

DECEMBER 12, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 12, 2011 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL, 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Vincent Capell, City Manager
Mary Valenzuela, Legal Assistant/Paralegal
Yolanda Cadena, Health Director
Robert Rodriguez, Library Director
David Mason, Purchasing Director
Gary Fuselier, Landfill Supervisor
Mike Kellam, Director of Development Services
Willie Vela, Task Force Commander
Tony Verdin, Computer Technician
Diana Gonzalez, Personnel Director
Bill Donnell, Assistant Public Works Director
Mark Rushing, Finance Director
Frank Garcia, Waste Water Supervisor
Naim Kahn, Public Works Director/Engineer
Bob Trescott, Downtown Manager
Al Lopez, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mark Rushing, Finance Director followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Pro-tem Garcia called for consideration of the minutes for the regular meetings held on November 28, 2011 and December 5, 2011. **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: Pecos, Wilson, Laskowski, Garcia voting "FOR". Fugate "ABSENT".**

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

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."

Vince Capell, City Manager stated that the next regularly scheduled meeting would be scheduled on Tuesday, December 27, 2011. He stated that during this time the majority of his staff will be out for the holidays and asked if it would be necessary to have the meeting. The next regular meeting for the New Year would be on Monday, January 9, 2012.

Commissioner Laskowski stated that this would depend on what items would need Commission action immediately.

Mr. Capell stated that there is nothing pending at this moment, but come January there would be items that will require City Commission action.

Commissioner Wilson stated that he is comfortable not having the Commission meeting regularly scheduled for Monday, December 27, 2011.

Commissioner Garcia stated that he personally would not be at attendance for the next meeting if one is scheduled this month.

Mr. Capell stated that with regards to agenda item #2 under consent, Commissioner Laskowski will be asking Commission to pull this item from consent to regular agenda item. He stated that the handouts he has given the Commission will address some of the details on street and building improvements totaling \$466,000 and drainage improvements of \$655,000. The details of those expenditures were not included in the ordinance packet. He further stated that he also provided Commission other information regarding agenda item #7 having to do with purchasing authorities. He stated that this is basically a summary document that he uses when approval is needed for purchases and expenditures. He further stated that present is Mrs. Gail Golla who will be speaking during the public comments of the agenda with regards to the bird habitat, tree trimming and brush removal efforts.

IV. Public Comment on Agenda Items³

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

Mayor Pro-tem Garcia opened the public comments section of the agenda and stated that each individual would have five minutes to speak on agenda and non-agenda items during public comments.

Commissioner Wilson stated that there is a correction that needs to be stated before the public begins to speak during public comments. Public comments have a time limit of three minutes and not five minutes. He further stated that in order to get Commission approval to speak after time has expired, it would take five affirmative votes to continue beyond the three minute rule, there being only four members of the Commission present, they would not be able to accommodate the extended time.

Jude Golla, 498 WFM 772, stated that he has lived in Kingsville since 1962. He stated that he was an Engineer for Celanese and a manager for thirty-eight years. He stated that one of his requirements was to bring recruits and show them around the city. He further stated that he was very cautious because Kingsville lacks some public appearance. He stated that he wasn't aware as to how big birding was in Kingsville until he visited Rockport. He further spoke about the clearing of the brush that is taking place on Business 77 south of town. He stated that this brush that is being removed is very important to birds.

Gail Golla, 498 W FM 772, stated that she feels that she has had no support from the community with regards to the brush removal that is occurring on Business 77. She further stated that she was bullied by the City and threatened to have her vehicle towed. She stated that she was taken to the police station and was asked if she wanted to be in handcuffs. She stated that it may have seemed as a game to the individuals involved but as for a license professional counselor and a license family therapist who deals with crisis and is a trained crisis intervention expert. She stated that on her own basis in biology, she can be considered an expert witness. She stated that when she saw the brush being cleared, she had an automatic response just like if it would have been a suicide to a fire burning. She parked her vehicle by the bull dozer and asked to speak with the supervisor and asked what could be done to stop this work until she could speak to someone. She stated that she is not a known quantity in Kingsville because she operates under radar in

which this completely blows her cover. She further stated that all she wanted was for the work to be postponed for two weeks in order to get some input from A&M.

Mayor Pro-tem Garcia called for consideration of the items in Consent Agenda, Items 1 through 5. Commissioner Laskowski made a motion to remove item #2 from the consent agenda and accept items 1, 3, 4, 5, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Wilson, Pecos, Laskowski, Garcia voting "FOR". Fugate "ABSENT".

V.

Consent Agenda

Notice to the Public

1. Motion to consider final passage of an ordinance designating a certain area as a reinvestment zone; repealing all ordinances in conflict herewith and providing for an effective date and publications. (Director of Development Services).
2. Motion to consider final passage of an ordinance amending the FY2011-2012 budget for the Utility Fund Capital Projects Fund for Waste Water Department equipment and CO2011 General Fund for Street Department equipment, street repairs and drainage projects. (Finance Director).
3. Motion to consider approving resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force. (Task Force Commander).
4. Motion to consider approving resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department. (Police Chief).
5. Motion to consider appointment of Cynthia Martin to the City of Kingsville Historical Development Board to fill a vacant position. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Motion to consider final passage of an ordinance amending the FY2011-2012 budget for the Utility Fund Capital Projects Fund for Waste Water Department equipment and CO2011 General Fund for Street Department equipment, street repairs and drainage projects. (Finance Director).

Mark Rushing, Finance Director stated that Fund 54 consist of electric installation of generators for \$9,648 for the North Plant, the South Plant \$10,500 and under construction is the Wheel Front end-loader for \$82,571 and the Vactor truck for \$223,436. Fund 54 total is \$326,155. The storm drainage rate study with the total amount that was approved was \$84,773 and in Fiscal Year 2010-2011, the actual amount expended was \$6,130. He stated that the sum total that was expended from last fiscal year was \$6,130.91 which leaves a balance of \$78,642.09, rounded off to \$78,642. He further stated that on street and bridge, there were street projects that were balances on the 2009-2010 for \$437,450. He stated that originally there was a total of \$837,449.63 which previously expended \$400,000. He further stated that there was project lists for fiscal year 2010-2011 in the amount of \$485,358 with a sub-total of \$922,808 carry over on those two fiscal year projects. There was expended and incumbent \$456,603 leaving a remaining balance of \$466,204 on street and bridge. He stated that budgeted was the projects for 2011-2012 for \$496,268 which was already in the budget process and approved in the original budget that was adopted. On the drainage, there is a revised list of drainage projects in the amount of \$655,000 which equals originally stated as the drainage projects of \$655,000. He stated that there are some old projects that were listed in which Mr. Kahn has reviewed and modified the list to adjust the amount to \$655,000. The final item was the \$189,000 which is the list that has been reviewed of the wheel front-end loader of \$76,027 and the sign machine which has not been ordered as of yet of \$35,000 and the two wheel drum roller of \$77,973 for the \$189,000.

Commissioner Laskowski asked for a list of projects that is anticipated to use the \$466,000. He stated that this information would be very helpful to him so when citizens ask him about what street projects the City will be working on, he can have some backup

information. He stated that he presently has a three year list, but is not sure which projects have been completed and which ones need to be completed. He would like to see the list showing as to where the \$466,000 is going to be spent on.

Mr. Capell asked Mr. Kahn to identify which projects have been completed.

Naim Kahn, Public Works Director/Engineer stated that he knows which projects have been completed and has the plans for next five years and will provide this information to the Commission.

Mr. Capell stated that some of these projects the City is budgeting for them for the first time which is step one. The next step would be tracking them by including them in the quarterly report showing what is budgeted and projects that have been completed and are to be completed during the year.

Commissioner Laskowski stated that street projects seem to be a great issue of concern with our citizens.

Mayor Pro-tem Garcia asked if there is a list of projected start dates for these projects.

Mr. Kahn stated that during the winter season there really isn't much that can be done regarding street projects.

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

7. Consider resolution authorizing City Manager to execute a Partial Assignment of Easements and Assumption Agreement with Kleberg County for monitoring wells near the landfill. (City Engineer/Public Works Director).

Mr. Kahn stated that the City has four water monitoring wells and three gas monitoring wells on County Road 2120. He stated that it's a TCEQ requirement that monitoring wells should be on City property.

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

8. Consider resolution designating dollar threshold for expenditures and contracts requiring City Commission approval. (Commissioner Laskowski).

No action taken

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:28 P.M.


Sam R. Fugate, Mayor

ATTEST:


Edna S. Lopez, TRMC, CMC
City Secretary