

APRIL 25, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 25, 2011 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:

Vincent J Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Yolanda Cadena, Health Director
Al Lopez, Fire Chief
Frank Garcia, Wastewater Supervisor
Dave Mason, Purchasing Director
Mark Rushing, Finance Director
Bill Donnell, Public Works Director
Robert Rodriguez, Library Director
Diana Gonzalez, Human Resource Director
Willie Vera, Task Force Commander
Naim Khan, City Engineer
Bob Trescott, Downtown Manager
Ricardo Torres, Police Chief
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 P.M., and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, 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, April 11th, 2011. **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, Wilson, Laskowski voting “FOR”. Pecos “ABSTAINED”.**

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

NONE

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, Financial Advisor presentation. No formal action can be taken on these items at this time."

City Manager Capell reported on the Texas First Lady's visit on Wednesday at 10:30 A.M.; and on the photo session beginning at 10:00 A.M. at the Flato Building. He reported there are four (4) Interlocal Agreements in the agenda, stating he found out late this afternoon from Commander Vera that the resolutions that are being considered with the County Constables were considered by the County at their meeting held this afternoon and were tabled. The reason they were tabled was because they wanted a fifth agreement with the Sheriff Department. At the County's meeting someone suggested that perhaps only one agreement was needed. City Manager Capell suggested that the resolutions be approved as submitted. He stated that Commander Vera is available to answer any questions they may have.

Mayor Fugate called for questions. Commissioner Laskowski asked for the purpose of a fifth agreement with the Sheriff. He then stated that each Constable agreement covers any seizures outside the City limits in the County. He asked if this meant that the City would also be sharing an additional 5% with the Sheriff Department along with the Constables, so it would cost the City 10% if a seizure was made in the County. Commander Vera replied the same agreement was posed to each of the constables was also posed to the Sheriff. The Sheriff's draft will be different because he wants the City to assist him with the Checkpoint, the Inter-Coastal Waterway, etc. Commander Vera explained the agreement for the four (4) Constables are identical with each receiving 5%; the 5% would also exist for the Sheriff's Office. He stated that the Sheriff was playing with different percentages, but they posed the 5%. Commander Vera explained each participant gets 5% and if there's a Constable and Sheriff present, then 10% is the total active participation amount.

Commissioner Garcia asked if this was a stalled tactic by the Sheriff. Commander Vera replied they were ready to go and he had requested to the County that each agreement be considered separately, but the County put all four (4) agreements as one agenda item.

City Manager Capell reported on experiencing computer challenges; on last week holding interviews for the IT position; that the Commission packet and agenda will be out on Wednesday prior to the Commission meeting so that they have more time to read the packet in order to ask questions; and that written staff reports will also be sent out on the same day. He stated that he failed to include information from Mr. Khan, but the report will be sent to them tomorrow. Finally, he reported that Ms Valarie Fanning, Recycling Tech received a certificate from University for her participation in the event "Cash for Trash".

Ms Alvarez provided clarification to Agenda Item #5. In the Resolution, in the 2nd Whereas, words will be deleted to reflect that the one-time fee of \$1,200 would only be paid if the grant is approved. She added she would strike out, the section after approved and the "and" that comes before that. The second "Whereas" would read "PoliceGrantHelp will charge a one-time fee of \$1,200 for grant or grants submission if the grant is approved". She reported the next City Commission meeting is in two weeks, on May 9th, as a reminder to Staff, agenda items are due in her office by 5:00 P.M., this week on Friday.

Mayor Fugate presented a retirement certificate and City of Kingsville watch to Mr. Joe Villarreal, Lab Technician in the Wastewater department who is retiring after 21 years & 8 months of service.

Mayor Fugate read a proclamation for Fair Housing Month.

Commissioner Wilson introduced Troop 186. They presented a power point presentation on potholes on several streets in Kingsville, several written reports were read and pictures shown of the potholes.

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 items in the Consent Agenda, Items 1-4. Commissioner Laskowski made a motion to accept the Consent Agenda as presented, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

V. Consent Agenda

1. ORDINANCE NO. ORD2011-13 Motion to approve final passage of an ordinance providing for the renewal of the nighttime curfew regulations for minors and the daytime curfew regulations for minors found in Chapter XIII, Article 2, Offenses Against Public Peace and Safety, Sections 13-2-10 to 13-2-13 and Sections 13-2-20 to 13-2-23 of the City Code of Ordinances. (City Attorney).
2. RESOLUTION NO. R2011-25 Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Police Chief).
3. RESOLUTION NO. R2011-26 Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Palmer Drug Abuse Program (PDAP). (Task Force Commander).
4. RESOLUTION NO. R2011-27 Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boy Scouts of America Venado District. (Task Force Commander).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. RESOLUTION NO. R2011-28 Consider resolution authorizing the Mayor to enter into a Grant Writing Agreement between the City of Kingsville and PoliceGrantsHelp relating to a grant(s) for the Fire Department. (Fire Chief).

Chief Lopez stated he has provided the Commission the requested picture.

Commissioner Wilson made a motion to approve the resolution with corrections and additions from the City Attorney, seconded by Commissioner Pecos. Mayor Fugate called for comments. Commissioner Laskowski asked for clarification, if the grant is successful would it be \$1,200 plus 1.5% and if the grant is successful who pays for the \$1,200. Ms Alvarez replied it was only, \$1,200. Chief Lopez stated the \$1,200 would come from his budget. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

6. RESOLUTION NO. R2011-29 Consider resolution authorizing PoliceGrantsHelp to submit a grant application(s) on behalf of the City of Kingsville Fire Department for the purpose of requesting grant funding for Streetsmart Lifeline (EMS) with Segway I2 with no cash match. (Fire Chief).

Chief Lopez stated this is part of the previous agenda item. Commissioner Wilson asked where and when will this be used. Chief Lopez replied that the Medic team uses bicycles and the Segway 12 will replace the bicycles. The Segway 12 is easier to maneuver and you can carry more equipment; and will be used basically for events or large gatherings.

Commissioner Laskowski asked about the written quote at the bottom of the page which states the 1.5 % charge is not included. Chief Lopez replied this applies only if fee is paid late and the note was written by our Staff and not the vendor.

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

7. Consider authorizing the City to enter into negotiations with Naismith Engineering for all technical engineering services associated with the Landfill. (City Engineer).

Mr. Mason stated basically this RFQ was advertised and the City received seven (7) responses. The firms were ranked and Naismith Engineering had highest scoring percentage out of seven. Staff is recommending the Commission to authorize to negotiate the contract for the technical engineering services associated with the Landfill.

Commissioner Laskowski made a motion to authorize the City enter into negotiations with Naismith Engineering, seconded by Commissioner Pecos and Commissioner Wilson. Mayor Fugate called for discussion. Commissioner Garcia stated he had a development on this particular issue and was requesting this item be tabled. He then asked how pressing this issue was. Mr. Mason replied there are monthly reports that have to be done by an Engineer of record. Mr. Donnell addressed the Commission stating this is very important that this service gets going because there are a lot of issues that need to be addressed at the Landfill. Upon a question from Commissioner Laskowski, he stated that SCS Engineering's contract with the City expired in March. Commissioner Garcia suggested bringing this item back to the Commission on the first meeting in May. He stated he was indulging on the Commission to oblige him. Commissioner Wilson asked if there was some compelling reason. Commissioner Garcia stated he couldn't mention it at this time. **Commissioner Pecos and Commissioner Wilson withdrew their second, Commissioner Laskowski withdrew his motion.** Commissioner Laskowski stated the Commission has been talking about the amendment to the permit for quite some time and this is a two (2) or three (3) year process. He added if Commissioner Garcia had a just reason for not wanting to do this, he would trust his judgment. City Manager Capell asked if the City was at risk of incurring any additional penalties if this is delayed. Mr. Donnell replied no, but this would slow the overall process. Mr. Khan addressed the Commission stating the top four (4) companies are capable of doing the job, but Naismith has their in-house technicians and they are local. He hasn't had any complaints and Naismith is already helping out.

PASSED

8. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 Budget for the General Fund to correct a line item for the City Manager budget and for the Utility Fund Wastewater Department to allocate funds for TCEQ fines. (Finance Director).

Mr. Rushing stated this is an introduction budget amendment to re-class \$6,000 to Training & Travel in City Commission budget which should have been re-classed to the City Manager's budget. Also, the Utility fund's budget amendment increases the expected revenues in Water & Sewer sales and an increase for the appropriation for the TCEQ fine, \$10,600.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 Budget for the General Fund to allocate funds for an Interlocal Agreement with Kleberg County to cover one half of the electricity expense and to cover equipment repairs for the Golf Course. (Finance Director).

Mr. Rushing stated this is an increase in the expected revenues in Street Other Income in the General Fund, as well as increase in the appropriation for the line item the Golf Course in the City Special which consists of electricity in the amount of \$24,871 and \$11,504 for equipment repairs for the Golf Course.

INTRODUCTION ONLY

10. RESOLUTION NO. R2011-30 Consider resolution authorizing the Mayor to enter into a second Interlocal Cooperation Agreement between the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and Kleberg County for Kleberg County Constable Precinct One for Law Enforcement Services. (Task Force Commander).

Mayor Fugate called for consideration of Agenda Items 10, 11, 12, & 13 together.

Commissioner Laskowski made a motion to approve the resolutions posted in #10, 11, 12, & 13 authorizing an agreement between the Specialized Crimes and Narcotics Task Force and Kleberg County Constables Pct. #1, 2, 3, & 4, seconded by Commissioner Garcia & Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

11. RESOLUTION NO. R2011-31 Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and Kleberg County for Kleberg County Constable Precinct Two for Law Enforcement Services. (Task Force Commander).

12. RESOLUTION NO. R2011-32 Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and Kleberg County for Kleberg County Constable Precinct Three for Law Enforcement Services. (Task Force Commander).

13. RESOLUTION NO. R2011-33 Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and Kleberg County for Kleberg County Constable Precinct Four for Law Enforcement Services. (Task Force Commander).


14. RESOLUTION NO. R2011-34 Consider resolution authorizing the Task Force Commander to enter into an Interlocal Cooperation Agreement between the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and Comal County-Constable Precinct Four for loan of Law Enforcement Services Canine. (Task Force Commander).

Commander Vera stated they have purchased a dog and the dog was a little timid with the eighteen wheelers traffic on Hwy 77. He posed concern with the individual that sold them the dog. The individual suggested they keep the dog, and would sale them another dog for \$800. He stated now they have an extra canine and Comal County has a need for the canine. Commander Vera stated the dog will be on loan to Comal County.

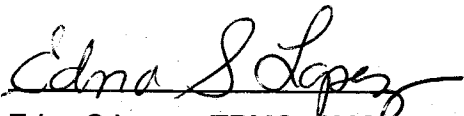
Commissioner Pecos made a motion to approve resolution, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:52 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMC
City Secretary