

FEBRUARY 8, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 8, 2010 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
Dora Byington, Purchasing Director
Joe Casillas, Water Production Supervisor
Yolanda Cadena, Health Director
Al Lopez, Fire Chief
Bill Donnell, Public Works Director
Robert Rodriguez, Library Director
Frank Garcia, Wastewater Supervisor
Mark Rushing, Finance Director
Naim Khan, City Engineer
Robert Trescott, Downtown Manager
Dianne Leubert, Solid Waste Superintendent
John Garcia, Risk Manager
Gary Fuselier, Landfill 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 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 regular meeting of Monday, January 25th, 2010. **Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski, Pecos voting "FOR".**

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

Mayor Fugate announced there weren't any public hearings to be heard.

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, 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, Chapter 59 project. No formal action can be taken on these items at this time."

City Manager Yerena reported on the Street Department's paving projects for the coming weeks, weather permitting. He reported on the Health Department's mosquito and weed control activities.

Ms Alvarez thanked the people she worked with at the Kingsville Shine event. She announced that the next regular meeting is in two weeks; that the Notice for Calling of Election is in bilingual as per Secretary of State's recommendation. She stated that the County appointed two members to the Joint Airport Board and the City will be making their appointment at the next meeting.

Commissioner Laskowski also thanked the volunteers at Kingsville Shine. Mayor Fugate echoed Commissioner Laskowski's comments.

Mayor Fugate presented two proclamations, "Black History Month" and "100th Anniversary of King Star Baptist Church and Homecoming" to Ms Jeanette Price, Ms JoAnn Gaddis, Ms Margie Houston, and Ms Clarice Williams.

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.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-4. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Pecos & Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

V. Consent Agenda

1. **Motion to approve reappointing Ms Janice Becker and Ms Judith Cox to the Library Board to serve another three year term. (Library Director).**
2. **Motion to approve resolution accepting funding for grant program called Kingsville Operation Border Star on behalf of the City of Kingsville; Authorizing the Police Chief to act on the City's behalf with such grant. (Police Chief).**
3. **Motion to approve awarding Bid No. 10-22 authorizing the purchase of three (3) Ford Crown Victoria sedans for the Police Department. (Purchasing Director).**
4. **Motion to approve awarding Bid No. 10-26 authorizing the purchase of one (1) van for the Wastewater Department. (Purchasing Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. **Consider resolution approving applications for Home Funds to finance redevelopment and a resolution of support for the proposed reconstruction of the developments known as Casa Ricardo Villa, Connell Villa, and Maple Circle. (City Manager).**

City Manager Yerena this basically approve application for home funds for the re-developments.

Ms Cory Hinojosa, Executive Director Housing Authority, stated this resolution would allow them to apply for some additional home loan funds with the City's support and a tax credit application for the Casa Ricardo development.

Commissioner Laskowski made a motion to adopt the resolution of support for the proposed reconstruction of the developments known as Casa Ricardo Villa, Connell Villa, and Maple Circle, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

6. Consider authorizing the City Manager to enter into an agreement with Premier Election Solutions, Inc. for One-Time Rental of Equipment, Sale of Services, and License of Software for 2010 Municipal General Election. (City Manager).

City Manager Yerena stated would allow for the rental of the 2010 election equipment. He stated information was emailed with relation to additional quotes for election equipment, but this was the best.

Commissioner Wilson made a motion to adopt the resolution as presented, seconded by Commissioner Garcia. Mayor Fugate called for further discussion. As a point of order, Commissioner Laskowski stated this was not a resolution, this is authorizing the City Manager enter into an agreement. Upon a question from Mayor Fugate, Ms Alvarez replied there is no problem because it should sufficiently notify the public of what the intent of the Commission is, which is to enter into the agreement with Premier Election Solutions, and the resolution is just a written format that makes sure that it is known to the company that the City Manager has the authority from the Commission to enter into this agreement, even though it is well below the required bidding threshold. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

7. Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA) (SECRETARIA MUNICIPAL).

City Manager Yerena stated this resolution would order the City's general election, designate voting precincts, polling places, establish election procedures and appoint the Early Voting Clerk, the City Secretary. This item was read in both English and Spanish.

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

8. Consider reallocation of Certificates of Obligation Series 2005 for SCADA System for Water Department. (Finance Director).

Mr. Rushing provided information on a summary recap that was provided to the Commission on the agenda packet. He stated originally there was \$11,600,000.00 in cash, bond discount of \$15,619.52, daily interest earned \$1,075,456.38, and cash expenditures of \$11,594,583.47. He stated cash basis would be: \$1,096,492.43. He stated if reallocation is approved for \$224,200 including the previous encumbrances that would bring the balance down to \$820,095.50. He provided information on the arbitrage issue and interest due.

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

9. Consider awarding Bid No. 10-21 authorizing the purchase and installation of a Scada System for the Water Productions Department. (Purchasing Director).

Ms Byington stated City staff recommends awarding the bid to Trac-N-Trol, Inc. from Georgetown, Texas for a total of \$224,200.00.

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

10. Consider awarding Bid No. 10-24 authorizing the purchase of one 14 cubic yard dump truck for the Wastewater Department. (Purchasing Director).

Ms Byington stated this item authorizes the purchase of one 14 cubic year dump truck. City Staff recommends awarding the bid to the lowest, responsible bidder, South Texas International from Corpus Christi. This item will expend \$84,389.00 from account 054-5-700.3-711.00.

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

11. Consider awarding Bid No. 10-25 authorizing the purchase of three (3) pick-up trucks for the Wastewater and one (1) Water Production Departments. (Purchasing Director).

Ms Byington stated this item authorizes the purchase of three pick-up trucks for the Wastewater Department and one for the Water Productions Department. It is recommended that the bid be awarded to the second lowest responsive bidder, Eddie Yaklin Ford from Kingsville. The lowest bidder did not meet specifications and bid forms were not signed. The local Government Code allows the city to purchase items from the local bidder if the bid is within five (5) percent of the lowest bidder.

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

12. Consider reallocation of Certificates of Obligation Series 2009 for water tank for Landfill truck. (Finance Director).

Mr. Rushing stated this is the same recap as the reallocation for the electric pump and pickups; the only thing added was the reallocation request for the replacement of the tank. This money is being pulled from the same line item from the new cell.

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

13. Consider awarding Bid No. 10-30 authorizing the purchase of one (1) 2,000 gallon water tank to be installed on a 2002 Sterling diesel truck for the Landfill Department. (Purchasing Director).

Ms Byington stated this item authorizes the purchase of one 2,000 gallon water tank to be installed on a 2002 Sterling diesel truck. It is recommended the bid be awarded to the lowest bidder, H & V Equipment Company from Corpus Christi. This action will expend \$8,450.00 for the water tank and installation to a city truck, from account number 064-5-170.3-711.00. This was not advertised only informal bids were received.

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

14. Consider authorizing the city to enter into negotiations with SCS Engineers from Houston, Texas for engineering services at the Landfill. (City Manager).

City Manager Yerena stated this item authorizes the city to enter into negotiations with SCS Engineers from Houston. The service will encompass all technical engineering services associated with landfill facilities including, but not limited to, permit modification/amendment preparation, compliance management plans, solid waste plans and studies, solid waste engineering and cell design, detention basin and ditch design, groundwater and air monitoring and all related landfill engineering, monitoring and operational services. Staff requested "Requests for Qualifications" by advertising in the local newspaper.

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

15. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 5-1-46, Providing for heavy brush and yard waste collection, placement, maximum size and required preparation thereof. (City Manager).

City Manager Yerena stated this change would allow the City to more effectively and efficiently collect brush. He stated this amendment removes the section that talks about "from customers" which would allow the City to pickup heavy brush and yard waste from vacant lots. Mayor Fugate called for further questions or discussion. **Commissioner Garcia made a motion to approve final passage of the ordinance, seconded by Commissioner Pecos.** There was discussion on picking up mixed brush. Commissioner Laskowski stated the idea behind this ordinance is to save space at the landfill. Mayor Fugate stated residents need to be held accountable. Commissioner Laskowski stated a systematic ally closure would be a way to potentially resolve the problem. Commissioner Pecos stated the citizens don't want to cooperate, the first time is fine, but the second time they need to be fined. He stated that residents of rental properties that leave dump in the alleys.

There was lengthy discussion on code enforcement procedures.

Commissioner Wilson called for the question. Commissioner Wilson stated as a point of order, he called for the question which this item requires a vote.

The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia voting "FOR". Laskowski voting "NO".

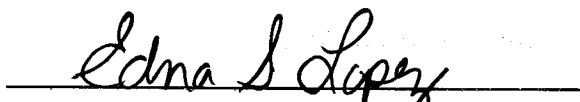
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:47 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary