

**JUNE 9, 2008**

**A REGULAR MEETING OF THE CITY COMMISSION WAS HELD ON MONDAY, JUNE 9, 2008 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Al Garcia, Mayor Pro-tem  
Arturo Pecos, Commissioner  
Stanley Laskowski, Commissioner

**CITY COMMISSION ABSENT:**

Sam R Fugate, Mayor  
Charles E Wilson, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Al Lopez, Fire Chief  
Ricardo Torres, Police Chief  
Dora Byington, Purchasing Director  
Bill Donnell, Public Works Director  
Frank Garcia, Wastewater Supervisor  
Yolanda Cadena, Health Director  
Michael Rodriguez, Drafting Technician  
Diana Gonzalez, Human Resource Director  
Caron Vela, Accounting Manager  
Macario Mayorga, Water Supervisor  
Fidel Gonzalez, Task Force Commander

**I. Preliminary Proceedings.**

**OPEN MEETING**

Commissioner Garcia called the meeting to order in the 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.

Commissioner Garcia called for a presentation by Senator Lucio. Senator Lucio read and presented a Texas Senate proclamation to Dr. W. W. (Jim) Aldrich along with a Texas flag and gavel for all his hard work.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

**Commissioner Garcia called for consideration of the minutes of the regular meeting of May 19<sup>th</sup>, 2008 and special meeting of May 21<sup>st</sup>, 2008. Commissioner Pecos made a motion to approve the minutes, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Garcia, Laskowski, Pecos voting "FOR". Fugate, Wilson "ABSENT".**

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

Commissioner Garcia announced there were no public hearings.

**III. Reports from Commission & Staff.<sup>2</sup>**

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

City Manager Yerena reported on the next TML Region meeting which will be held in Ganado, Texas on June 26<sup>th</sup>; that the budget process has begun; Staff will attend a training session with Ashbrite, the company that was awarded the contract for debris cleaning should a hurricane hit our area; and announced that the ground breaking ceremony for the addition to the fire station will be held on Wednesday, June 11<sup>th</sup> at 9:00 A.M. Mr. Bill Donnell, Public Works Director provided information on a map indicating the area with regard to the Clean Sweep project. Commissioner Laskowski posed several questions of Absolute representatives. Tonnage goal and timeline information was presented.

City Attorney Alvarez reported on receiving a letter from the County on the Jail contract amendment and on a beautification project being discussed with the University. She stated she will be out attending a seminar.

Commissioner Laskowski announced the date for the next Trash-Off, on July 19<sup>th</sup>. Commissioner Pecos thanked everyone that attended the Memorial Day services. Commissioner Garcia acknowledged the Construction and Technology students from Texas A&M University-Kingsville.

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

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

Commissioner Garcia called for comments on all agenda and non-agenda items. There were no comments made.

Commissioner Garcia called for consideration of the items on the Consent Agenda, Items #1-4. **Commissioner Laskowski made a motion to accept the Consent Agenda, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski voting “FOR”. Fugate, Wilson “ABSENT”.**

#### **V. Consent Agenda Notice to the Public**

1. **Motion to approve out-of-state travel on June 9<sup>th</sup> & 10<sup>th</sup>, 2008 for Mayor Fugate to Washington, D.C. to discuss Naval Air Station-Kingsville future issues. (City Manager).**
2. **Motion to approve authorizing the submission of an application to The Commercial Equipment Direct Assistance Program for the purpose of requesting funding for dTective™ – Forensic/Video Evidence Enhancement, Clarification & Analysis System. (Police Chief).**
3. **RESOLUTION R2008-13 Motion to approve resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting grant funding for the salary of a Litter Abatement Officer. (Solid Waste Superintendent).**
4. **RESOLUTION R2008-14 Motion to approve resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting grant funding for the refurbishment of the Recycling Center. (Solid Waste Superintendent).**

#### **REGULAR AGENDA**

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

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

**5. RESOLUTION R2008-15 Consider resolution appointing Al Garcia as Mayor Pro Tempore. (City Commission).**

Commissioner Laskowski made a motion to approve the resolution appointing Al Garcia as Mayor Pro Tempore, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski voting "FOR". Fugate, Wilson "ABSENT"

**6. Consider awarding bid for Financial Advisory Services to First Southwest Company. (City Manager).**

City Manager Yerena stated staff's recommendation to award the bid for financial advisory services to First Southwest Company.

Commissioner Laskowski made a motion to authorize the City Manager to sign a contract with First Southwest Company, for a two year term, with the option for three (3) one (1) year renewals, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski voting "FOR". Fugate, Wilson "ABSENT".

**7. Consider introduction of an ordinance amending Chapter XV, Article 1, Building Regulations, adopting Section 15-1-17, providing for Fence Maintenance Regulations and Penalty. (City Attorney).**

Ms Alvarez stated that Code Enforcement has received several complaints regarding fences. This ordinance provides regulations for fence maintenance. She added that this ordinance would be enforced by Code enforcement. This ordinance states that all fences, or any part thereof, liable to fall down and cause a danger, are hereby declared to be public nuisances and it shall be unlawful for any person to maintain or allow any such nuisance on property owned or controlled by him. She stated that if a fence does not comply with the requirements of this section as of the effective date of this section, the property owner shall be notified and given thirty (30) days to comply with the requirements of this section. If after thirty (30) days the fence is not in compliance, said owner shall be subject to the penalty clause of this section, a sum not exceeding \$500.00.

**INTRODUCTION ONLY**

**8. Consider request from the County to participate in certain expenses and work for the construction of County Pct 1 Justice of the Peace building to be located at Kenedy Street and Hwy 77. (City Engineer).**

City Manager Yerena pointed out that the cost estimate has been updated. Mr. Donnell addressed the Commission stating the total cost for the project is \$15,512.24. He stated the building is within the City limits and fire protection is needed. City Manager Yerena stated Staff's recommendation is that the County pay for the material cost, \$8,860.76, water sample and street cut, \$550.00, then the City could provide the labor, \$1,701.48 and equipment, \$4,400.

Commissioner Pecos made a motion to approve Staff's recommendation. Mayor Pro-tem Garcia called for a second. Commissioner Laskowski then explained why he would not second this motion. Mayor Pro-tem Garcia seconded the motion. The motion FAILED with the following vote: Garcia, Pecos voting "FOR". Laskowski "AGAINST". Fugate, Wilson "ABSENT".

**9. Consider introduction of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville to allocate an increase in revenues from Sewer**

**Sales for the Chandler Acres sewer line extension in the Utility Fund. (City Manager).**

City Manager Yerena stated this would provide with sufficient funding to complete the project, which would allow the ability for the residents to connect to the sewer line. He stated that the bids have been high and he wanted to make this project feasible for residents to be able to tie in. He stated that \$49,000 was needed for a contractor to do the work and that the City would provide the material. Commissioner Pecos asked what the cost would be for a citizen to be able to hook up to the sewer line. City Manager Yerena replied to be able to connect it would cost approximately \$6,430 to \$7,134. Commissioner Laskowski stated the City is fronting cash for the entire line for future development. He stated the resident in dire needed was told the cost would be about \$3,500. Mayor Pro-tem Garcia recommended the City provide a payment installment plan for residents.

**INTRODUCTION ONLY**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:15 P.M.



Al Garcia, Mayor Pro-tem

ATTEST:



Edna S Lopez, TRMC

City Secretary