

FEBRUARY 9, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 9, 2009 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 Wilson, Commissioner
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Al Garcia, Mayor Pro-tem

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Yolanda Cadena, Health Director
Robert Rodriguez, Library Director
Dora Byington, Purchasing Director
Susan Ivy, Parks Director
Jennifer Vela, Code Enforcement Officer
Dianna Leubert, Solid Waste Superintendent
Ricardo Torres, Police Chief
Bill Donnell, Int. Planning Director/Public Works Director
Al Lopez, Fire Chief
John Garcia, Int. Risk Manager/Garage Superintendent

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M. and announced that four members were 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 January 26th, 2009. **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, Pecos, Wilson, Laskowski voting “FOR”. Garcia “ABSENT”.**

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, Renaming Second Street for Martin Luther King, Jr. No formal action can be taken on these items at this time."

Mayor Fugate presented two proclamations: Black History Month and Junior Catholic Daughters of the Americas.

City Manager Yerena reported that Staff is continuing its effort to bring the renaming of 2nd street at the next meeting; announced the retirement of Ms Yolanda Vasquez, Court Manager on Tuesday, February 10th, 2009, she will be working on a part-time basis. He reported on the next KWOP program, February 16th – 27th, 2009, (25) structures will be demolished and Media Day is Tuesday, February 24th, 2009.

Mr. Bill Donnell addressed the Commission and provided an update on the installation of some street lights. He stated that some of the bricks from the old Police Department building will be utilized for the landscaping project at the corner of 6th & East Yoakum. He stated the street light on 17th Street will be done as soon as resident signs agreement; and the lights along Shelly Street have a problem with the pedestals which are cracked and will need to be replaced.

Ms Alvarez reported receiving a request from Texas A&M University-Kingsville about a signage plan for putting up additional signs and markers around the campus and fore corners for the campus. She added that some of the signs appear to be on the City's right-of-way which are not covered by the existing Interlocal Agreement and will be working with the University to get another Interlocal Agreement signed. Ms Alvarez announced she will be out of the office on Thursday.

IV. Public Comment on Agenda Items ³

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

V. Consent Agenda

1. Motion to approve out-of-state travel for Commission members and City Manager to attend the 2009 Annual Congressional City Conference in Washington, D.C. on March 13th – 19th, 2009. (City Manager).
2. RESOLUTION NO. R2009-03 Motion to approve resolution authorizing participation in Operation Stonegarden with the U.S. Department of Homeland Security for operational overtime, travel & per diem, vehicle & equipment rentals, vehicles/equipment maintenance, fuel cost &/or mileage reimbursement, and equipment; authorizing the Chief of Police to act on the city's behalf with such program; and providing for an effective date. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners. ⁴

3. RESOLUTION NO. R2009-04 Consider a resolution authorizing the City Manager to enter into an agreement between the City of Kingsville, Texas and SCS Engineers for professional services for the new landfill cell. (City Attorney).

Ms Alvarez stated that in December an RFP was presented and SCS Engineers is the best qualified firm to negotiate with on this project. She stated this is the proposal and contract.

Commissioner Laskowski made a motion to authorize the City Manager to enter into an agreement between the City of Kingsville, Texas and SCS Engineers for an estimated project cost of \$196,415.00, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".

4. Consider request to use \$14,000 in city water trade funds for completion of new ball field construction project. (Park Director).

Ms Susan Ivy provided an update on the new ball field construction project stating work is moving rapidly. She stated she is asking that instead of putting monies into the park projects for this year, to allow her to use the monies to finish paying the bills for the baseball fields. She stated that in exchange she will lessen the commitment of the part of the grant obligation by the City within the water trade for next year, from \$20,000 to be reduced by \$12,000 to \$8,000. She stated that she is moving the monies from one year to another.

Mayor Fugate stated this Commission had approved \$20,000 for three years to help match the grant. He stated that \$12,000 that was to be used for the Master Plan will be used for this project. Ms Ivy stated that the City will not be giving her extra money. Ms Ivy explained the disbursement of the monies that are provided by the City.

Commissioner Laskowski clarified that in 2007-08, \$40,145.87 was left over from water trade money, the City's account was credited for the \$20,000; in 2008-09 a portion of \$20,000 cash match is actually \$15,864.13, which means that this year she is committed to spend \$14,145.87 in the City's parks. In 2009-10, the City will start off with \$30,000 in water trade, credit will given for the \$12,000 and the City's cash match will be \$8,000, and Ms Ivy will be spending \$22,000 in the City's parks for next year. In 2010-2011, the City will start off with \$30,000, the City will have the \$20,000 commitment and the Ms Ivy will be putting \$10,000 into the City's parks, for a total of \$46,145.87. He asked Ms Ivy to promise not to come back to ask for any more of the monies.

Commissioner Wilson asked for the level of funding to finish the project. Ms Ivy replied that the County is putting in next year's match money. She stated that they committed a combination of cash and in-kind labor. She stated they are soliciting funds through donations for out field fencing.

Commissioner Laskowski made a motion to allow Ms Ivy to use \$12,000 that should have been reimbursed with the understanding that over the next three years, she will spend \$46,145.87 in the City's six City parks for parks equipment or improvements, seconded by Commissioner Wilson. Mayor Fugate corrected the amount of City parks which should be four City parks. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".

5. Consider introduction of an ordinance abandoning an undeveloped street right of way on certain portions of West Johnston Avenue, West Kenedy Avenue, and West Henrietta Avenue in Block 9 of the Kleberg Town and Improvement Company (KT&I) Subdivision; repealing all ordinances in conflict herewith and providing for an effective date and publication. (Interim Planning Director/Public Works Director).

Mr. Donnell stated a request was received to abandon some right-of-ways. He stated these right-of ways are unopened and don't pose any issues to the City. Mayor Fugate stated this is part of the Armstrong Ranch. Mr. Donnell stated he does not see any other future issues.

INTRODUCTION ONLY

6. Consider awarding Bid No. 2009-16, authorizing the purchase of four pick-up trucks, one for the Code Enforcement Department, one for the Parks Department, and two for the Health Department. (Purchasing Director).

Ms Byington stated it is recommended that the bid be awarded to the lowest bidder, Eddie Yaklin Ford from Kingsville. This action will expend \$73,390.00 if the Code Enforcement pick-up truck is purchased with power windows, power door locks and power mirrors.

City Manager Yerena stated if the power package is omitted, the amount for the pick up is still \$750.00 over. He stated his recommendation is to move forward with this. He added that some other bids for equipment are coming in at lower bids and the monies will be made up. Commissioner Laskowski stated it has been the practice of the City is not to take from one department to give to another to pay for their shortfall. He stated he would like to make sure that monies are not taken from those that have not had the opportunity.

Commissioner Wilson made a motion to adopt Staff's recommendation, seconded by Commissioner Pecos. Mayor Fugate called for further discussion. Commissioner Laskowski asked City Manager Yerena what his recommendation was for the power equipment. City Manager Yerena replied he is recommending purchasing the pick up with the power equipment for Code Enforcement because there is only a difference of \$826.00, but without the power equipment the difference is only \$727.00. Upon a question from Commissioner Pecos, City Manager Yerena replied the pick up truck for the Parks Department would have the City/County emblem on the door. After a short discussion, the decision was made to install the City's emblem on the new pick ups because the City is the owner of these vehicles. **The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson voting "FOR". Garcia "ABSENT".**

7. Consider awarding Bid No. 2009-17, authorizing the purchase, the removal of old net structure, installation and repairs to 2,500 feet of a 30 foot litter net structure at the Landfill. (Purchasing Director).

Ms Byington stated this item authorizes the purchase, the removal of old net structure, installation and repairs to 2,500 feet of a 30 foot litter net structure at the landfill. Recommendation is that the bid be awarded to the lowest bidder, Net Connection, Inc. from Birmingham, Alabama. This action will expend \$61,220.00.

Commissioner Laskowski made a motion to award the contract to Net Connection, Inc.; not to exceed \$61,220.00, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".

8. Consider awarding Bid No. 2009-18, authorizing the purchase of a skid loader for the Street Department. (Purchasing Director).

Ms Byington stated it is recommended the bid be awarded to Valley Ditch Witch from Corpus Christi for a total of \$22,187.26.

Commissioner Laskowski made a motion to award the bid to Valley Ditch Witch for the amount of \$22,187.26, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".

9. Consider awarding Bid No. 2009-19, authorizing the purchase of one 14 cubic yard dump truck for the Street Department. (Purchasing Director).

Ms Byington stated Staff recommends awarding the bid to SanTex Truck Center from San Antonio, Texas. This item will expend \$72,475.00. Mayor Fugate called for questions or comments. Commissioner Laskowski asked if this truck included a tarp system. Ms Byington replied it did include a tarp system.

Commissioner Laskowski made a motion to award bid to SanTex Truck Center in the amount of \$72,475.00, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".

10. Consider authorizing the purchase of various types of equipment that did not require formal bids from Certificate of Obligation (Capital Outlay) Series 2009. (Purchasing Director).

Ms Byington stated this item authorizes the purchase of various types of equipment which do not require obtaining formal bids. The items are: Welding Machine with wire feed, \$12,160.42; Viking Cab, \$16,220.00; Forklift, \$21,990.00; (2) Scag Mowers, \$10,550.00 each; and 4" Diesel Self-Priming Water cooled Engine trash pump with 25 ft suction hose and 50 ft discharge hose, \$20,440.93. This item will expend \$91,911.35 for all equipment.

Mayor Fugate called for questions or comments. **Commissioner Wilson made a motion to approve Staff's recommendation for all equipment, seconded by Commissioner Pecos.** Mayor Fugate called for further discussion. Commissioner Wilson thanked Ms Byington for her enthusiasm for every single dollar that the City uses to purchase with, which speaks highly of her. **The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson voting "FOR". Garcia "ABSENT".**

11. Consider authorizing the purchase of a scraper for the landfill through BUYBOARD Contract 205-04 from Holt Company from Corpus Christi, Texas for a total of \$433,694.00. (Purchasing Director).

Ms Byington stated that Staff recommends purchasing by BUYBOARD. She explained that there were different options, but it was determined that the best option was buying through BUYBOARD. The purchase price for the scraper is \$417,062.00 plus a 36 month/5,000 hours, full machine warranty for \$13,351.00 and a QB3 shutdown system for \$3,281.00. The BUYBOARD fee will be paid by Holt Company.

Mayor Fugate called for questions or comments. Commissioner Laskowski asked Mr. Donnell if the capacity of this scraper was equal to scraper being replaced. Mr. Donnell replied that was correct. He asked if all equipment being replaced would be put on internet for sale or as a trade-in. Mr. Donnell stated that Mr. John Garcia, Interim Risk Manager/Garage Superintendent had received information that there is a potential of receiving \$12,000.00 for that old scraper. Commissioner Laskowski asked if monies would go back to the Solid Waste Department for future capital outlay. City Manager Yerena replied he would do whatever the Commission wishes.

Commissioner Laskowski made a motion to authorize the purchase of the scraper for \$433,694.00 and award the bid to Holt Company, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".

VI. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:00 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary