

FEBRUARY 20, 2008

A SPECIAL MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON WEDNESDAY, FEBRUARY 20, 2008 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 12:30 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Al Garcia, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Diana Gonzalez, Human Resource Director
Ricardo Torres, Police Chief
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
Armando Gutierrez, City Engineer
Jennifer Trevino, Executive Secretary

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 12:33 PM, and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by City Manager Yerena, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate announced there were no minutes to consider.

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

Mayor Fugate announced there were no public hearings to be heard.

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 reminded Commission about today's Master Plan meeting at the Kleberg Bank Community room.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez had no report.

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

Mayor Fugate called for the City Commission's reports. Mayor Fugate announced this part of the agenda might change. Ms Alvarez announced there is a new form on Monday's agenda.

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.

V. Consent Agenda

NONE

REGULAR AGENDA**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:****VI. Items for consideration by Commissioners.⁴****1. Consider approving preliminary plat for Kingwood Estates. (City Engineer)**

Mr. Armando Gutierrez, City Engineer stated the Planning & Zoning Board has approved the Preliminary plat subject to twenty-one (21) items recommended. He stated there are needed changes to the process for approving a preliminary plat. The Commission was provided a document stating the recommended items to be corrected. He stated the drainage for the subdivision is adequate and there will be a retention pond.

Mayor Fugate called for questions. Upon a question from Commissioner Laskowski, Mr. Gutierrez replied that in the future, Caesar's ditch would be connected to a pipe. Mayor Fugate asked for Mr. Gutierrez's recommendation. Mr. Gutierrez stated he recommends approval subject to recommendations listed. Upon a question from Commissioner Laskowski, Mr. Gutierrez replied there wasn't a requirement for an additional easement, but the City will be able to maintain the ditch from the north side. He stated that one side of Caesar Street would have to be closed when the ditch is being cleaned.

Mr. Frank Garcia, Landmark Valley Homes stated that the previous City Engineer mentioned that there were plans for Caesar's ditch to have culverts.

Mayor Fugate called for a motion. **Commissioner Laskowski made a motion to approve, subject to compliance on Staff recommendations, Items 1-21, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski voting "FOR". Wilson "AGAINST". Garcia "ABSENT".**

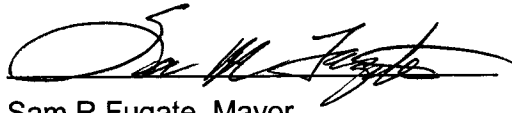
2. Consider approving final plat for Kingwood Estates. (City Engineer).

Mayor Fugate stated this item was not ready to be heard.

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

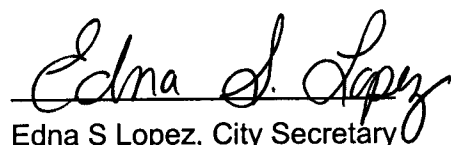
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 12:55 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary

FEBRUARY 25, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 25, 2008 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
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Mark Rushing Finance Director
Armando Gutierrez, City Engineer
Ricardo Torres, Police Chief
Yolanda Cadena, Health Director
Dora Byington, Purchasing Director
Bill Donnell, Public Works Director
Dianne Leubert, Solid Waste Superintendent
Al Lopez, Fire Chief
Joe Casillas, Water Production Supervisor
Gus Ruiz, Task Force Agent
Richard Kirkpatrick, Task Force Agent

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chamber 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 February 11th, 2008 and the special meeting of February 20th, 2008. **Commissioner Laskowski made a motion to approve 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

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. No formal action can be taken on these items at this time."

Mayor Fugate announced this was a new procedure.

City Manager Yerena announced the Commission meeting scheduled for the 10th of March was cancelled due to some of the Commissioners being out-of-state attending the NLC Conference. He reported on the scheduled presentations regarding the Code Rangers, on the next JLUS meetings; on a US 77 Highway Improvement Public Hearing; and on the schedule for the NIMS courses. He reported on hosting the Mayor of Reynosa and his staff to several tours of the City. Ms Alvarez updated the Commission on the Quiet Zone process. She stated they were provided a short memo with information regarding to the process. She stated she will attend the NIMS course; and announced the Military Appreciation Basketball game at the University. Mayor Fugate asked for Ms Alvarez's timeline for the quiet zone. Ms Alvarez responded she would be surprised if it is done this year because the timelines include contracts for safety devices at the crossings. Commissioner Garcia reported on some of the events with the visitors from Reynosa. Mayor Fugate stated this administration from Reynosa is providing more cooperation to the City's endeavors.

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.

Mayor Fugate called for consideration of the Consent Agenda, Items 1 & 2. **Commissioner Pecos made a motion to accept the Consent Agenda, Items 1 & 2, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".**

V. Consent Agenda

1. Motion to approve out-of-state travel for City Commissioners to attend the National League of Cities Conference in Washington, DC on March 8th – 12th, 2008. (City Manager).
2. Motion to authorize the City Manager to enter into an Agreement to Conduct Joint Elections between Kingsville Independent School District and the City of Kingsville for the May 10, 2008 Elections. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider introduction of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville Task Force for vehicles and other equipment to come from awarded Chapter 59 Revenue. (City Manager).

City Manager Yerena stated this amendment recognizes the award to the Task Force for the huge money seizure. The Task Force has needs for some equipment, and this would allocate the funding for the purchase of three vehicles and other needed equipment to adequately serve the public. Mayor Fugate called for questions or comments. Upon a question from Commissioner Garcia, Agent Richard Kirkpatrick replied these vehicles will replace current vehicles. Upon a question from Commissioner Laskowski, Mr. Rushing replied the current money situation in the department is where it should be.

INTRODUCTION ONLY

4. Consider introduction of an ordinance amending the Fiscal Year 2007-2008 budget for the City of Kingsville for Water Well #24 to come from CO 2005 Utility Fund Interest Revenue. (Finance Director).

Mr. Rushing stated a revision of the 2005 recap was provided and provided an explanation of the expenditures. At this time Commissioner Wilson questioned discussing Well #23 since the agenda did not reference Well #23. He stated the information provided for the Commission and the public, originally was for Well #24 only. Ms Alvarez stated it was posted for Well #24, and could limit the discussion, but this is an introduction item and it is permissible. She stated the wording will be corrected before the final passage, so that before the vote is taken the public still has the opportunity to comment. Mr. Rushing provided information on pending projects. He stated the budget increase needed is \$260,000.00 of the reallocation of the interest that has been accrued. He provided information on Well #24 stating the cost was \$750,000, budget was for \$500,000, and budget increase needed is \$250,000. He provided information on earmarked amounts.

Mayor Fugate called for questions or comments. Upon a question from Commissioner Laskowski, Mr. Rushing stated the numbers changed due to a correction for monies owed to Friedel.

Mayor Fugate called for a recess at 6:30 P.M. in order to give the Commission an opportunity to look at the revised information. He called the meeting back to regular session at 6:35 P.M. Mayor Fugate called for further questions from the Commission. There were no further questions.

INTRODUCTION ONLY

5. Consider awarding bid for drilling of Water Well #24 to Friedel Drilling of Yoakum, Texas in the amount of \$416,684.00. (Purchasing Director).

6. Consider awarding bid for the construction of Ground Storage Tank/Pump Building for Water Well #24 to RAM-BRO of Robstown, Texas in the amount of \$233,000.00. (Purchasing Director).

Ms Byington stated this item authorizes the drilling of water well. She stated there are two items on agenda but there was only one bid. Ms Byington stated the specs were prepared by the consulting engineer. This action will cost \$416,684.00 for the water well and \$233,000.00 for the storage tank/pump building for a total of \$649,684.00. Ms Byington stated it is recommended that the bid be awarded to Freidel Water Wells from Yoakum for the water well and to RAM-BRO Contracting from Robstown for the ground tank/pump building. Mayor Fugate stated he would like to take agenda item 5 & 6 together.

Mr. Bill Donnell, Public Works Director stated the City is waiting for TCEQ approval for Well #24. Mr. Juan Pimentel, P.E., LNV Engineering stated that both contractors are aware that TCEQ has not approved, but they will honor their bid. The current proposed site for Well #24 is at 13th and Kenedy.

Mayor Fugate called for a motion. **Commissioner Wilson made a motion to approve Staff's recommendation pending TCEQ's approval for agenda item #5 & 6, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

Mayor Fugate announced the item on the Executive Session. The Commission went into Executive Session at 6:43 P.M.

7. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney and outside counsel regarding pending litigation concerning the City of Kingsville v. South Texas Water Authority, No. 07-053-D, in the 105th District Court of Kleberg County, Texas. (City Attorney).

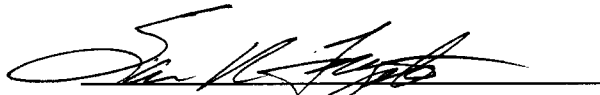
The Commission reconvened into Regular Session at 7:03 P.M.

8. Consider authorizing the hiring of expert witnesses for the City of Kingsville v. South Texas Water Authority, No. 07-053-D, in the 105th District Court of Kleberg County, Texas. (City Attorney).

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

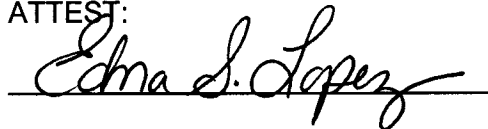
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:04 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary