

APRIL 9, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 9, 2012 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, Commissioner  
Charles Wilson, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vincent Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Mike Kellam, Director of Development Services  
Naim Khan, City Engineer/Public Works Director  
David Mason, Purchasing /Information System Director  
Gary Fuselier, Landfill Supervisor  
Yolanda Cadena, Health Director  
Willie Vera, Task Force Commander  
Diana Gonzales, Human Resource Director  
Roel Carrion, Interim Fire Chief  
Mark Rushing, Finance Director  
Bob Trescott, Downtown Manager  
Ricardo Torres, Police Chief  
John Garcia, Risk Manager  
Caron Vela, Accounting Manager

**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 Finance Director Mark Rushing, 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 26<sup>th</sup>, 2012. 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: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**II. Public Hearing - (Required by Law).<sup>1</sup>**

NONE

**III. Reports from Commission & Staff<sup>2</sup>**

*"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, Financial Advisor. No formal action can be taken on these items at this time."*

City Manager Capell reported that Downtown Manager Bob Trescott would make a few comments about the air show and that Staff would make some comments on consent agenda Item #8 and regular agenda item #12.

Mr. Trescott provided a synopsis providing information on the upcoming events leading up and after the air shows that will be held on Saturday and Sunday.

City Attorney Alvarez reported the next regular Commission meeting is on Monday, April 23<sup>rd</sup>, agenda items deadline is Friday the 13<sup>th</sup>, and she will be at a TCAP Board meeting on Friday. She provided information on changes to the agreement on agenda item #8 – the 5<sup>th</sup> Whereas, change word "provide" to "allow" on page 1; and on page 2 – under state responsibilities, change "shall" to "may".

#### **Public Comment on Agenda Items <sup>3</sup>**

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Ms Nicole Watson, Consign-What owner, 301 E Kleberg and Ms Tommy Sue Reeves, Tazochel owner, addressed the Commission. Ms Watson provided information on the event, Desert Days and Nights Flying festival to be held after the air show on Saturday to be located at the 300 block of East Kleberg.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-8. Commissioner Laskowski made a motion to accept Consent Agenda items 1-7 and move #8 to regular agenda, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

#### **IV. Consent Agenda**

1. ORDINANCE NO. 2012-18 Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.63 acres out of KT&I Subdivision, Block 22, Lot Pt 13 from C2 Retail District to C4 Commercial District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, location also known as 4111 South Brahma Blvd, applicant Mr. E.R. Cantwell, III. (Director of Development Services).
2. ORDINANCE NO. 2012-19 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 5-1-3, revising the amounts and times when residents can use the landfill without charge, revising proof of residency and providing for waivers. (City Engineer/Public Works Director).
3. ORDINANCE NO. 2012-20 Motion to approve final passage of an ordinance amending the City of Kingsville FY2011-2012 budget for the Utility Fund Capital Projects Fund 054 for the Waste Water South Plant Department secondary clarifier to Fund 066-CO2011 (\$224,600). (Finance Director).
4. ORDINANCE NO. 2012-21 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for various projects at Public Works and Recycling Center and for the purchase of five trucks for various divisions at Public Works utilizing Fiscal Year 2010-2011 Surplus Funds. (Finance Director).
5. Motion to approve waiving all City fees and any fees for services for participants of the Desert Days & Nights event to be held on April 14<sup>th</sup> – 15<sup>th</sup>, 2012. (Downtown Manager).
6. Motion to approve acceptance of donation of Fiberscope Master Kit for the Kingsville Specialized Crime and Narcotics Task Force. (Task Force Commander).

**7. RESOLUTION NO. 2012-16 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 Palmer Drug Abuse Program (PDAP). (Police Chief).**

**8. RESOLUTION NO. 2012-17 Motion to approve resolution authorizing the City Manager to enter into a Landscape Maintenance Agreement with the Texas Department of Transportation for landscape improvements on General Cavazos Blvd. from the intersection of US77 Bypass to FM 1717 (South Brahma/14<sup>th</sup> St.) to be performed by the City of Kingsville. (Director of Development Services).**

Director of Development Services Mike Kellam stated the attached agreement is the final piece needed to send to Austin for final approval. He stated the City Attorney has two basic changes to the contract which will change before sending back.

Commissioner Laskowski asked if this agreement would be presented back to the Commission if TXDOT does not agree with the changes. Mr. Kellam replied if there are substantial changes, yes, they will bring it back and added his understanding is that this is the agreement that they would require of the City. Commissioner Laskowski asked where was Appendix A. Mr. Kellam replied Appendix A should have been in the packet which is the actual drawing. Commissioner Laskowski commented if you read that "Whereas", it says whereas the state has existing and proposed landscaping improvements such as but not limited to the installation of tree, shrub, turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on Attachment "A". Commissioner Laskowski added that's not the City's attachment, that's TXDOT attachment, which the City was not provided. Mr. Kellam replied that's just something TXDOT forgot to take out of the agreement so the City will strike that also. He stated that Attachment "A" in the packet should have been the drawing. Ms Alvarez recommended changing the word "state" to "city". Mr. Kellam stated the agreement was provided by TXDOT and TXDOT just forgot to take some of the language out. City Manager Capell stated Mr. Kellam has been working on this since before Christmas and is afraid if other changes are made it will take several more months to get this accomplished.

Commissioner Laskowski explained he is questioning this because the agreement states that the state will provide such landscape improvements provided that the City agrees to be responsible for the required maintenance. Mr. Kellam answered that should be "allow". He added the agreement sent to the City had incorrect language and that will be corrected. He stated this is the type of agreement that TXDOT is going to submit, and that from Staff's perspective he didn't see it as having substantial changes to where it would change the structure of the agreement. He stated it is still going to be basic language that the City will provide maintenance and installation of the plants. Mr. Kellam stated he understood the Commission's concern but could not explain why the document had that language.

Commissioner Wilson commented that last week he asked and discussed this question of City Engineer Khan. He added that Mr. Kellam has used specific language at the podium this evening that worries him. He stated because it is substantial changes, one word could be a substantial change. He added he is trying to gauge what Mr. Kellam would consider a substantial change in the language. Mayor Fugate responded if there any changes in the language for Staff to bring it back to the Commission. Mr. Kellam commented other than those that were discussed at tonight's meeting and that he did not have any problem at all. Commissioner Wilson stated this would only protect City Manager Capell and Mr. Kellam, if the Commission is the ones that sign off on the language, regardless of how insignificant it may be.

Commissioner Laskowski asked for clarification on the changes being made, tonight. Mr. Kellam explained in the 5<sup>th</sup> Whereas, the word "provide" will be changed to "allow"; and on the State's responsibility the word "shall" will be changed to "may". Ms Alvarez explained on the 4<sup>th</sup> Whereas, change the "state" to "city".

**Commissioner Laskowski made a motion to approve the corrections with the understanding that any changes other than those three (3) will be brought back to the Commission, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".**

### **REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

**VI. Items for consideration by Commissioners.<sup>4</sup>**

**9. Consider authorizing the purchase of the City's Time and Attendance System for all city departments from Time Clock Plus for up to \$67,408 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Finance Director).**

Mr. Rushing stated this went through the bid process and he has conversed with Incode to look at what interfaces with the Incode system. There were seven (7) companies responding and three (3) submitted bids. He stated he had discussed this time clock with the school district and other cities. If this purchase is approved, it will allow for a redistribution of labor resources within all the city departments. The estimated return on the initial investment for an employer the size of Kingsville is projected to be from two (2) – three (3) years.

Commissioner Laskowski made a motion to authorize the purchase of the City's Time and Attendance clock in the amount of \$67,408, seconded by Commissioner Wilson and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

**10. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget in the amount of \$67,408 for the General Fund Capital Projects Fund for the City's Time and Attendance System. (Finance Director).**

Mr. Rushing stated this item flows with the agenda item just approved.

**INTRODUCTION ONLY**

**11. Consider authorizing the purchase of seven pickups (3 – ¾ ton utility bed trucks for Water Construction, \$84,747.25; 1 – ½ ton RCLB pickup truck for Water Production, \$16,348; 1 – ½ ton RCLB pickup truck for WW South Plant, \$16,348; 1 – 1 ton crew cab pickup truck for WW Construction, \$32,273.75; and 1 - ¾ ton RCLB pickup truck for WW Construction, \$19,196.75) through BuyBoard from Fund 054 Capital Outlay, as per recommendation of Staff. (Purchasing Director)**

Purchasing Director David Mason stated he locked in the quotes through Philpott Motors because Ford announced a \$1,100 per vehicle price increase effective March 31, 2012.

Commissioner Laskowski made a motion to approve the purchase of the seven (7) pickups, seconded by Commissioner Wilson and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

**12. Consider authorizing the purchase of four Chevy Tahoes for the Police Department at a cost of \$24,782.25 per unit with an additional cost of \$400 added through BuyBoard for a grand total of \$99,525 from Chapter 59 Funds, as per staff recommendation. (Police Chief).**

City Manager Capell stated there's a correction to the agenda item, instead of \$24,782.25 and \$99,525; it should read \$25,831, and \$103,324. Police Chief Torres stated these are Chevy Tahoes being purchased through the Caldwell Country through the BuyBoard process. The resale value is higher on a Tahoe than a Crown Victoria. He stated in calculating the pricing they are over budget but did take into consideration some insurance funds that will be received from three (3) other vehicles that had been purchased with Chapter 59 monies so that money has to be reverted back in to Chapter 59 accounts.

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

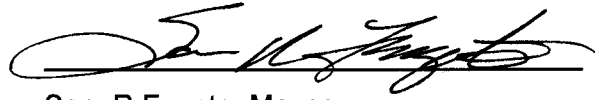
**13. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the Police Department State Forfeiture Fund in the amount of \$27,600 and to receive insurance proceeds for the replacement of a Patrol Car. (Finance Director).**

Mr. Rushing stated this relates to the previous agenda item. On the excel spreadsheet that was provided, it shows the available funds \$210,000 and initial adopted budget is the insurance proceeds which have been received for the damaged vehicles as stated.

INTRODUCTION ONLY

**V. Adjournment.**

There being further business to come before the City Commission, the meeting was adjourned at 6:38 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC  
City Secretary