

MARCH 22, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HLED ON MONDAY, MARCH 22, 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
Naim Khan, City Engineer
Mark Rushing, Finance Director
Ken Clark, Director of Development Services
Yolanda Cadena, Health Director
Diana Gonzales, Human Resource Director
Bill Donnell, Public Works Director
Robert Trescott, Downtown Manager
Ricardo Torres, Police Chief
John Garcia, Risk Manager
Joe Casillas, Water Production Supervisor
Grace Garcia, Interim Task Force Commander
Felix Camarillo, Paramedic/Firefighter
Ken Clark, Director of Development Services

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 City Manager Yerena, 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, March 8th, 2010. **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, “ABSTAINED”.**

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

NONE

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, Chapter 59 project, 2010 Census presentation. No formal action can be taken on these items at this time."

City Manager Yerena reported on the city hosting a Work Zone Safety class for all public works and public safety personnel on Tuesday - Thursday, March 23rd - 25th, 2010 at the public works building; on a vacancy on the Planning and Zoning Commission; on the "Meet the Blues" event to be held on Friday, March 26th at the J K Northway; on the 2010 "Wings Over South Texas" Air Show being held March 27th & 28th; he presented the official City of Kingsville flag; and on City Secretary Edna S Lopez earning the designation of "Certified Municipal Clerk (CMC)" which is awarded by the International Institute of Municipal Clerks, Inc.

He reported on the Main Street Program and provided an update on the Street Department projects throughout the City. He reported on the NLC Conference and on the visit with Congressman Solomon Ortiz discussing drainage projects and TXDOT. He stated that there was discussion on the need of an operation center.

Ms Alvarez reported on being notified by the State that the Enterprize project for Celanese that the Commission had designated submitting an application for in December was approved by the State. So, they will be a State designated Enterprise Project from 2009-2014; she reported that the US Census packets have been mailed out to the citizens. Mayor Fugate stated it is very important for the citizens complete and return the census. She reported on attending a seminar on Thursday and Friday and that the next regular Commission meeting will be on Monday, April 12th.

Commissioner Laskowski, Mayor Fugate, and members of Keep Kingsville Beautiful presented a "Because You Care" award to the owners of The Hall Frames, Mr. and Mrs. Zahn.

Mayor Fugate presented a proclamation for "Boys and Girls Club Week".

Commissioner Pecos provided information on their visit with Congressman Ortiz in reference to rumors about the Army and Navy at NAS-Kingsville. He stated the within a couple of weeks the Base should have over 150 people arrive. Commissioner Garcia stated they also discussed grants for infrastructure and post office closures. He added that Congressman Ortiz was very helpful but was very involved on the health issue.

IV. Public Comment on Agenda Items⁻³

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 1-3. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

V. Consent Agenda

1. ORDINANCE NO. ORD 2010-05 Motion to approve final passage of an ordinance amending the section 15-3-17 of the City of Kingsville Code of Ordinances, providing for a two year maintenance bond for subdivision improvements. (City Manager).
2. RESOLUTION NO. R2010-10 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 Scouts of America Venado District. (Police Chief).
3. RESOLUTION NO. R2010-11 Motion to approve resolution accepting funding for grant program called Kingsville Operation Border Star on behalf of the City of Kingsville; Authorizing the City Manager to act on the City's behalf with such grant. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

Mayor Fugate called for Items 10 & 11 to be heard at this time. There were no objections.

VI. Items for consideration by Commissioners.⁴

4. Consider two appointments to the Kingsville-Kleberg County Joint Airport Zoning Board (JAZB), one for a two year term and the other for a three year term. (City Manager).

Mr. Clark stated these are the appointment that the City will make to the Joint Airport Zoning Board. A Resolution was passed in January to create the Joint Airport Zoning Board. The Commission asked staff to place ad in the Kingsville Record newspaper to allow individuals interested in serving on the board an opportunity to submit letters of interest. The City Secretary received three letters of interest. One appointment would be for two year term and the other for a three year term. The first meeting will take place on March 31st in the City Commission Chambers. He added at that meeting a chairperson will be appointed but no formal action will be taken on establishing any ordinances, but will be considering all that. He stated that at the next meeting they will be considering to put items in place that will protect the Base.

Mr. Clark stated that the next Joint Land Use (JLUS) Implementation Committee meeting will be on March 31st at 2:30 P.M. at the Chamber of Commerce which will be a very important meeting. Ms Alvarez stated that after the City appoints its two members, they will meet with the County's appointees on March 31st and they amongst themselves will appoint a chairman. She added that the five member board before adopting any rules and regulations within their boundary of authority would have to publish notice at least 16 days or more before they would consider adopting anything that they were going to be having a public hearing to consider rules and regulations. She added one thing that is in the statute is to use an existing administrative body or create an administrative body to carry out the rules and regulations that they put in place. She added that the other board that would be used or established would need to be a Zoning Board of Adjustment or Appeal to appeal decisions of the administrative agency. She stated that it is foreseeable that the Joint Airport Zoning Board that gets created may recommend that the Airport Zoning Board of Adjustments just be the City's Zoning Board. She stated she was providing information because this may not be the only time that the City might need participation from citizens. Upon a question from Commissioner Laskowski, Ms Alvarez replied the four will select another member.

Commissioner Pecos made a motion to appoint Mr. David Cano to serve a two (2) year term and Mr. Ramon Perez to serve a three (3) year term, seconded by Commissioner Garcia for discussion. Commissioner Garcia stated that even though the City advertised there were only three (3) applicants. He then asked if there were more names mentioned at the previous meeting. Commission Wilson stated there were more names mentioned but one (1) was appointed on the County's side. Mayor Fugate called for a roll-call vote. **The motion was approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".**

5. RESOLUTION NO. R2010-12 Consider resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City General Election on May 8, 2010. (City Secretary).

CONSIDERAR LA RESOLUCIÓN EN LA QUE SE NOMBRAN LOS JUECES ELECTORALES Y LA JUEZA DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD, QUE SE REALIZARÁN EL 8 DE MAYO DE 2010. (SECRETARIA MUNICIPAL).

City Manager Yerena read the agenda item.

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

6. RESOLUTION NO. R2010-13 Consider resolution authorizing the City Manager to enter into Master Agreement between SCS Engineering and Client-City of Kingsville- for Professional Services (for Landfill). (City Manager).

City Manager Yerena stated is an agreement for all professional services for the landfill.

Commissioner Laskowski made a motion to approve the resolution, seconded by Commissioner Wilson. Upon a question from Mayor Fugate, Ms Alvarez replied she saw no problems with the agreement, and added this is a revised draft an initial draft was received and there were negotiations and this was what was approved. The motion was approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

7. RESOLUTION NO. R2010-14 Consider resolution authorizing the City Manager to enter into a revised Engagement Letter Agreement with John Womack & Co., P.C. for the 2008-2009 Fiscal Year audit, adding a "single audit". (Finance Director).

Mr. Rushing stated the City exceeded the \$500,000 threshold in federal money during the FY 2008-2009 so this requires the City do an additional audit to satisfy federal requirements. This is an additional \$7,000, to be financed from the saving in the 001-5-103.0-314.27 Professional Services – Actuarial Services. He stated originally budgeted was \$12,000.00 for this service, but they were able to come out economically when they used the same actuary that had been previously used for the FY 2007-08 CAFR. The City was only charged \$1,000.00 for the FY 2008-09 report and it meets all the GASB 45 disclosure requirements. Upon a question from Commissioner Pecos, City Manager Yerena stated the majority of the monies were for the water line grant and Police Department Border Star grants.

Commissioner Pecos made a motion to adopt the resolution, seconded by Commissioner Wilson. Mr. Rushing stated this audit will be done simultaneously with the regular audit. The motion was approved by the following vote: Fugate, Garcia, Laskowski, Wilson, Pecos voting "FOR".

8. Consider reallocation of Certificates of Obligation 2007 funds for portable radios for the Fire Department and the purchase of the 96 gallon carts for the Solid Waste Department. (Finance Director).

Mr. Rushing stated the PFFCO in 2007 is a specialize instrument that is restrictive. Three items were approved the ladder truck, the 96 gallon carts and the garbage truck. He added that in the process everything has been purchased. In correspondence with Bond Council, they responded that it would allowable, if the Commission authorized to install the portable radios for communication purposes. He stated that from the CO 2009, the 96 gallon carts could be re-classed to the CO 2007 and is would utilize all the funds. He stated the next agenda item would state the reallocation of the CO 2009. He stated that the cost for the portable radios would be \$14,928.00. Commissioner Laskowski stated there will be about \$4,000.00 left for Fire Department and the Solid Waste would be cleared out, 100%. Mr. Rushing added that he might purchase one more portable radio, but originally the request was for six (6) radios. He stated this would bring it up to current at the end of February including all interest.

Upon a question from Commissioner Garcia, Fire fighter Camarillo replied the Fire Department has about thirteen (13) portable radios. Mr. Rushing stated the radios are about nine (9) years old. Commissioner Laskowski suggested purchasing as many as can be bought with the balance of the funds.

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

9. Consider reallocation of Certificates of Obligation 2009 funds for commercial containers for the Solid Waste Department. (Finance Director).

Mr. Rushing stated with the Commission reallocating the 2007 PPFCO this would free up \$57,171.00 that could be utilized for commercial dumpsters which appears to be a greater need. The three (3) cubic yards cost approximately, \$415.00 each and the four (4) cubic yards cost approximately, \$477.00 each.

Commissioner Garcia made a motion to reallocate funds, seconded by Commissioner Pecos. Mayor Fugate called for further questions or comments. Upon a question from Commissioner Laskowski, Mr. Rushing replied there is still \$55,800 left for the 96 gallon carts so if there is a need for the additional containers monies could be pulled from there. **The motion was approved by the following vote: Fugate, Wilson, Laskowski, Pecos voting "FOR".**

10. Consider introduction of an ordinance vacating, abandoning, and closing an alley in Blocks 1 & 2 of Woodlawn Place. (City Engineer).

Mr. Khan stated this alley is located on the east side of Armstrong and south of Avenue A, it is 20 feet wide and 140 feet long. He explained the University purchased some properties in that area and this alley is located within those properties. He added there are no utilities in the alley. Mayor Fugate called for questions or comments. Upon a question from Commissioner Pecos, Mr. Khan replied the alley will be closed on 140 feet long. Upon a question from Commissioner Garcia, Ms Alvarez replied there are no requirements to notify surrounding property owners and the closing only affects properties owned by the University.

INTRODUCTION ONLY

11. Consider waiver of landfill fees for Texas A&M University-Kingsville for structures to be demolished at 719, 721 & 725 W. Ave. A and 918 Armstrong Ave. (City Manager).

City Manager Yerena stated a request was received; the estimate from University and their Engineer is 275 tons at \$30.00 per ton, for a total waiver of \$8,250.00. Upon a question from Commissioner Pecos, City Manager Yerena stated that the tipping fees are not part of the \$8,250.00, the amount, included is what is charged to individuals, which is \$30.00 per ton. City Manager Yerena stated the City has to pay the tipping fees. Upon a question by Commissioner Laskowski, City Manager Yerena replied the amount to be paid to TCEQ will be paid approximately \$300 - \$400.

Commissioner Pecos made a motion to waive the fees, seconded by Commissioner Garcia. Mayor Fugate called for further discussion. Commissioner Laskowski stated if this is approved he would like that they are provided a total of number of tons that are actually hauled to the landfill on this project, so they will know what it cost the City. Mayor Fugate called for a roll-call vote. **The motion was approved by the following vote: Fugate, Laskowski, Garcia, Pecos voting "FOR". Wilson "ABSTAINED".**

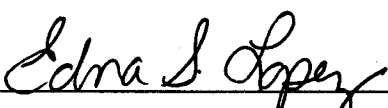
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:51 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC
City Secretary