

MAY 10, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON WEDNESDAY, MAY 10, 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  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Charles E Wilson, Mayor Pro-tem

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Courtney Alvarez, City Attorney  
Edna S Lopez, City Secretary  
Dora Byington, Purchasing Director  
Mark Rushing, Finance Director  
Yolanda Cadena, Health Director  
Dianne Leubert, Solid Waste Superintendent  
Frank Garcia, Interim Wastewater Supt  
Robert Rodriguez, Library Director  
Diana Gonzales, Human Resource Director  
Jennifer Cantu, Director of Development Services  
Bill Donnell, Interim Street Supt and Engineering Technician  
Ricardo Torres, Police Chief  
Jaime Garza, Task Force Commander

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the 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 from the regular meeting on April 24, 2006 and special meeting on April 27, 2006. **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: Fugate, Garcia, Pecos, Laskowski voting “FOR”. Wilson “ABSENT”.**

**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 asked Ms Yolanda Cadena, Health Director to brief the Commission on the use of the scanning machines. Ms Cadena stated the scanning of microchip was implemented approximately three weeks ago at the Animal Shelter facility.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez announced that Saturday is the City Election. She reported on having reviewed a proposal for the pass-through water contract from STWA which will be presented to the Commission at the upcoming meeting.

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

Mayor Fugate called for the City Commission's reports. Mayor Fugate stated that he has enjoyed working with this Commission for the last two years.

**IV. Public Comment on Agenda Items**<sup>3</sup>

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

NONE

Mayor Fugate called for consideration of the item on the Consent Agenda.

**V. Consent Agenda**

1. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the authority to change the direction of stop signs at 5<sup>th</sup> Street and Richard Street, to remove the stop sign at 6<sup>th</sup> Street and Richard Street, and install stop signs in the Paulson Falls Subdivision. (Interim Street Supervisor).**

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 "ABSENT".

**REGULAR AGENDA**

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

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

2. **Consider awarding bid for improvements and rehabilitation of a clarifier in the North Wastewater Plant. (Purchasing Director).**

Ms Byington stated this item authorizes improvements and rehabilitation of a clarifier in the north wastewater plant and other improvements at both plants. The bidder recommended submitted the bid that meets all specifications. The consulting engineer evaluated the bids received and determined that the low bidder did not meet the specifications because he failed to submit the disclosure forms at the time of the bid opening. The difference between the two bids is \$38,400.00. She pointed out that Staff can not recommend anything other than the bid that meets all specifications. However, the Commission according to the specifications has the option to waive all irregularities and accept the bid which in the City's opinion is most advantageous to the City. If recommended bid is awarded, this action will expend \$2,540,400.00. The consulting engineer and the interim Wastewater field supervisor are recommending the bid be awarded to the bidder that meets all specifications, R.S. Black Contractors from Corpus Christi.

In reference to the original preparation of cost estimates to borrow the monies for the different projects, Commissioner Laskowski asked Mr. Robert Viera, LNV Engineering, if \$2.2 million was the estimate for this project. Mr. Viera responded it was actually \$2.3 million and explained what would be replaced. Commissioner Laskowski then asked about the

alternative bid, and if that was something that was needed. Mr. Viera replied no, and that the option or additive of 2.7 was to replace the entire clarifier. Commissioner Laskowski then asked if the cost estimate included replacing the clarifier. Mr. Viera replied it called for the rehabilitation of the clarifier. He added that in talking to other contractors they mentioned it would be easier to tear out the old one and bring in a new one.

Mayor Fugate asked Mr. Viera if he had any problems with CSA Construction. Mr. Viera replied he did not. He added that they did not submit their bidder's qualifications, but later they were provided and references were checked.

Commissioner Laskowski voiced his concern that cost estimates are in place and the lab is costing more than what was anticipated, so this project is costing more. He added that he does not want to be put in a position not to be able to complete what was set out to be completed. City Manager Yerena stated that staff has had several conversations with the Project Engineer to that effect.

Mr. Viera stated that \$7 million are left and all proposed improvements will be completed under the initial project estimate.

**Commissioner Pecos made a motion to award bid to the lowest bidder, CSA Construction, Inc. from Houston and waive the statement of bidder's qualification, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos voting "FOR". Wilson "ABSENT".**

**Mayor Fugate deviated from the regular agenda, and called for item #5.**

**5. Consider accepting deed from Brinker Texas, L.P. for business drive off of General Cavazos Blvd. (City Attorney).**

Ms Alvarez stated a request was received from Brinker the parent company of Chili's for the City to accept the deed for the business drive located off of General Cavazos Blvd. on the westside of the Whataburger, back to where the Chili's building is located. The deed submitted has a few revisions, the original property owner, Mr. West has been contacted and has verified some the information on the deed.

Commissioner Laskowski asked if signage can be put up after accepting the street. Ms Alvarez replied signage and stripping could be put up. Ms Alvarez stated the name chosen for the drive is Librado Drive, for a famous bull handler. She stated that she has checked with the Street department and there is no conflict with other streets or drive names.

**Commissioner Laskowski made a motion to approve the deed from Brinker Texas, L.P., seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSENT".**

**3. Consider approving Citizen Complaint Procedures for the Texas Community Development Program. (City Manager).**

City Manager Yerena stated that this sets out the procedures for the Citizen Complaint Procedures that need to be adopted in order to comply with requirements of the Texas Department of Agriculture.

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

**4. Consider approving the City of Kingsville Participation Plan for the Texas Community Development Program. (City Manager).**

City Manager Yerena stated the proposed Citizens Participation Plan needs to be adopted in order to comply with the requirements of the Texas Department of Agriculture. This would set public hearing provisions and complaint procedures.

**Commissioner Laskowski made a motion to approve the City of Kingsville Participation Plan for the Texas Community Development Program, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSENT".**

**6. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 11-10-23 providing for a revised taxicab insurance policy section. (City Attorney).**

Ms Alvarez stated that at the last meeting there was a lot of extended debate on additional language to the section amending the taxicab insurance policy requirements. She stated her notes reflected that the Commission was interested in including specific amounts for bodily injury and property injury as well as PIP and uninsured motorist coverage. She added that she tried to incorporate what was the consensus of the Commission and include that in Section 11-10-23 but it is still subject to debate and changes.

With regard to the PIP, Commissioner Laskowski stated that the discussion was that a recommendation was made for \$10,000.

Ms Alvarez provided information on a provision that will be added in reference to the insurance policy requiring notice from the insured to the City at least ten days before such policy is terminated for any reason by the insured or insurer.

Commissioner Garcia stated the PIP would have to refer to \$10,000 specifically, and the uninsured motorist would be the amount of no less than the liability amount.

**Commissioner Laskowski made a motion to approve the ordinance with the changes recommended, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSENT".**

Mayor Fugate excused himself from the meeting at 6:26 P.M., Commissioner Garcia presided over the meeting.

**7. Discuss and consider approving policy inclusions in the City of Kingsville's Administrative Policies and Procedures Manual. (Human Resource Director).**

Ms Diana Gonzalez provided information on previous meetings held with Staff to discuss the manual. She stated that the take home vehicle policies were removed for further study and four policies will have monetary issues.

Commissioner Laskowski brought up several concerns, grammar and numbering errors. He specifically pointed out corrections to the Emergency Call out policy, Incident, Sick Leave Pay, Administrative Leave without pay; General Disciplinary Guidelines for Preventable Accidents; Essential Services Phase.

All Commissioners agreed that the entire Commission should be present in order to vote on the employee manual.

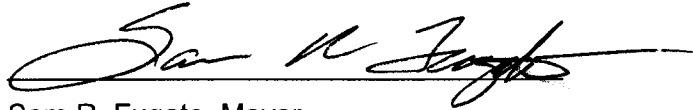
Regarding the take home policy, all Commissioners agreed that they would like to see a policy on this subject in the handbook. A lengthy discussion on this issue followed. Commissioner Garcia suggested a

workshop regarding this issue. City Manager Yerena stated they are analyzing the issue.

**NO ACTION**

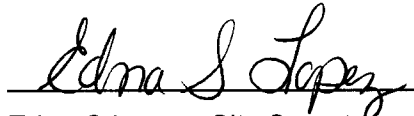
**VII. Adjournment.**

There being no further action to come before the City Commission, the meeting was adjourned at 7:21 P.M.



Sam R. Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary