

APRIL 12, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 12, 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
Robert Trescott, Downtown Manager
Robert Rodriguez, Library Director
Frank Garcia, Wastewater Superintendent
Bill Donnell, Public Works Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Macario Mayorga, Water Supervisor
Dora Byington, Purchasing Director
Diana Medina, Collections Supervisor
Caron Vela, Accounting Manager
John Garcia, Risk Manager
Joe Casillas, Water Production 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, March 22nd, 2010. **Commissioner Laskowski made a motion to approve minutes, as presented, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".**

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

City Manager Yerena announced the next regular meeting of the City Commission to be held on Monday, April 19th instead of April 26th due to Early Voting in the Commission Chamber; Election Day is May 8th; reported on the events of Safety Week; the next Trash-off Day is on Saturday, April 17th; on the Park Director's request for people to participate in a survey to help with grant applications and budgeting purposes; and on the Street Department projects.

Commissioner Garcia introduced Specialist Adam Carney, US Army stationed in Iraq presented the City with a US flag that was flown in Iraq. Specialist Carney provided a slideshow of pictures from Iraq.

Mr. Robert Trescott, Downtown Manager provided a presentation on a redevelopment plan for the downtown area and areas adjacent to the University; provided information on applying to be a Main Street; and provided information on the Tax Increment Financing (TIF) tool.

Mayor Fugate presented Rev. Jose Rodriguez with a certificate of recognition for volunteering as Chaplain.

Each Commissioner presented a proclamation: Commissioner Pecos presented the proclamation for "Administrative Professionals Week"; Commissioner Garcia presented the proclamation for "Child Abuse Awareness Month"; Commissioner Laskowski presented the proclamation for "Sexual Assault Awareness and Prevention Month"; Commissioner Wilson presented the proclamation for "World Wide Parkinson's Awareness Month"; and Mayor Fugate presented the proclamation for "Public Safety Telecommunicators Week".

Ms Alvarez reported on meetings held to discuss the JLUS, on attending the first meeting of the Joint Airport Zoning Board (JAZB) and that the JAZB Board appointed Mr. Brad Womack as the fifth member and chairperson. She announced that the City would be helping to sponsor the KCVB's "Ride on the Wild Side" scheduled for April 17th; agenda items are due Wednesday, April 14th for the meeting of Monday, April 19th; and that there are three ordinances that are ready from the JLUS Implementation Committee which will be presented for Commission approval. She provided information learned at a seminar.

Commissioner Laskowski invited the community to help with Trash-off Day and other clean-up projects. Mayor Fugate provided information on the Old High School project. Commissioner Pecos announced the Exxon building will be refurbished and the Courthouse remodeled.

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

V. Consent Agenda

1. **ORDINANCE NO. 0RD 2010-XX Motion to approve final passage of an ordinance vacating, abandoning, and closing an alley in Blocks 1 & 2 of Woodlawn Place. (City Engineer).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. RESOLUTION NO. R2010-15 Consider a resolution authorizing the City Manager to enter into a Consent to Joint Use of Easement Agreement between Ricardo Water Supply Corporation and the City of Kingsville. (City Attorney).

Ms Alvarez stated this was discussed with other entities and Staff and this is the agreement. She stated Ricardo Water Supply Corporation received a grant to do this transmission line. The proposal agreed by their Engineer and the City's Engineer is set out in this agreement. It basically states that AEP easement and City's easement lie essentially next to each other and so the proposed Ricardo line would be put down the middle where those two easements join. She added that they will overlap a little into the City's easement and a little into AEP's easement. She stated that the City Engineer will be able to review and approve all the plans and specification, and they will notify the City prior to commencing any work and allow any inspections during that time period. She added that the agreement has an indemnification provision included. Commissioner Laskowski asked several questions of the company that would repair water line, if needed. Ms Alvarez explained there are two sections in the indemnity paragraph which covers this. She added it is very inclusive. Commissioner Laskowski voiced his concern that the water line has been there a long time and this is the main life line for the citizens of Kingsville. Ms Alvarez stated that the City Engineer seemed comfortable with the plans.

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

3. RESOLUTION NO. R2010-16 Consider a resolution authorizing the City Manager to enter into Golf Course Effluent Water Agreement between the City of Kingsville, Kleberg County, and Balt Ramos, Inc. (City Attorney).

Ms Alvarez stated the contract needed to be updated due to change in the golf course manager. She added this is a little bit of housekeeping and the County heard this on their agenda today. Upon a question from Mayor Fugate, Mr. Frank Garcia replied this is for backup just in case their irrigation pumps go out.

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

4. RESOLUTION NO. R2010-17 Consider a resolution amending the appointment of Election Judges and the Early Voting Ballot Board Judge for the City General Election on May 8, 2010. (City Secretary).

Considerar la resolución que enmienda el nombramiento de los Jueces Electorales y el nombramiento de la Jueza de la Junta de Votación Anticipada para las Elecciones Generales de la Ciudad, que se llevarán a cabo el 8 de mayo de 2010. (Secretaria Municipal).

City Manager Yerena read the agenda item.

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

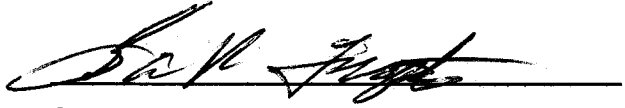
5. Consider reallocation of Certificates of Obligation 2009 funds to rebuild Landfill dozer and for methane gas remediation at Landfill. (Finance Director).

Mr. Donnell provided information for the reallocation. Upon several questions from the Commission, a decision was made to bring this item back at the next meeting with more documentation on the subject.

6. Consider authorizing bid to rebuild one Cat D6R dozer (Year 2000) for the Landfill Department. (Public Works Director).

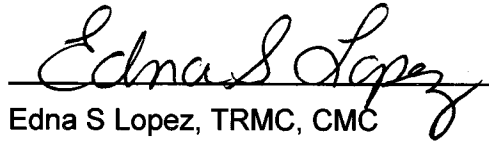
VI. Adjournment.

There being no further business to come before the City commission the meeting was adjourned at 7:15 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC
City Secretary