

JULY 26, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 26, 2010 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
Al Garcia, Commissioner
Charles E Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Naim Khan, City Engineer
Ken Clark, Director of Development Services
Al Lopez, Fire Chief
Dora Byington, Purchasing Director
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
Bill Donnell, Public Works Director
Tamera Blackstock, Sergeant
Diana Gonzalez, Human Resource Director
John Garcia, Risk Manager
Joe Casillas, Water Production Supervisor

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 Monday, July 12th, 2010. **Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Commissioner Wilson. The motion was passed and approved by following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting “FOR”.**

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

1. Public hearing to rezone 2.93 Acres out of the Henrietta Heights Subdivision, Block 1, Lots 1-16, W/2 28-32; Chamberlain Place Subdivision, Block 11, Lots 17-32, from “C-2”, Retail Commercial District and “R-3” Multi Family Residential District to “MU” Mixed Use District. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:09 P.M.

Mr. Clark stated this rezoning is the final step of creating mixed use land use in the City of Kingsville. He provided background information on the subject and explained the area. He stated the Planning and Zoning Commission approved this unanimously. He stated residents within the two hundred feet were notified, no opposition, one in favor.

Mayor Fugate announced is anyone wanted to speak on this subject; they could do so for five (5) minutes.

Mayor Fugate closed the public hearing at 6:12 P.M.

III. Reports from Commission & Staff²

"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, Keep Kingsville Beautiful, 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, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project. No formal action can be taken on these items at this time."

City Manager Yerena updated the Commission on Street and Solid Waste (Brush) department projects. There were several comments with regard to things that need to be done. He stated the Health Department is still spraying for mosquitoes and that Staff is working on setting up budget workshops.

Mr. Rick Medrano, Entrust Representative provided the following information on the City's plan review on the 9 month review. He reported on the aggregate report; paid claims by type; PPO savings by claim type; PPO utilization; paid claims by member type; claim processing time; top 10 providers; 3rd quarter plan analysis historical review; aggregate claims loss ratio; aggregate claim history; claim utilization trends; PPO savings trends. Upon a question from Commissioner Garcia, Mr. Medrano stated he doesn't have a count for retirees.

Ms Alvarez updated the Commission the JLUS and JASB meetings from last week. She stated that she and the City Secretary have been working with the County Clerk for a joint election. She stated the resolution to call the election has been sent to the translator and will be on the meeting of August 3, 2010. She stated she worked with Staff on the budget adoption calendar.

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 items in the Consent Agenda, Items 1-7. Commissioner Laskowski made a motion to approve 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".

V. Consent Agenda

1. ORDINANCE NO. ORD2010-20 Motion to approve final passage of an ordinance amending the City of Kingsville Fire Prevention and Protection Ordinance by providing for clarification of fire billing services, definitions, explanation of charges and fees in Chapter IX, Article 5 Fire Prevention and Protection, Sections 30-32. (Fire Chief).
2. ORDINANCE NO. ORD2010-21 Motion to approve final passage of an ordinance adopting a Water Conservation Management Plan in Chapter V, Article 3 Water, Sections 100-103. (Public Works Director).

3. ORDINANCE NO. ORD2010-22 Motion to approve final passage of an ordinance amending the effective date for the City's election to make current service and prior service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation. (City Attorney).
4. Motion to approve awarding Bid No. 10-06 to extend an annual contract to Rabalais Constructors from Corpus Christi for electrical repairs at the Wastewater Treatment Plant. (Purchasing Director).
5. Motion to approve awarding Bid No. 10-38 authorizing the purchase of sixteen (16) solar powered school lights with accessories to Traffic Parts, Inc. from Conroe, Texas. (Purchasing Director).
6. Motion to approve awarding Bid No. 11-01 authorizing the execution of an annual contract for limestone with Martin Marietta Materials from Portland, Texas. (Purchasing Director).
7. Motion to approve certification of 2009 excess debt collections and the certification of 2010 anticipated collection rate, pursuant to Section 26.04(b) of the Texas Property Tax Code. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider report on findings of verification of petition for proposed City of Kingsville Charter Amendment submitted to the City on Friday, June 25th, 2010 by Ms Tamera Meyers Blackstock, President, KLEA and Members of the Petition Committee. (City Secretary).

Ms Lopez stated the city received a petition on June 25th, 2010 requesting the creation of seven (7) single-member City Commission election districts in accordance to Title 2, Chapter 9, §9.004 (a), Texas Local Government Code. After careful examination of the names on the petition, she found that twenty-three (23) were not Registered Voters; fourteen (14) were not Registered Voters in the City; eight (8) had their Voter Registration cancelled; five (5) provided no Date of Birth or Voter Registration Number (VUID); one (1) had no signature; one (1) signature was on twice; and two (2) provided no date as to when they signed the petition leaving the total number of qualified voters on the petition at six hundred twenty-one (621). The total amount needed to certify the petition was five hundred sixty (560).

As City Secretary in accordance with the City Charter, she stated that she certifies this petition as presented.

I, Edna S Lopez, TRMC, CMC, City Secretary for the City of Kingsville, do Certify the Petition presented for the purpose of the "Creation of seven (7) single-member City Commission election districts" to be in accordance to Title 2, Chapter 9, §9.004 (a), Texas Local Government Code.

Commissioner Wilson made a motion to accept the City Secretary's report, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

9. ORDINANCE NO. ORD2010-23 Consider final passage of an ordinance amending the Taxicabs Ordinance by providing for a revised taxicab insurance policy section in Chapter XI, Article 10, Section 23. (Commissioner Garcia).

Commissioner Laskowski made a motion to adopt the final passage of the ordinance, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

10. ORDINANCE NO. ORD2010-24 Consider final passage of an ordinance amending the Taxicabs Ordinance by providing for taximeters and a revised fare section in Chapter XI, Article 10, Section 8. (Commissioner Garcia).

Commissioner Laskowski made a motion to adopt the final passage of this ordinance, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

11. Consider introduction of an ordinance amending the Zoning Ordinance by changing the Zoning Map in reference to 2.93 acres out of the Henrietta Heights Subdivision, Block 1, Lots 1-16, W/2 28-32; Chamberlain Place Subdivision, Block 11, Lots 17-32, from "C-2", Retail Commercial District and "R-3" Multi Family Residential District to "MU" Mixed Use District. (Director of Development Services).

Mayor Fugate called for further questions or comments.

INTRODUCTION ONLY

12. Consider reallocation of Certificate of Obligations, Series 2005 to upgrade wells including upgrading chlorine and ammonia scales and adding chlorine gas detectors for Well Nos. 14, 19, 20, 21, 22, 23, 24 & Well No. STWA. (Public works Director).

Mr. Donnell stated to reallocate funds for scales for liquid ammonia sulfate and chlorine gas in order to tie those scales into the scada system upgrade.

Upon a question from Commissioner Laskowski, Mr. Rushing replied \$40,290 will be taken from unallocated interest. Mr. Rushing further explained the figures.

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

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules; Providing for a new school zone for the Santa Gertrudis Independent School District's new Elementary and Intermediate School and the installation of school zone signs. (City Engineer).

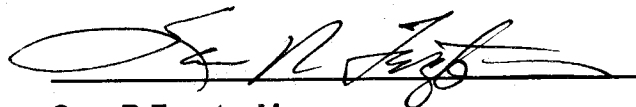
Mr. Khan stated this request came from the Texas Department of Transportation.

Commissioner Wilson stated there is no signage in the area and school starts tomorrow. Mr. Khan stated they are working on this, the signs are on order. There discussion on new law of using cell phones in the area.

INTRODUCTION ONLY

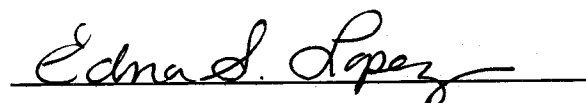
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:43 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary