

MARCH 26, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 26, 2012 IN 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 Wilson, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vincent Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Naim Khan, City Engineer/Public Works Director  
Mike Kellam, Director of Development Services  
David Mason, Purchasing Director  
Robert Rodriguez, Library Director  
Bill Donnell, Asst. Public Works Director  
Diana Gonzales, Human Resource Director  
Mark Rushing, Finance Director  
Willie Vera, Task Force Commander  
Yolanda Cadena, Health Director  
Frank Garcia, Wastewater Supervisor  
Robert Trescott, Downtown Manager  
Joe Casillas, Water Production Supervisor  
Roel Carrion, Interim Fire Chief  
John Garcia, Risk Manager  
Caron Vela, Accounting Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate 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 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 special meeting of Thursday, March 8<sup>th</sup>, 2012. **Commissioner Laskowski made a motion to accept the minutes 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”.**

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

Public hearing to consider amending the zoning ordinance by changing the zoning map in reference to 1.63 acres out of KT&I Subdivision, Block 22, Lot Pt 13 from C2 Retail District to C4 Commercial District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, location also known as 4111 South Brahma Blvd, applicant Mr. E.R. Cantwell, III. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:02 P.M.

Director of Development Services Mike Kellam stated this is to allow for a proposed ambulance service building at this location. There was a public hearing was held with P&Z on March 8<sup>th</sup>, at that meeting it was recommended this request be approved. Staff has done the research and given the Commission the Staff report for this application. This is a commercially designated area and is fitting with the location being close to Hwy 77.

Mayor Fugate called for questions or comments. He announced anyone wanting to speak on this issue can come to the podium and announce their name, address, and they have 5 minutes or less to speak on this subject.

Mayor Fugate closed the public hearing at 6:04 P.M.

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

City Manager Capell reported on corrections to the agenda, Items #25 – the cross references on the spreadsheet were corrected to coincide with the agenda item numbers; Item 28 – page 2 of memorandum was omitted from the packet, but the Commission has been provided the copy of that page.

City Attorney Courtney Alvarez reported the next regular meeting is Monday April 9<sup>th</sup>, and agenda items deadline is Friday, March 30<sup>th</sup>.

Commissioner Laskowski reported on the Bigger Event held on Saturday, March 24<sup>th</sup>. He congratulated the student at TAMUK for their participation. The event was a great success!

Commissioner Garcia asked for information about the pilot program. City Manager Capell stated it is in the notification period and no properties have been entered for cleanup.

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

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 1-8. Commissioner Laskowski made a motion to accept the consent agenda, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

### V. Consent Agenda

1. ORDINANCE NO. 2012-17 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for beautification projects for various departments to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).
2. Motion to approve appointment of Ms. Gabrielle Ganther to the Kingsville Historical Development Board to fill a vacancy from resignation of James Glusing. (Downtown and Special Projects Manager).
3. Motion to approve appointment of Margarito Gonzalez to the Kingsville Police Department Reserve Force. (Chief of Police).
4. RESOLUTION NO. 2012-10 Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Chief of Police).

5. RESOLUTION NO 2012-11 Motion to approve resolution 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).

6. RESOLUTION NO. 2012-12 Motion to approve resolution authorizing the Mayor to enter into an interlocal cooperation agreement between the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and Brooks County for Brooks County Sheriff's Office for law enforcement services. (Task Force Commander).

7. RESOLUTION NO. 2012-13 Motion to approve resolution authorizing the City Manager to enter into an agreement between the City of Kingsville and Rio Bravo RC&D for administration of the SEP from TCEQ Agreed Order on 2010 Wastewater discharge. (City Engineer/Public Works Director).

8. Motion to approve out-of-state travel to Washington, D.C. for Mayor Fugate on April 16<sup>th</sup> – 19<sup>th</sup>, 2012 to discuss military and legislature issues. (City Manager).

## REGULAR AGENDA

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

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

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.63 acres out of KT&I Subdivision, Block 22, Lot Pt 13 from C2 Retail District to C4 Commercial District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, location also known as 4111 South Brahma Blvd, applicant Mr. E.R. Cantwell, III. (Director of Development Services).

Mayor Fugate stated this has been explained in the public hearing and it's an introduction item. Mayor Fugate called for comments or questions. Commissioner Garcia asked if the landscaping ordinance is to be applied. Mr. Kellam replied that with any new redevelopment done on a property it would be brought up to code if improvements are done to the building.

#### INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 5-1-3, revising the amounts and times when residents can use the landfill without charge, revising proof of residency and providing for waivers. (City Engineer/Public Works Director).

City Engineer Naim Khan stated that Staff is proposing some changes on the free dumping at the landfill. Currently, residences can dump 300 lbs per load from Monday thru Friday, free of cost; and up to 1,000 lbs on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday. The proposed change is free dumping from Monday thru Saturday up to 1000 lbs per load two times per month. Language added to Section (B) (In order to deposit without charge); and Section (C) – (Unless approved by Public Works Director (or other city designee)). The change to Section (E) - is that the Solid Waste Management Superintendent was deleted and added was the Community Appearance and Health Departments. Also, new is that the waiver of fee permit shall only be issued with proof of residence or domicile, and never for a period of more than 14 calendar days. Residents will be notified of these changes by posting information on the City's website, publishing in the local newspaper, and putting information in the water bills.

#### INTRODUCTION ONLY

11. Consider introduction of an ordinance amending the City of Kingsville FY2011-2012 budget for the Utility Fund Capital Projects Fund 054 for the Waste Water South Plant Department secondary clarifier to Fund 066-CO2011 (\$224,600). (Finance Director).

Finance Director Mark Rushing stated an excel sheet is enclosed showing the causes for the budget amendment that's needed. He stated that the amounts of \$132,500 and \$20,500 relates to the LNV for engineering; there was an additional amount needed of \$92,000 which relates to 30% increase in supplies. The initial pricing was for a primary clarifier instead of a secondary clarifier which equaled to \$92,500. Some savings were found in some of the projects: \$21,500 from the bar screens; \$10,250 from the backhoe;

\$5,000 from mobile jetter; and \$3,785 from the equipment shed. \$184,064 was pulled from Fund 054 Fund balance, total sources of funding was \$224,600 to finance the clarifier project.

**INTRODUCTION ONLY**

**12. Consider awarding bid for South Wastewater Treatment Plant Secondary Clarifier to CSA Construction, Inc. of Houston as per staff and consultants recommendations. (City Engineer/Public Works Director).**

Mr. Khan stated the project was bid out and 4 bids were received. CSA was the lowest bidder. Staff requests approval.

Mayor Fugate called for questions or comments. Commissioner Laskowski asked the reason for the almost a two month delay in bringing this item before the Commission, if bids were opened in February. Mr. Khan replied the bid tabulation shows the bidding of A-1 thru E-1 and Staff had to make a decision on what was most important. Commissioner Laskowski voiced his concern about putting a need for these items and then not everything is done. City Manager Capell stated he wanted to take some time to find savings on other projects rather than always looking for new money.

**Commissioner Laskowski made a motion to award the bid to CSA Construction, Inc from Houston for \$1,284,000, seconded by Commissioner Wilson and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".**

**13. Consider authorizing Alsay Incorporated to make emergency repairs to Water Well No. 20 as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated this water well has vibration problems on the pump. It was thought that it would be minor repair work but instead it was major rehabilitation work. Staff recommends the rehabilitation of this water well and request that Alsay Inc from San Antonio, Texas do the work.

**Commissioner Laskowski made a motion to authorize Alsay Incorporated to make the emergency repairs to Water Well No. 20 as per Staff's recommendation, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**14. Consider authorizing the purchase of a welding shed for the Public Works Department from Mueller, Inc. for up to \$23,080 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated during workshops this was presented and the Welder needs this area to work.

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

**15. Consider authorizing the purchase of an automatic gate opener for the Public Works Department from D&C Fence Co. for up to \$5,490 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated this item was also presented at the workshop. This is for the security of the yard.

Commissioner Laskowski commented that all these items are expending monies from the surplus funds. He then asked how many pickups are needed. He stated his reason for asking that question is that the Commission is approving the purchase of four pickups and when added up the City can purchase another four or five pickups. He stated that historically the city has had to borrow money to purchase pickups and the City is spending money to purchase things that are not as important as being able to get out and service the customers. Mr. Khan responded the gate is very heavy and needs to be replaced. He stated that Staff did research on the importance of making all of these purchases.

Commissioner Laskowski stated the City needs to focus on what is needed to provide services to the citizens and an automatic gate is not as important.

City Manager Capell stated the city hasn't taken a physical inventory for quite some time but have recorded assets not verified by physical inventory. The physical inventory will be done this summer. The City is in a fortunate position now because of how the City has budgeted in the past to buy equipment that is used from day to day. Mayor Fugate stated some of the items on this agenda are things that we put off for years. He likes the idea that the City is improving the infrastructure at the public works. City Manager Capell stated the City should establish some kind of reserve for major pieces of equipment.

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

**16. Consider authorizing the purchase of a pressure washer for the Public Works Department from Washing Equipment of Texas for up to \$4,919 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated this is something that is professional to help clean the vehicles.

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

**17. Consider authorizing the purchase of materials to build a catwalk for the Public Works Department using city staff for up to \$4,620 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated this authorization is for purchasing of materials for the catwalk which will be built by the welder.

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

**18. Consider authorizing the purchase of a gas pump canopy for the Public Works Department from Petroleum Solutions, Inc. for up to \$28,519 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated this will look like a regular gas station.

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

**19. Consider authorizing the purchase of fence slats for the Public Works Department from D&C Fence Co. for up to \$8,440 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated the fence slats will be placed on the Corral side and also on the east and west side of the warehouse about 1500 linear feet.

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

**20. Consider authorizing the purchase of fence slats for the Recycling Center from D&C Fence Co. for up to \$500 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

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

**21. Consider authorizing the purchase of a fence enclosure for the Recycling Center from D&C Fence Co. for up to \$3,270 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated this is for afterhours recycling. The fence will be located on 5<sup>th</sup> Street; the fence will be 6 feet all around and will have a gate. There will be a gate on both sides.

Commissioner Laskowski asked several questions regarding the plan. Commissioner Wilson stated it appeared this needed a little more thought. He stated he isn't opposed to the fence but it appears that the process hasn't been thought about, if simple questions can't be answered. Mr. Donnell stated that there will be rollouts containers set up in the area. If rollouts are full residents will just dump the item on the ground.

Commissioner Garcia made a motion to approve expenditure as per Staff recommendation, seconded by Commissioner Pecos. Mayor Fugate called for further questions or comments. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

**22. Consider authorizing the purchase of four ½ ton pick-up trucks with outfitting for various Public Works Department via BuyBoard for up to \$72,000 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

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

**23. Consider authorizing the purchase of one ¾ ton pick-up truck with outfitting for the Street Division at Public Works via BuyBoard for up to \$33,616 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).**

Commissioner Laskowski made a motion to authorize the purchase of one ¾ ton pickup, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

**24. Consider authorizing a corridor landscaping project for up to \$47,432 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Director of Development Services).**

Mr. Kellam stated this was discussed in a prior workshop. In the agenda packet detailed information was provided as to the design plan. The original request was \$60,000; the current request is \$47,432. The original request included 150 trees based on linear feet divided by 40 feet intervals. However when they got into design with inclusion of driveways and other obstructions it knocked the number of tree down to 121. The trees will be true date palm trees.

Commissioner Laskowski asked if the City had TXDOT's approval. Mr. Kellam replied he has received comments back from TXDOT, and he has supplied them all the information that they requested. Most utterly what they cared about was inclusion of the storm sewer in the drawings, which was done. The City has made sure no trouble is being caused with their storm sewer locations. The other was the maintenance agreement that the City would supply them with a written document that stated that the City would be responsible for full maintenance of these trees. All information was sent to TXDOT last week, and they have not replied. Commissioner Laskowski stated "so we don't have approval". Mr. Kellam replied no we don't have approval but all information has been supplied. Commissioner Laskowski stated that the Commission is being asked to approve an expenditure project that the City doesn't even know that TXDOT is going to approve. Mr. Kellam stated that he doesn't see why they would not. The City will water the trees every day for six months until they can get established. The quotes have not been sent out but the quote will include adequate bracing around the trees until they are strong enough to hold themselves up. Upon a question from Commissioner Laskowski, Mr. Kellam replied the \$350.00 per tree installed includes the bracing. Mr. Kellam stated he called to get phone bids the price included typical tree and it was indicated the cost was \$120 - \$150 per tree based on the height that the City is looking at. The City can spend anywhere from \$300 to \$400 to go with a taller tree. The lady he spoke to regarding the trees told him for any installation on a palm tree to double the price.

Mayor Fugate called for comments or questions. Commissioner Laskowski commented it is unusual that there is not a fixed price that can be proposed to the Commission showing if 120 trees are installed this is what the cost will be. He stated there's no firm bid for the project. Mayor Fugate stated there are a lot of projects that have been approved tonight that have been approved saying up to a certain amount of dollars. City Manager Capell stated this is similar to approving the budget you have to guesstimate so you can to approve the budget.

**Commissioner Pecos made a motion to approve this project as recommended by Staff, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos voting "FOR". Laskowski, Wilson "AGAINST".**

**25. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for various projects at Public Works and Recycling Center and for the purchase of five trucks for various divisions at Public Works utilizing Fiscal Year 2010-2011 Surplus Funds. (Finance Director).**

Mr. Rushing stated this is for the utilization of the surplus for FY 2010-2011 as presented in agenda items 14 – 24 which were previously approved for a subtotal of \$231,886.

#### **INTRODUCTION ONLY**

**26. Consider authorizing the purchase of a steel roller with outfitting for the Street Department through HGAC BuyBoard for up to \$51,992 with funding from CO2011 Funds as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated there's \$76,027 in this CO monies and they are requesting to make this purchase. This will be used for the hot mix.

**Commissioner Laskowski made a motion to approve the purchase of the steel roller, \$51,992, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".**

**27. Consider authorizing staff to perform a sewer line extension project to the L.E. Ramey Golf Course for under \$9,000 as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Khan stated there's a need of about 460 linear feet of 8 inch sewer line from the club house to the nearest manhole, at a total cost is \$9,000, which \$4,380 is for labor and \$4,620 for materials. Commissioner Wilson stated he doesn't see anything being contributed by the County. City Manager Capell replied there is a situation at the landfill. Mr. Khan explained there is SEP money that Rio Bravo has from a source. A County Commissioner has said that money can be used for this sewer project. Commissioner Wilson stated that the backup material did not provide information that there would be contributor to this project. Mr. Khan stated the dollar amount for the SEP is \$5,600 and this project will cost \$9,000.

Commissioner Laskowski asked if there has been discussion that the County is willing to connect to the sewer line. Golf Course Manager Al Gala addressed the Commission and stated the County is willing to tie into the sewer line. The reason for the request is that there's a lot of backlash odor from the septic tank that's getting into the entire building.

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

**28. Consider authorizing staff to move forward with preliminary work to negotiate an agreement for the installation of a water line extension off of North Armstrong using a 50-50 cost splitting arrangement with the requestor, Steve Childers, with the project being contingent on the necessary easements being obtained for said project and the funding being secured. (City Manager).**

City Manager Capell stated he spoke to Mr. Childers and provided information on what and where it could go. Nothing is certain at this point. Mr. Childers wishes to tie into the water service, this land is not platted and there are a lot of issues to work out, the

potential cost is about \$24,000. City Manager Capell added which he hopes this can be split 50/50 with Mr. Childers and anybody else that wants to tie into the water line when it is extended. He stated what he is asking of the Commission at this point is there enough interest on their part to at least pursue this, knowing that the City may not be able to resolve all the problems. What he would like to do is to work with Mr. Childers and area property owners and try to get water lines to Mr. Childers's property. Structurally a 50/50 cost sharing arrangement seems fair. The city is not under any obligation, but the City would potentially gain two water service customers. He stated that his proposal is that the City pay 50% and the property owners split the other 50%. He stated he can see this coming up more frequently so he would like to establish a policy for a cost sharing relationship. The City could possibly do one or two per year due to the cost. This is not all that significant in terms of total water revenues per year but would help out a resident.

Mayor Fugate stated this is the north side of the city and this area is no encroachment to the Navy and getting utilities to that area would be great.

Commissioner Garcia regarding the plat issue, if this was being included. City Manager Capell stated the city can't plat the property without an improved road but the ideal solution recommended comes with a high price tag.

**Commissioner Laskowski made a motion to authorize Staff to move forward with the preliminary work to negotiate an agreement for the installation of a water line extension of North Armstrong using a 50/50 cost split arrangement with the requestor, Steve Childers, any different agreement has to be brought before the Commission in the future and that Steve Childers is responsible for obtaining all necessary easements for this project in order for it to proceed, seconded by Commissioner Wilson. For clarification, City Manager Capell stated whatever the agreement it will be brought back to the City Commission for approval. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**29. Consider making a monetary contribution of \$2,500 to the 2012 Wings Over South Texas Air Show at NAS-Kingsville. (Downtown and Special Projects Manager).**

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

**30. Consider a resolution opposing the construction of industrial wind turbines (wind farms) in the City of Kingsville and in Kleberg County. (Mayor Fugate).**

Mayor Fugate stated a Texas Wind Farm group is proposing a wind farm in the Rivera area. These wind farms encroach on our route radar at NAS-Kingsville. There are four other wind farm developments that could potentially encroach our Base. As of now, there is no technical abatement or procedure to prevent these wind farms from affecting this radar. There are certain things that wind farms can do to elevate some of the problems, for instance, by aligning them behind others so that they are not seen as far from radar. There is a proposal that at certain times the Navy will be able to ask these wind farms to shut down because of the interference. There has been a Navy expert that has looked at this and told the powers-at-be at the Defense Department that anything outside 15 miles he thinks he can cure. This wind farm is well within 15 miles, it is particularly a dangerous situation because it effects the glide slope for the young pilots when they are having to come in to our Base. This could affect our southeast runway. The Administration is asking for BRAC round and this could be an encroachment issue for this Base. Mayor Fugate stated that he respectfully disagrees with Congressman Farenthold when he says our bases are not subject to closure. NAS-Kingsville is in really good shape right now and NAS-Corpus Christi has some serious problems that they have to deal with. The Department of Defense has felled to purchase the T6 trainer; the T34 which is the trainer that they use now is finishing its life. What the Navy has done here to improve the infrastructure is really state of the art facility and you can't beat the air space within the City and the lack of encroachment up to this time. It is incumbent upon this Commission to step up and tell these people through a resolution that we don't want a Dru Steubing, who is the developer of this project, who said that if we don't want him, he won't come and that he is a true Texan and Texans when they say something they mean it. If he is a true Texan, then he is true to his word and will leave us alone. This resolution sends a strong message to him.



Mayor Fugate made a motion to approve this resolution opposing construction industrial wind turbines not only in the City of Kingsville but also Kleberg County, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson, Pecos voting "FOR".

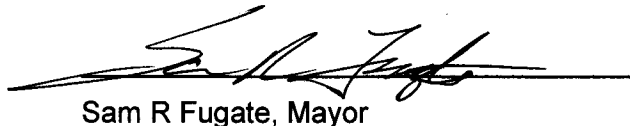
**31. Consider resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville. (City Secretary).**  
**(CONSIDERE UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y LA JUEZA DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD, QUE SE LLEVARÁN A CABO EL 12 DE MAYO DE 2012. (SECRETARIA MUNICIPAL).**

City Secretary Edna S Lopez read the Spanish version of the agenda item.

Commissioner Laskowski made a motion to make appointment of Election Judges and Early Voting Clerks, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

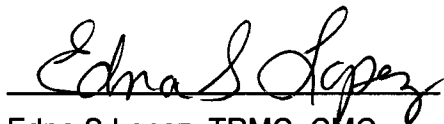
#### **VI. Adjournment.**

There being no further business to come before the City Commission the meeting was adjourned at 7:20 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary