

JUNE 8, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 8, 2009 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Robert Rodriguez, Library Director
Joe Casillas, Water Production Supervisor
Al Lopez, Fire Chief
Bill Donnell, Public Works Director
Frank Garcia, Wastewater Supervisor
Diana Gonzales, Human Resource Director
Naim Khan, City Engineer
Dora Byington, Purchasing Director
Ken Clark, Director of Development Services
Caron Vela, Accounts Manager
Fidel Gonzalez, Task Force Commander

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia 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 Pro-tem Garcia called for consideration of the minutes of the regular meeting of Tuesday, May 26th, 2009. **Commissioner Laskowski made a motion to accept the minutes, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting “FOR”. Fugate “ABSENT”.**

Mayor Pro-tem Garcia called for a “Keep Kingsville Beautiful” award to be presented by Commissioner Laskowski to the Athletic Department from Texas A&M University-Kingsville.

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

Mayor Pro-tem Garcia announced there were 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 a brief update on the I&I Study would be provided by the Public Works Director Bill Donnell. Mr. Donnell addressed the Commission, and provided a handout to the Commission pertaining to information on the rehabilitation occurrence summary prepared by LNV Engineering. Mr. Donnell stated that the areas of the study that were focused on where the smoke testing occurred and 85% of the lines were tested. He added this covered the infiltration from surface whether it was service cleanouts, manholes, and broken lines. He stated the handout pertains to surface infiltration and nothing from ground water infiltration or water table. He stated that priority #1 are the major infiltration areas, priority #2 are areas of leakage but are not major. He further explained the occurrences that were listed on the report. Mr. Donnell stated that the international plumbing code would be enforced in replacing the cleanout caps. Upon a question from Mayor Pro-tem Garcia, City Manager Yerena explained that typically funds have been received through ORCA, but funding is in cycles. He stated funding is usually for low income areas. Mr. Donnell stated that this report does not identify sewer line failure; this must be done through video testing. He stated smoke testing will continue. Mr. Donnell stated that the amount for priority #1 is \$183,442.10; and priority #2 is \$181,626.40. He added that most of the problems discovered were citizen related problems.

Ms Alvarez reported she will be attending a legal seminar and the following week she will be on vacation. She reported on a symphony concert to be held on July 4th.

Commissioner Pecos reported that the bridge on 17th Street needs mowing.

IV. Public Comment on Agenda Items ³

1. Comments on all agenda and non-agenda items.

Mayor Pro-tem called for comments on all agenda and non-agenda items. There were no comments.

Mayor Pro-tem Garcia called for consideration of the Consent Agenda, Items 1-4. 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: Garcia, Wilson, Pecos, Laskowski voting “FOR”. Fugate “ABSENT”.

V. Consent Agenda

1. RESOLUTION NO. R2009-30 Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the Kingsville Specialized Crime & Narcotics Task Force for donation to the Boy Scouts of America Venado District and Boys & Girls Club of Kingsville. (Task Force Commander).
2. RESOLUTION NO. R2009-31 Motion to approve out-of-state travel for two Task Force Agents to attend the Law Enforcement Associates training in Raleigh, North Carolina, from June 9-11, 2009. (Task Force Commander).
3. RESOLUTION NO. R2009-32 Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Boys & Girls Club of Kingsville. (Chief of Police).
4. RESOLUTION NO. R2009-33 Motion to approve resolution authorizing the acceptance of grant funding from the Coastal Bend Regional Advisory Council from the Department of Homeland Security for the Kingsville Fire Department for the purchase of portable radios. (Fire Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider approval of the Sanitary Sewer Overflow (SSO) Outreach Initiative Plan for the City of Kingsville for submittal to the Texas Commission on Environmental Quality. (Public Works Director).

Mr. Donnell stated is the initial plan offered by TCEQ to cities with reported sanitary sewer overflows. He stated the City is one of the top five cities to enter into the program. During the time the City is working on the plan to correct infiltration there will no fines associated for sanitary sewer overflows. TCEQ offered opportunity to provide them with a plan to eliminate the infiltration. He stated the plan entails smoke testing and over a ten year period the problems identified in the smoke study will be corrected. He added that smoke testing will continue and there will be a find and fix approach. He stated that performance indicators reports will be kept and will be submitted to TCEQ. Mr. Donnell stated this is being submitted to the Commission for approval to enter into program.

Commissioner Laskowski asked ten years was a standard time line to do 100% completion. MR. Donnell replied that was the maximum of the program.

Mayor Pro-tem Garcia called for further questions or a motion. **Commissioner Pecos made a motion to approve as present, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Garcia, Wilson, Pecos, Laskowski voting "FOR". Fugate "ABSENT".**

6. Consider approve final passage 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).

Ms Vela stated this was the second reading of the ordinance. She called for questions from the Commission.

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

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III, Article 12, City Policies, providing for a detailed process for changing the name of a City street. (City Attorney).

Ms Alvarez stated that in March of this year an ordinance was approved in order to place a moratorium on renaming of existing city streets. Staff was directed to research and find an ordinance that followed through on some objectives that the Commission stated that they would like to see in place. She stated she found something that seemed workable and in line with what the Commission was looking for and information was submitted to the Planning department for their review and input. Ms Alvarez stated the ordinance submitted would substantially revise the existing ordinance. She stated it is rather comprehensive and the completed application and certain fees have to be submitted before Staff can move on this. She stated that aside from the application fee, the estimated cost for the manufacture and installation of the new street name signs would need to put down as a deposit. She added that from the time of the completed application the request would need to come before the City Commission within 90 days. The Planning and Zoning Commission would hold a public hearing, and then only if the Planning and Zoning Commission approves the name change would it come to the City Commission. She added if the Planning and Zoning Commission does not approve, then it dies, and there is no right of appeal.

Upon a question from Mayor Pro-tem Garcia, Ms Alvarez stated some cities have less on the ordinance but this is based on what San Antonio, Texas follows because it seemed to have most of the key points that the Commission had advised that they were looking for. Ms Alvarez stated that section 3-12-4 indicated that the Planning department will distribute copies of an application for review and comments to the postal service, public works, police department, fire department, engineering department and any other departments, as well as the Historical Development Board if the street is in Historic district. She added if the postal service does not approved, then there is no way that P&Z can approve a name change. Upon a question from

Commissioner Wilson stated this is a comprehensive ordinance. He stated that in the past when there has been an application process, the Commission has never seen the application. He requested that the Commission view the application. He further thanked Staff stating it meets all criteria he was looking for.

Commissioner Pecos asked for clarification regarding the application fee that would be applied to all groups. Ms Alvarez stated if a group wants a street name change, the group would have to pay the fees, but if a Commission member makes a request, the City can go through the process and the cost involved would not have to be posted by the City.

INTRODUCTION ONLY

8. Consider introduction of an ordinance adopting the annexation plan for the City of Kingsville. (Director of Development Services).

Mr. Clark stated this is basically an ordinance that is for clean-up. He stated that the City does not currently have an adopted annexation plan. The City of Kingsville does not presently have any plans to annex any territory that is required to be in an annexation plan. This will enable the City to do small annexations that fall into the exceptions provisions of the Texas Local Government Code. This will not preclude the City from adopting an annexation plan in the future if the City decides to annex territory that is required to be in an annexation plan in order to be annexed. He requested that the City Commission introduce the ordinance at this time.

INTRODUCTION ONLY

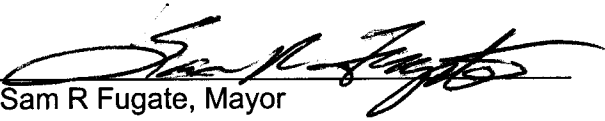
9. Consider awarding bid for the construction of a disposal cell at the City's landfill as per plans and specifications prepared by SCS Engineers. (Purchasing Director).

Ms Byington stated that it is recommended that the bid be awarded to the lowest bidder, Environmental Specialties International, Inc. from Baton Rouge, Louisiana for the construction of this cell. This action will expend \$1,060,292.77; funds were approved in the current budget under account number 064-5-170.3-714.00.

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

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S. Lopez, TRMC
City Secretary