

DECEMBER 8, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 8, 2008 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION:

Sam R Fugate, Mayor
Al Garcia, Mayor Pro-tem
Charles E Wilson, Commissioner
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY STAFF:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Mark Rushing, Finance Director
Rudy Najera, Systems Technician
Dianne Leubert, Solid Waste Superintendent
Sherman Benys, Lieutenant
Dora Byington, Purchasing Director
Yolanda Cadena, Health Director
John Garcia, Interim Risk Manager
Joe Casillas, Water Production Supervisor
Fidel Gonzalez, Task Force Commander
Mando Sandoval, Fire Captain

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 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 24th, 2008. **Commissioner Pecos made a motion to approve the minutes, as presented, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting “FOR”.**

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

Mayor Fugate announced there were no public hearings.

III. Reports from Commission & Staff.²

“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, 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, Entrust Health Insurance Fund Presentation, Texas A&M University-Kingsville on improvement project. No formal action can be taken on these items at this time.”

Mayor Fugate presented a "Because You Care" award to Macie Lomas. He announced that the City's float was awarded the "Most Elaborate" award at La Posada Parade. Mayor Fugate presented a proclamation honoring the National Junior Honor Society students from Santa Gertrudis Independent School District and a proclamation honoring Oscar Cantu for his accomplishments in the boxing sport.

City Manager Yerena reported on the changing the next Commission meeting due to the upcoming holidays; and reminded the Commission about the Christmas luncheon. He announced the date of the Safety Incentive party, and announced the closing of City departments for the holidays. Mr. Yerena thanked the employees for their work on the City float. He introduced the new landfill supervisor, Mr. Larry Myers.

There was a presentation on economic development.

Ms Alvarez reported on the City Secretary attending the Annual Election Law Seminar and that she will be out of the office on Monday and Tuesday of next week.

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

Mayor Fugate called for consideration of comments on all agenda and non-agenda items. There were no comments.

V. **Consent Agenda**

NONE

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. **RESOLUTION NO. R2008-29 Consider approval of a resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to Communities in Schools for a drug and alcohol prevention program. (Police Chief).**

Lieutenant Sherman Benys stated that as recommended by the City Commission an application process was implemented. He stated that the application from Communities in Schools meets or exceeds the criteria for funding.

Commissioner Laskowski made a motion to adopt the release of the Chapter 59 funds of the Kingsville Police Department for donation to Communities in Schools, seconded by Commissioner Wilson. Mayor Fugate called for further questions or comments. Commissioner Garcia stated that he would like for the Task Force to consider the same for Communities in Schools. **The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".**

2. **RESOLUTION R2008-30 Consider resolution accepting communication letter from independent auditor Patrick L. Moore, CPA, authorizing the Mayor to execute the letter on the City's behalf. (Finance Director).**

Mr. Luke Womack, Auditor, Womack & Womack stated this is brand new and the entire focus is towards the body of governments in order to draw the Commission more into the process of the audit. He explained the three questions that the Commission would need to answer as to who should be notified in case of: All cases of fraud (except for Senior Management which would be reported to the Commission); Journal entries that we

recommend for posting to your accounting records; and all passed (not material) journal entries that are not posted. He stated that historically management has dealt with everything.

Commissioner Laskowski made a motion to accept the resolution accepting the communication letter from Patrick Moore authorizing the Mayor to execute the letter on the City's behalf and answer all three questions that any questions that arise be brought before the City Commission, seconded by Commissioner Pecos. Mayor Fugate called for questions or comments. Mr. Womack explained that he would agree on the Commission addressing any fraud. He stated the audit entries will not review and recommended that the City form an audit committee to review entries. Mayor Fugate called for a roll-call vote. The motion was passed and approved by the following vote: Garcia, Wilson, Pecos, Laskowski voting "FOR". Fugate "AGAINST".

3. Consider authorizing staff to enter into negotiations for engineering services for the Landfill expansion project. (Purchasing Director).

Ms Byington stated that this item authorizes the city to enter into negotiations with SCS Engineering Services. The services will encourage all project-related engineering services for the landfill cell expansion. She stated that she had twenty-seven responds. She read the rankings of the firms. Upon a question from Commission Laskowski, City Manager Yerena replied the purpose for the engineering services is to deal with any future permit modifications and for operational activities.


Commissioner Laskowski made a motion authorizing staff to enter into negotiations for engineering services for landfill expansion project, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

4. Consider appointing Commission member to the investment committee. (City Manager).

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

IV. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:10 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary