

JULY 14, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 14, 2008 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Mayor Pro-tem
Charles E Wilson, Commissioner
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Mark Rushing, Finance Director
Armando Gutierrez, City Engineer
Dora Byington, Purchasing Director
Al Lopez, Fire Chief
Bill Donnell, Public Works Director
Yolando Cadena, Health Director
Robert Rodriguez, Library Director
Diana Gonzales, Human Resource Director
Joe Casillas, Water Production Supervisor
Chris Sanchez, Solid Waste Brush
Grace Garcia, Executive Secretary
Dianne Leubert, Solid Waste Superintendent
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the 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 from the regular meeting of June 23, 2008. Commissioner Laskowski made a motion to accept the minutes, as amended, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Wilson, Garcia, Laskowski voting "FOR". Fugate "ABSTAINED".

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

City Manager Yerena reported on the schedule for the City's Safety Week; on the scheduled meetings to discuss the proposed budget; on the date of the next Trash-Off program; and that the foundation for the new addition (bays) at the Fire Station were poured today. Mr. Joe Casillas, Water Production Supervisor addressed the Commission and provided a brief overview on the progress of Well #23. He stated if everything goes as planned the well should be turned loose on Friday. City Manager Yerena reported on the progress of the construction at Chandler Acres and on street work on Caesar Street.

Mayor Fugate presented a plaque and clock to City employee, Ms Grace Garcia on her retirement. Not present to receive his plaque and clock was retired City employee, Mr. Robert Saldana.

Ms Alvarez reported the information of the land donation on East Yoakum came in too late, so this will be placed on the next agenda. She reported that Staff had inquired with the County for a copy of their jail contract amendment but they did not have one. She advised the Commission about an irrigation ordinance or regulation that need to be adopted in order to comply with State Law. Ms Alvarez advised of some seminars that she might be attending.

Commissioner Laskowski asked for volunteers for the Trash-Off to be held on Saturday.

Mayor Fugate briefed the audience on his recent trip to Washington, D.C. regarding military affairs that will benefit the City of Kingsville.

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. There were no comments made.

Mayor Fugate called for consider of the Consent Agenda, items 1 & 2. Commissioner Pecos made a motion to accept the Consent Agenda, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos voting "FOR". Laskowski "AGAINST".

V. Consent Agenda

1. ORDINANCE ORD 2008-22 Motion to approve final passage 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 the Sanitation Department for the Clean Sweep Project in the General Fund and the Capital Projects Fund. (City Manager).
2. Motion to approve a contract for janitorial services with Pais Janitorial Services for the City of Kingsville Law Enforcement Center for Fiscal Year 2008-2009. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider authorizing the City Manager to enter into Interlocal Agreement with Texas A&M University-Kingsville relating to beautification of right-of-way islands on Santa Gertrudis Avenue. (City Attorney).

City Manager Yerena stated this agreement provides consent for a beautification project that they would like to do in the right-of-way islands on Santa Gertrudis Ave between Armstrong and Seale Street. He stated the University is seeking permission to replace water lines for the medians, add an irrigation system and add landscaping, all of which they will maintain. The University is asking that the City continue to pay the electric bill for the currently existing street lights. He stated that this is a one year agreement renewable for up to four additional one year period with agreement by both parties.

Commissioner Laskowski made a motion to authorize the City Manager to enter into Interlocal Agreement Texas A&M University-Kingsville relating to beautification of right-of-way islands on Santa Gertrudis Avenue, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSTAINED"

4. Consider authorizing LNV Engineering to subcontract professional services with Pipeline Analysis, LLC for City of Kingsville, Texas Sanitary Sewer Smoke Testing- Infiltration & Inflow Study. (Public Works Director).

Mr. Donnell stated that pursuant to the City's contract LNV Engineering must provide a name and a scope of work if they subcontract any of the work. He stated that the project will not exceed \$193,000.00. He stated that the smoke testing would be the majority of the town which would coincide with the TCEQ plan.

Commissioner Laskowski posed a question in reference to Exhibit A – Compensation. He stated the total is not to exceed \$224,960.00 and not \$193,000.00. Mr. Donnell explained that the \$193,000.00 was derived from the \$225,000.00 CO amounts minus the

\$32,000.00 contracted currently with LNV Engineering. Commissioner Garcia asked if liability coverage was verified for the subcontractor. LNV representative Juan Pimental replied this will be verified.

Commissioner Laskowski made a motion authorizing LNV Engineering to subcontract professional services with Pipeline Analysis, LLC for the City of Kingsville, Texas Sanitary Sewer Smoke Testing- Infiltration & Inflow Study, not to exceed \$193,000.00, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

5. RESOLUTION R2008-16 Consider resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado Division, and Boys & Girls Club of Kingsville. (City Manager).

City Manager Yerena stated this provides for a donation of funding for the Boy Scouts of American and the Boys & Girls Club. He stated that both entities qualify because they provide drug abuse prevention program and anti-drug programs to the youth of our community. He stated that the City Attorney drafted the resolution.

Commissioner Wilson made a motion to authorize the resolution, as presented, seconded by Commissioner Garcia.

Mayor Fugate thanked the Police Chief. Commissioner Pecos stated that the reason for monies being donated is that these entities provide anti-drug programs. He stated that non-profit organizations that do not have anti-drug programs are not entitled for these type of funds.

Commissioner Laskowski asked that the Police Chief and Task Force Commander to establish a set of guidelines for designation for funds to organizations with drug awareness programs. Commissioner Garcia stated that the donation is \$5,000.00 for each entity. Commissioner Wilson clarified this agenda item reference only the Police Department.

Mayor Fugate called for a roll-call vote. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

6. RESOLUTION R2008-17 Consider resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes & Narcotics Task Force for donation to the Boy Scouts of America Venado Division, and Boys & Girls Club of Kingsville. (City Manager).

City Manager Yerena stated this is a similar resolution as the previous, but this would come from the Task Force.

Commissioner Garcia stated the amount was \$5,000.00 for each group. Mayor Fugate called for a roll-call vote. 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".

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, providing for the fiscal year 2007-2008 employee compensation plan. (Human Resource Director).

Ms Gonzales stated the change is in the Management Level Salary plan to be in line with the Commissions' change in the City Attorney's compensation. She stated the maximum is now \$85,000.00.

Mayor Fugate called for questions or comments.

INTRODUCTION ONLY

Mayor Fugate announced the Executive Session at 6:39 P.M. and took a short recess.

8. Executive Session: pursuant to Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the duties and compensation of the City Manager. (Mayor Fugate).

The Commission reconvened into regular session at 7:25 P.M.

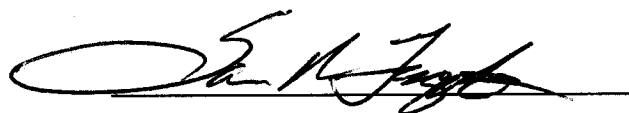
9. Discuss and consider the compensation of the City Manager. (Mayor Fugate).

Mayor Fugate stated he asked this be placed on the agenda, in light of the increase that the City Attorney received at the last meeting. He stated that he was concerned that there was a disparity in faith. Mayor Fugate called for further discussion.

Commissioner Pecos made a motion that the City Manager at the next meeting provides an exact figure to the end of the fiscal year of how much an increase in compensation will be based on \$7,300.00, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

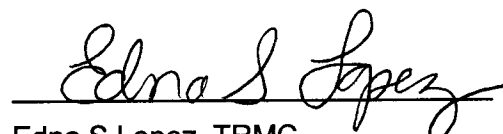
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:27 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC
City Secretary