

DECEMBER 11, 2006

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 11, 2006 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  
Charles E Wilson, Mayor Pro-tem  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Courtney Alvarez, City Attorney  
Edna S Lopez, City Secretary  
Frank Garcia, Wastewater Supervisor  
Ricardo Torres, Police Chief  
Al Lopez, Fire Chief  
Dianne Leubert, Solid Waste Superintendent  
Mark Rushing, Finance Director  
Dora Byington, Purchasing Director  
Diana Gonzales, Human Resource Director  
Bill Donnell, Public Works Director  
Yolanda Cadena, Health Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M.

**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 November 27, 2006. **Commissioner Pecos made a motion to approve the minutes of the previous meeting, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski, Pecos voting “FOR”.**

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

NONE

**III. Petitions, Grievances, and Presentations.<sup>2</sup>**

1. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the upcoming Safety Incentive Party; on receiving the Commissions' laptops and on setting training sessions on the PDF Annotator program; and on scheduling the next Commission meeting. Mayor Fugate polled the Commission for cancelling the next meeting. There were no objections to canceling the second meeting in December.

City Manager called for the Fire Chief to give a report on the strategy and approach on the progress of dealing with some of the issue at hand with the Volunteer Fire Department. Fire Chief Al Lopez provided information on a meeting that he had attended with the Volunteers. He stated it is his intent to keep the Commission informed of the progress.

Mayor Fugate called for questions or comments. Mayor Fugate stated he had visited the Central Fire Station and congratulated the Fire Chief on taking the initiative to fix the fire station and on working with the Volunteers. He added that all the remodeling at the fire station is being done in-house, and it looks great.

City Manager Yerena briefed the Commission on the recent meeting with representatives from Matamoros and Reynosa. He added that the Bi-National Alliance has expanded faster than was envisioned. He stated that the Governor of the State of Vera Cruz is very attentive to this alliance and that some of the other states are also interested. City Manager Yerena stated that a meeting in January will be scheduled with the Governor of Vera Cruz.

2. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported she spoke to Representative Juan Escobar who reminded her that if there is any City related issues that the Commission would like to have addressed in the upcoming Legislative session to let him know as soon as possible. She reported on the closing of City offices for the holidays.

3. City Commission's Reports. (City Commission).

Mayor Fugate called for the City Commission's reports. Commissioner Pecos reported on attending the National League of Cities. Mayor Fugate reported on his meeting with Representative Escobar in regards to legislative agendas. Mayor Fugate asked that an item be placed on the agenda for out of state travel to Washington DC.

**IV. 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. There were no comments made.

Mayor Fugate called for consideration of the Consent Agenda Items 1-4.

**V. Consent Agenda**

**2. Motion to approve resolution approving the Texas Capital Fund Infrastructure Grant Project (Contract #726312) by and between the City of Kingsville and the Texas Department of Agriculture; and authorizing the Mayor to execute such agreement. (City Manager).**

**4. Motion to approve out-of-state travel for City Commission and Staff to attend the 2007 National League of Cities Congressional City Conference, March 10-14, in Washington, DC. (City Manager).**

Commissioner Laskowski made a motion to remove Consent Agenda Items 1 & 3 and approved Consent Agenda Items 2 & 4, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**1. Motion to approve the submission of an application to the U.S. Department of Homeland Security's Fire Prevention and Safety Grants. These particular grants support projects that enhance the safety of the public and firefighters from fire and related hazards. The grant application will be directed on Public Education in the schools with the aid of a portable smoke house for the school children, and a smoke alarm project. (Fire Chief).**

Commissioner Laskowski asked for a specific dollar amount and the City's financial obligation for this grant. Fire Chief Lopez replied the intent is to apply for the smoke house for the schools, at an amount of \$20,283, the City's match is 10%, \$2,028. He stated he has looked at the budget and is confident that the Fire Department's budget will be able to absorb that amount. He then stated that this smoke house will be used in the schools, during fire prevention week and at a command post.

Commissioner Laskowski asked if a resolution was needed to authorize the grant. City Manager Yerena replied this particular grant does not need one.

**Commissioner Laskowski made a motion to approve the submission of an application to the U S Department of Homeland Security Fire Prevention and Safety Grants, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".**

**3. Motion to approve out-of-state travel for Mr. Frank Garcia, Wastewater Supervisor to Copenhagen, Denmark on January 6<sup>th</sup> – 13<sup>th</sup>, 2007, for the purpose of inspecting and to receive training on the new blowers for the North and South Treatment Plants. There will be no out-of-pocket expenses to the City. (Public Works Director).**

Mr. Bill Donnell stated that Turblex is requesting a representative of the City of Kingsville and the Engineer to be present and witness the testing of the blowers. He made a correction to the location of travel, Helsingor, Denmark. He stated there will be no out of pocket expense.

Commissioner Laskowski voiced his concern in reference to the letter from Turblex, which stated, "In order to minimize any financial effects, Turblex will pay for the travel costs and arrange for you to attend with your local Turblex representative and your regional factory sales engineer. He stated that does not specially say all expenses are paid, just the cost of travel. He stated that the way he reads the letter does not mean that the company is paying 100%. He stated he wants to make sure that Mr. Frank Garcia has money in his budget for hotel and meal costs. City Manager Yerena stated he would verify it is an inclusive travel, and if not, the City will make sure the money is there.

**Commissioner Laskowski made a motion to approve the out-of-state travel for Mr. Frank Garcia, Wastewater Supervisor to Denmark, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR"**

## **REGULAR AGENDA**

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

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

##### **5. Consider two appointments for a three-year term to the Civil Service Commission. (Human Resource Director).**

Ms Diana Gonzales stated that there are two vacancies; one term will be for two years and the other for three years. She stated that the City Secretary has advised there are no applications for these positions. She advised of the qualifications for the position.

Commissioner Pecos nominated to Mr. Juan Lozano, who has agreed to serve. Commissioner Laskowski asked Ms Gonzales if she had asked the current members if they would like to continue serving. Ms Gonzales replied that a member can not serve consecutive terms.

**Commissioner Laskowski made a motion to approve Mr. Juan Lozano, and that each member of the Commission goes out and finds someone else to fill the other vacant position, seconded by Commissioner Pecos. Mayor Fugate asked which term Mr. Lozano will fill. Commissioner Laskowski added to his motion that Mr. Lozano will fill the two year term.**

The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

**6. Consider awarding the bid for the purchase of cameras and video equipment for City Hall and Public Works building. (Purchasing Director).**

Ms Dora Byington stated this item authorizes the purchase of cameras and video equipment for City Hall and the Public Works buildings. This action will expend \$47,499.90. It is recommended that the bid be awarded to the sole bidder, Total Protection Systems.

Commissioner Wilson asked if this company had been investigated. Mr. Donnell replied this company does a lot of security installation work for the Base.

Commissioner Pecos asked if these were the same cameras that were supposed to have been installed some time back. City Manager Yerena replied this had to be looked at due to the fact that there were too many cameras for the City Hall building, so it was decided that some would be set up at the Public Works building. He stated that the state and COG had to give their approval.

Commissioner Garcia asked about video back and storage. Mr. Donnell replied it is a DVR thirty day which can be backed up and items will be stored in the security deposit box at the bank.

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

**7. Consider awarding the bid for sewer improvements to the Pasadena Subdivision. (Purchasing Director).**

Ms Byington stated this item will authorize the execution of a contract for sewer improvements at the Pasadena subdivision. The consulting Engineer and the Public Works Director reviewed the bids received and determined the low bidder meets the city's specifications. This action will expend \$58,085.70, funding will be provided under the Certificates of Obligation. It is recommended the bid be awarded to PCS from Kingsville.

Commissioner Laskowski asked if this was a planned project as part of the \$11.2 million borrowed. Mr. Donnell replied this was not a planned project; it was discovered that two manholes have shifted and if they collapse it will block half the town. Commissioner Laskowski asked what was planned for this money that will not get done now. City Manager Yerena stated it is his understanding that everything that was originally proposed will be completed including this particular project. Mr. Robert Viera, LNV Engineer stated monies will come from the I & I Study.

Commissioner Laskowski stated that he wanted to make sure the City achieve the goals that were set up when money was borrowed.

Mayor Fugate called for questions or comments. He stated he had a concern regarding the disparities in the bids. Mr. Viera replied he had called PCS and made sure they were comfortable with the numbers. He stated they will be held to the same standards as any other company. Commissioner Laskowski asked if it is determined that they forgot something on their bid if there was some limitation for a change order. Mr. Viera responded there was not.

**Commissioner Laskowski made a motion to award the contract to Process Control Service in the amount of \$58,085.70, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**8. Consider introduction of an ordinance amending the City of Kingsville code of Ordinances by amending Section 9-3-36; Providing for increases of the Animal Impound fee and daily boarding rate for impounded animals. (Health Director).**

Ms Yolanda Cadena, Health Director stated that the Health Board members recommended and voted to keep the same current fee of \$10.00 plus \$4.00 per day of impoundment and receive a written warning for the first violation. If the animal is impounded a second time within the current year, the fee recommendation is \$20.00 plus \$4.00 per day of impoundment and received a citation.

**INTRODUCTION ONLY**

**9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Establishments, Providing for an increase in the Food Handling Certification fees. (Health Director).**

Ms Cadena stated that the Health Board members recommended and voted to increase the food handler permits from \$3.00 to \$10.00 per individual and non-profit organization food handler permits from \$10.00 to \$20.00.

**INTRODUCTION ONLY**

**10. Discuss and consider the creation of a Kingsville Youth Advisory Board. (City Manager).**

City Manager Yerena stated this was an idea from the National League of Cities. He stated the function of the board is to act as an advisory capacity to the City Commission and staff on issues affecting the youth in the City of Kingsville. He stated that staff is proposing the board consist of ten members appointed by the City Commission, ages 14-18. He stated they would be a resource for decision makers. He provided information on the goals of this advisory board. He stated that this board would meet with the different City departments. He stated that the school district would be invited to participate. He asked that the Commission provide recommendations for board members. He stated that overall Staff would be the main facilitators. There will be an application process for interest youths. Application will be published in the newspaper.

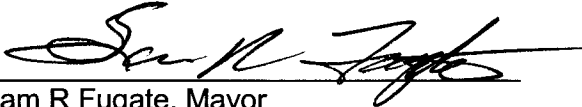
Mayor Fugate stated this goes a long way in supporting the youth and working with the School district. Commissioner Garcia suggested calling the school district for their input on youths.

This item will be brought back at the next meeting for appointments to the board.

Mayor Fugate wished everyone a Merry Christmas and Happy Holidays!

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:58 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, City Secretary