a comprehensive plan and infrastructure that we would have to evaluate rather than taking what their consultant might say is best for the City. Mayor Fugate called for the City Manager's recommendation. Commissioner Wilson stated the recommendation from Staff is that the existing tank is refurbished.

Commissioner Wilson made a motion to accept Staff's recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 8:00 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, City Secretary