

JANUARY 8, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JANUARY 8, 2007 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, Pro-tem Mayor
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
Mark Rushing, Finance Director
Don Erebia, Fire Captain
Yolanda Cadena, Health Director
Diana Gonzales, Human Service Director
Dora Byington, Purchasing Director
Albert Pardo, City Engineer
Dianne Leubert, Solid Waste Superintendent
Ricardo Torres, Police Chief
Joey Cordero, Firefighter
Miguel Sandoval, Firefighter
David Guerra, Firefighter
Al Lopez, Fire Chief
Bill Donnell, Public Works Director
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 of the regular meeting of December 11, 2006. **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).¹

1. Public Hearing to rezone 2.47 Acres out of Christopher Addition, Lot C from “I-1” Light Industrial to “C-4” Commercial District, applicant T.J. Dobson. (Public Works Director).

The public hearing was opened at 6:04 P.M.

Mr. Bill Donnell, Public Works Director stated this is a rezone for a nursery that relocated from 17th and East King to Highway 77.

Mayor Fugate called for questions or comments.

The public hearing was closed at 6:05 P.M.

III. Petitions, Grievances, and Presentations.²

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the funeral services for retired Fire Marshal Guadalupe G. Garcia; introduced new City Engineer, Mr. Albert Pardo; and reported that the City Commission and Staff will be attending the TML Region 11 meeting in Goliad, Texas on Thursday, January 11th. He reported that he will be making a presentation on the BiNational Texas-Tamaulipas Economic Alliance at that meeting. He reported that City offices will be closed on Monday, January 15th, in observance of Martin Luther King Holiday; the next meeting of the BiNational Texas-Tamaulipas Economic Alliance will be held on Friday, January 26th in Reynosa. Finally, a presentation was made to Mayor Fugate of a plaque from Senator Eddie Lucio, in recognition for forming the BiNational Texas-Tamaulipas Economic Alliance.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on a recent City's Labor Management Committee meeting with the Firefighters; she added that she will not be able to attend the TML region meeting due to attending municipal court; and reminded the Commission that the agenda items for the next meeting need to be submitted early due to the holiday.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reported on a Litter Abatement Workshop to be held in Corpus Christi. He provided the garbage collection schedule for the next holiday.

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 made.

Mayor Fugate called for consideration of the Consent Agenda Items 1-6.

V. Consent Agenda

1. Motion to approve final passage 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).

2. Motion to approve final passage 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).

3. Motion to approve authorizing the City Manager to enter into an Interlocal Agreement for joint use of public safety computers aided dispatch, records management, and mobile data computer systems, and sharing of computerized criminal history information. (Police Chief).

4. Motion to approve out-of-state travel on January 16th-18th, 2007 for Mayor to Washington, DC for BRAC related issues. (City Manager).

5. Motion to approve authorization for the Fire Chief to enter into Electronic Funds Transfer Agreement with the U.S. Department of Health and Human Services for ambulance billing of illegal immigrants. (Fire Chief).

6. Motion to approve a resolution of the City of Kingsville, Texas designating the authorized signatories for drawdown request from the Office of Rural Community

Affairs for Texas Community Development Program Contract No. 726311. (City Manager).

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: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider an appointment to the Civil Service Commission. (Human Resource Director).

Mayor Fugate called for nominations from the Commission. Commissioner Laskowski nominated Ms Dora Martinez from Kleberg Bank. He stated that there was another person that was interested, Mr. Albert Garcia. Mayor Fugate called for a motion. **Commissioner Laskowski made a motion to nominate, Ms Dora Martinez, seconded by Commissioner Pecos.** Mayor Fugate called for other nominations. Ms Diana Gonzales, Human Resource Director stated that she was going to defer this item to the City Secretary who had contact with an individual, Mr. Albert Garcia who serves on the Zoning Board of Adjustments. Mayor Fugate called for other nominations. Commissioner Garcia stated he had a conversation with Mr. Albert Garcia who indicated an interest to serve. Commissioner Garcia nominated Mr. Garcia.

Upon a question from Mayor Fugate, Ms Alvarez replied that motions should be taken in order that they come. She added that there would be another vacancy on this Board in May 2007.

As point of order, Mayor Fugate asked about the voting procedure. Ms Alvarez replied that they had to vote on the first motion before going on to the next. Mayor Fugate called for other discussion. Commissioner Garcia stated that in view of there being another applicant and in order to give the first nomination a vote of confidence he would withdraw his motion. He added that he would reintroduce Mr. Garcia at a later time.

Mayor Fugate called for a roll-call vote. **The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

8. Consider reappointing Ms Lupita Perez to the Historical Board Commission. (Public Works Director).

Mr. Donnell stated that he had contacted Ms Lupita Perez who wishes to remain on the Board. He added that her attendance at meetings is good. **Commissioner Laskowski made a motion to reappoint Ms Lupita Perez, seconded by Commissioner Wilson.** Mayor Fugate called for other discussion. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2.47 Acres out of Christopher Addition, Lot C from "I-1" Light Industrial to "C-4" Commercial District, applicant T.J. Dobson. (Public Works Director).

Mr. Donnell stated this rezone is to allow a plant business to open on Highway 77. The previous location was at 17th and East King.

INTRODUCTION ONLY

10. Consider awarding bid for twenty-nine (29) bunker suits for Firefighters. (Purchasing Director).

Fire Chief Al Lopez stated he concurs with the Captain's recommendation that the bid be awarded to Casco Industries in the amount of \$37,497.00. He stated that Captain Don Erebia was assigned this task and used a committee. He stated that Captain Erebia's report is detailed to the max.

Regarding the pricing, Commissioner Laskowski asked if any of the other vendors had a comparable bunker gear to what they have now. Chief Lopez stated that Captain Erebia would answer any questions, but that this company was the only one that met the specifications, and money was budgeted. Captain Erebia replied the current gear is basic, off the shelf. Commissioner Laskowski stated he did not want to ever put the lives of the Firefighters in jeopardy and he wanted them to know that he supports them in their efforts in what they do.

Commissioner Laskowski made a motion to award the bid to Casco Industries, Inc., in the amount of \$37,497.00, seconded by Commissioner Wilson.

Mayor Fugate called for questions. There were questions on fitting incoming personnel; City Manager Yerena stated that there is enough monies budgeted. **The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

11. Consider authorizing staff to negotiate a contract for Engineering Services under the Office of Rural Community Affairs TCDP Contract No. 726311 for all project-related services. (City Manager).

City Manager Yerena stated basically this would authorize staff to start the negotiations with the selected engineer to provide engineering services for water line improvements. The City has received a grant in the amount of \$300,000 from the Office of Rural Community Affairs; the total cost of the project is \$360,000 with the City providing an in-kind match of \$60,000 in labor and equipment. Funding for the engineering services will come from the proceeds of the grant. He stated there was a tie between LNV Engineering and Naismith Engineering. City Manager Yerena stated that Staff is recommending going with LNV Engineering based on the fact that they know where the infrastructure is located.

Commissioner Laskowski made a motion to authorize the City Manager to negotiate a contract with LNV Engineering for the engineering services, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

12. Consider authorizing a resolution in support of the efforts of the Bi-National Texas-Tamaulipas Economic Alliance. (City Manager).

Mayor Fugate stated that other Cities will be asked to adopt this is the resolution. City Manager Yerena stated this resolution would allow the City to provide the BiNational Alliance support. He stated that this resolution will be available at the TML meeting for distribution. He stated that this would go a long way to showing legislature that we do have support on both sides of the border.

Commissioner Laskowski made a motion to adopt the resolution in support of the efforts of the BiNational Texas-Tamaulipas Economic Alliance, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

13. Discuss and consider the search process, qualifications, and hours for Interim City Attorney to fill in during City Attorney's FMLA Leave. (City Manager).

Ms Alvarez stated she wanted to see what process everyone was comfortable with regards to locating an interim City Attorney during her upcoming FMLA leave. She stated staff wanted to get some feedback from the Commission. Previously in 2002 during the time she took some FMLA leave letters were sent out to local firms to see who might have some municipal experience. She stated they could go with an RFP, but it should be a fairly short duration. She suggested hiring someone with municipal experience because there would not be time to learn and to keep the cost down. Asides from the process, she stated that the Commission should look at what type of time they want the Interim Attorney to work. She stated that Mr. Michael Guerra from Falfurrias was used previously. Commissioner Wilson stated the last time local firms were asked to look within their group and the Commission had a pool to pick from. He suggested using the same process before the 22nd and for Staff to do a face to face with them. Ms Alvarez stated she will be out approximately six to eight weeks.

Commissioner Laskowski asked the City Manager for his suggestion on hours for work. City Manager Yerena stated that two days per week would be good. Commissioner Garcia asked if the interim attorney would be available physically. Ms Alvarez responded consideration would be as to what is allowed in the budget. Ms Alvarez stated that the last time that she was out she made herself available by phone.

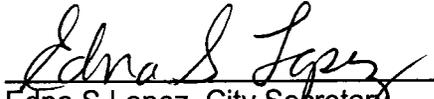
Mayor Fugate asked if anything needed to be considered in the form of a motion. Ms Alvarez replied as long as there is a consensus amongst the Commission on proceeding with the process. Mayor Fugate stated that the City Attorney had direction. Ms Alvarez stated one or two days per week, with Municipal experience.

VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 6:40 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, City Secretary