

AUGUST 23, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 23, 2010 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Al Garcia, Commissioner
Charles E Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Frank Garcia, Wastewater Supervisor
Jennifer Vela, Code Enforcement Officer
Bill Donnell, Public Works Director
Mark Rushing, Finance Director
John Garcia, Risk Manager
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Dora Byington, Purchasing Director
Ken Clark, Director of Development
Naim Khan, City Engineer
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present with Mayor Fugate absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms 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, August 9th, 2010 and the special meeting of Friday, August 20, 2010. **Commissioner Laskowski made a motion to accept the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Wilson, Pecos, Laskowski voting "FOR". Fugate "ABSENT".**

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

1. Public Hearing on a proposed tax rate increase from \$.80187 to \$.84220. (Finance Director).

Mayor Pro-tem Garcia opened the public hearing at 6:03 P.M. He announced this was a public hearing for the proposed tax rate and stated: The vote to adopt the City of Kingsville's 2010-2011 fiscal year tax rate will take place on September 20, 2010 at a special City Commission meeting at 6:00 P.M. in the Alcorn Commission Chambers here at City Hall, 200 E Kleberg, Kingsville, Texas. The second public hearing on the tax rate will take place on September 7th, 2010 at a special City Commission meeting at 6:00 P.M. in the Alcorn Commission Chambers here at City Hall, 200 E Kleberg, Kingsville, Texas.

Mayor Pro-tem Garcia closed the public hearing at 6:04 P.M.

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

City Manager Yerena reported on an opening on the Health Department Board; and the arrival of the National Guard to the City to demolish unsafe houses. He had Ms Vela, Code Enforcement Officer introduce Staff Sergeant Michael Leslie. She stated media day is on Thursday, at 11:00 at 701 N. 6th. He announced the closing of City Hall in observance of Labor Day holiday; the next meeting of the City Commission will be a special meeting on Tuesday, September 7th, there will be two public hearings the 2nd public hearing on the proposed tax rate and a public hearing on the proposed budget. He provided the Commission an update on Street department projects. City Manager Yerena introduced Mr. Hal Ham, Director of the Conner Museum. Mr. Ham provided the Commission a report on the funding that the City provides to the museum.

Ms Alvarez reported on the next scheduled meeting, and on a cancellation of a collective bargaining meeting. She stated school has started and it is illegal to use a cell phone when the lights are flashing.

Commissioner Laskowski and Keep Kingsville Beautiful members presented two "Because You Care" awards.

IV. Public Comment on Agenda Items³

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

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

Mayor Pro-tem Garcia 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: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSENT".**

V. Consent Agenda

1. Motion to approve out of state travel for Health Inspector to attend the Environmental Health Training in Emergency Response (EHTER) training course in Anniston, AL from September 13th – 18th, 2010. (City Manager).
2. Motion to approve out of state travel for Health Director to attend the Environmental Health Training in Emergency Response (EHTER) training course in Anniston, AL from September 26th – October 1st, 2010. (City Manager).
3. RESOLUTION NO. R2010-36 Motion to approve resolution authorizing the City Secretary to enter into 2010 General & Joint Election Service Contract between the City of Kingsville and Kleberg County Clerk relating to the 2010 Special Election for Charter Amendment. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider awarding Bid No. 10-03 authorizing a contract for street primer spraying. (Purchasing Director).

Ms Byington stated this is an annual contract for street primer spraying, and Staff recommends approval of awarding the contract to the sole bidder, J.N. Sanford & Son for approximately \$77,950.00. This would take effect immediately and continue through September 30th, 2011.

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

5. Consider awarding Bid No. 10-39 authorizing the rehabilitation of manholes. (Purchasing Director).

Ms Byington stated Staff recommends awarding bid to Standard Cement Materials, Inc from Houston, Texas for a total of \$232,952.40. Upon a question from Commissioner Laskowski, Ms Byington replied that bids are advertised in the Kingsville Record newspaper and they are posted on the city's webpage.

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

6. Consider awarding RFQ Bid No. 10-40 authorizing the city to negotiate a contract for engineering services for water and waste water with LNV Engineering from Corpus Christi, Texas. (Purchasing Director).

Ms Byington stated this authorizes the city to enter into negotiations with LNV Engineering from Corpus Christi for services will encompass the design and construction inspections of the new water and water storage tanks and evaluation of the complete water system. It is also for the engineering design and inspections of wastewater treatment plant improvements and other general engineering services as needed. She stated the solicitation was done in compliance with Chapter 2254 of the Texas Local Government Code, known as the "Professional Services Procurement Act. There is no financial impact at this time. She stated staff will come back to the City Commission for approval of a contract.

Commissioner Laskowski made a motion to authorize the City to negotiate a contract for engineering services for water and waste water with LNV Engineering from Corpus Christi, 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".

7. Consider awarding Bid No. 10-41 authorizing the purchase of chlorine gas detectors and associated equipment. (Purchasing Director).

Ms Byington stated Staff recommends awarding the bid to Altivia from Manor, Texas for approximately \$56,114.00. Funds for these items will be expended from the 2005 CO Reallocations, line item number, 062-5-600.2-712.00 and recommendation is for the lowest responsive bidder.

Commissioner Laskowski made a motion to award this bid as recommended by Staff, seconded by Commissioner Wilson and Commissioner Pecos. Mayor Pro-tem Garcia called for further discussion. Commissioner Laskowski requested that in future that whenever something is being purchased from the Certificates of Obligation the Commission be provided a copy of the sheet showing where funds are being drawn from so that they have the information before them. The motion was passed and approved by the following vote: Garcia, Wilson, Pecos, Laskowski voting "FOR". Fugate "ABSENT"

8. Consider introduction of an ordinance amending Chapter XV, Article 1, Building Regulations, adopting the 2009 version of the International Building Code. (Director of Development Services).

Mr. Clark stated this will update the current 2000 Building Codes to the 2009 version. Upon a question from Commissioner Pecos, Mr. Clark replied since some of these building were constructed with the 2000 Building Code only if there is substantial remodeling going on they would have to follow the 2009 Building Code. Upon a question from Mayor Pro-tem Garcia, Mr. Clark replied windstorm criteria are included. Upon a question from Commissioner Laskowski, Mr. Clark replied there are no recommendations for changes to the fees. Upon a question from Mayor Pro-tem Garcia, Mr. Clark replied there isn't anything drastic in this code and the contractors will be happy that the City is up-to-date with the code.

INTRODUCTION ONLY

9. Consider introduction of an ordinance of the City of Kingsville, Texas, amending the Code of Ordinances of the City of Kingsville by adopting Section 13-2-50 Through 13-2-56 relating to certain definitions, prohibiting the sale or delivery of restricted smoking materials to individuals below materials to individuals below the age of twenty-one (21); Prohibiting the possession of restricted smoking materials by individuals below the age of twenty-one (21); Prohibiting the sale of restricted smoking material within 1,000 feet of certain protected uses; Restricted smoking materials subject to this regulation shall be those substances known as Synthetic Cannabinoids or Salvia Divinorum which are frequently known as or marketed as products such as "K-2", "K-2 Summit", "K-2 Sex", "Genie", "Dascents", "Zohai", "Sage", "Spice", "KO Knock-Out 2", "Spice Gold", "Spice Diamond", "Yucatan Fire", "Solar Flare", "Pep Spice", "Fire N' Ice", and "Salvia Divinorum"; Providing a repealing clause; Providing a savings clause; Providing a severability clause; providing for penalty of a fine not to exceed two thousand dollars (\$2,000.00). (Police Chief).

Chief Torres stated these substances are being seen in North Texas. He stated he did visit several local stores who did have some of these items. Chief Torres provided some of the affects of these drugs. He stated these items are more dangerous than marijuana. He stated these substances are being targeted at juveniles. Chief Torres asked the Commission to consider this ordinance.

Commissioner Laskowski thanked the Chief for taking a proactive approach because our children are very important to us.

INTRODUCTION ONLY

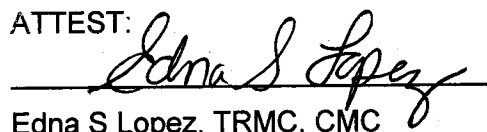
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:49 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary