

MAY 14, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 14, 2012 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 Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Naim Khan, City Engineer/Public Works Director
David Mason, Purchasing Director
Mark Rushing, Finance Director
Gary Fuselier, Landfill Supervisor
Bob Trescott, Downtown Manager
Yolanda Cadena, Health Director
Frank Garcia, Wastewater Supervisor
Robert Rodriguez, Library Director
Mike Kellam, Director of Development Services
Luke Stevens, Sanitation Supervisor
Bill Donnell, Asst Public Works Director
Roel Carrion, Interim Fire Chief
Ken Starr, Asst Task Force Commander
John Garcia, Risk Manager
Ricardo Torres, Police Chief
Caron Vela, Accounting Manager
Diana Gonzales, Human Resource Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City 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 regular meeting of Monday, April 23rd, 2012. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by 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).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, PublicInformation, 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.

Ms Alvarez announced the next special meeting of the City Commission is on Monday, May 21st to canvass the election; the swearing-in is on the 24th; and the next regular meeting of the City Commission is on the 29th. City office will be closed on Monday, May 28th for the Memorial Day holiday; and deadline for items for the next agenda is on Friday, May 18th. She congratulated Ms Valerie Valero, Engineering department employee on her recent graduation.

Commissioner Wilson congratulated the newly elected Commission and personally thanked all of Staff for all their hard work. He announced the Library Department has a free language class, called Mango and spoke on origin of fare winds and following seas, a nautical blessing. Lastly, he thanked his wife, daughter, and father, who were in the audience, for their support.

Commissioner Laskowski echoed Commissioner Wilson's comments. He thanked his wife and Staff.

Mayor Fugate presented Commissioner Wilson and Commissioner Laskowski with a proclamation and a City of Kingsville watch.

Mayor Fugate presented a proclamation for "National Curves Day".

Commissioner Laskowski presented a "Because You Care Awards" to Exxon Mobil Employees.

Commissioner Garcia spoke about always working closely with the outgoing Commissioners and thanked them for their services.

Commissioner Pecos commented that the outgoing Commissioners are taking a lot of experience and they will continue to do the best for the City.

Mayor Fugate commented in the last eight years he has never seen a hidden agenda and if there was a disagreement it was an honest disagreement.

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 1-6. Commissioner Laskowski made a motion to accept 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. 2012-24 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund in the amount of \$5,000.00 for the request from the Parks Department for the Brookshire Pool renovations. (Finance Director).**

2. **ORDINANCE NO. 2012-25 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the Municipal Court Technology Fund Computer Equipment Supplies in the amount of \$3,553.00. (Finance Director).**

3. **ORDINANCE NO. 2012-26 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the Utility Fund Capital Projects Fund 054 for the Water Production Department Well #19 Pump House to Fund 062 CO2005 in the amount of \$12,987.00. (Finance Director).**

4. **ORDINANCE NO. 2012-27 Motion to approve final passage of an ordinance amending Chapter VII, Article 5, Traffic Schedules, temporarily setting a construction speed zone of 55 miles per hour to be in effect when signs are displayed within the construction project on US Highway 77, from 4,300 feet north**

of Caesar Avenue to 8,500 feet south of Caesar Avenue, with the completion and/or acceptance of each project cancelling the provisions of the ordinance and causing the removal of any remaining construction speed zone signs. (City Engineer/Public Works Director).

5. RESOLUTION NO. 2012-20 Consider resolution authorizing participation in Local Border Security Program FY2012 with the Texas Department of Public Safety for Law Enforcement Personnel overtime and operational costs; Authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

6. RESOLUTION NO. 2012-21 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 the City of Krum – Krum Police Department for loan of Law Enforcement Services Canine. (Task Force Commander).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider authorizing the transfer of donated funds (\$333.03) from the nonexistent Task Force Explorer Post #700 to the existing Kingsville Border Patrol Explorer Post #531. (Task Force Commander).

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

8. RESOLUTION NO. 2012-22 Consider resolution in support of Senate Bill 1917 by Zaffirini relating to the Hotel Occupancy Tax Exemption. (Commissioner Laskowski).

Commissioner Laskowski stated the City of George West is having a problem due to oil field workers filling their hotels and if you are trying to fund tourism with hotel/motel taxes you don't have any. The City of George West has seen a reduction of about 85% of their hotel/motel tax collections. This supports the introduction of the legislation asking that they requirement for the exemption of 30 day be taken out of the hotel/motel tax legislation.

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

9. RESOLUTION NO. 2012-23 Consider resolution authorizing the City Manager to enter into a revised Water Utility Supply Contract (GOV. Contract #N69450-12-C-0011) between the City of Kingsville and the Federal Government for Naval Air Station-Kingsville. (City Engineer/Public Works Director).

Mr. Khan stated this item was previously presented to the Commission and it was approved conditionally that it needed to be revised regarding the section about the rates. Instead of revising, they would like to remove that wording. Staff discussed and agrees that under clause 52.241-7 (a)(2) on page 12 refers to the same wording about the rate increase.

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

10. RESOLUTION NO. 2012-24 Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Engineering design work for Kleberg Avenue between the Kleberg County Courthouse and Third Street. (City Engineer/Public Works Director).

Mr. Khan stated the need for this design work Kleberg Street was presented to the Commission during a workshop session on January 23rd and the proposal was approved on February 27th, now this is an Interlocal that needs to be approved in order to start the work.

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

11. Consider authorizing additional funding in the amount of \$39,227.93 to TxDOT for Caesar Ditch Improvement project. (City Engineer/Public Works Director).

Mr. Khan stated this item was approved on August 28, 2011 but the cost estimate has increased by \$39,227.93. Upon a question from Commissioner Laskowski's request, Mr. Khan explained the spending of \$400,000 on Caesar Street. Commissioner Laskowski stated this will help tremendously to increase the volume of water that can be handled in Caesar ditch and get it moved across Hwy 77.

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

12. Consider authorizing the cost sharing agreement with Franklin Welding Service, Inc. for the extension of 8" water line on Young Drive, for a total cost of \$25,554.47 for project including materials, sampling, labor and equipment, with each party paying half (\$12,777.24) of said cost as per staff recommendation. (City Engineer/Public Works Director).

Mr. Khan stated this company is expanding their building and they don't have any fire hydrants close to their property which is very dangerous. After several discussions it was decided that the total cost is split in half.

Commissioner Laskowski asked if actual hours spent on project are noted and charged to the company if there is extra time spent on project. Mr. Khan stated normally there is record of actual hours kept, but this was not discussed with the company. Commissioner Laskowski suggested the company be charged if the project takes longer to complete.

Commissioner Laskowski made a motion to move forward with this project, with the understanding that any cost increase above and beyond the actual estimated cost be shared equally 50/50 with the City of Kingsville and Franklin Welding, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

13. Consider authorizing the purchase of one front end loader with a grapple for the Landfill in the amount of \$93,440.60 from Fund 087-5-170.2-711.00 Solid Waste Capital Projects as per staff recommendation. (Purchasing Director).

Mr. Mason stated this is a HGAC quote. This action will expend \$93,440.60 which is less than the \$120,000 allocated for this purchase.

Commissioner Laskowski made a motion to authorize the purchase the front-end loader, as recommended by Staff, 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 one truck with refuse body for the Sanitation Department for \$230,728.00 with cost after trade-in of \$200,728.00 from Fund 087-5-170.2-711.00 Solid Waste Capital Projects as per staff recommendation. (Purchasing Director).

Mr. Mason stated this is a Kann Manufacturing Commercial Side Loader with the grabber option on a Peterbilt 320 Chassis. This would greatly assist the department. This is a HGAC quote. The 2004 International is being traded-in.

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

15. Consider authorizing a contract be awarded to Standard Cement Materials, from Houston, Texas in the amount of \$160,000.00 allowing for continuing project of upgrading manholes by priority of disrepair as funding allows from CO2005 Utility Fund as per staff recommendation. (Purchasing Director).

Mr. Mason stated this was done as a RFP to see if there were additional respondents. There were 2 respondents. Staff recommends the contract be awarded to Standard Cement Materials, Houston, Tx in the amount of \$160,000. I & I studies have shown this needs replacing.

Commissioner Wilson made a motion to authorize contract not to exceed \$160,000, seconded by Commissioner Laskowski and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

16. Consider authorizing a contract be awarded to Radiant Industrial Solutions, Inc., from Houston, Texas in the amount of \$122,673.00 to upgrade UV Lighting and associated electrical panel at the 3mgd Wastewater Plant from CO2005 Utility Fund as per staff recommendation. (Purchasing Director).

Mr. Mason stated there are issues with the current UV lighting. This action will expend \$113,473 for lighting and \$9,200 for electrical installation totaling \$122,673. It is recommended the contract be awarded to Radiant Industrial Solutions, Inc. from Houston, Texas.

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

17. Consider authorizing the contribution of \$5,000.00 from Fiscal Year 2010-2011 Surplus Funds for the Keep Kingsville Beautiful landscaping project at Yoakum Street as per recommendation. (Mayor Fugate).

Mayor Fugate stated the City lacks \$5,000 to complete the \$22,000 project.

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

18. Consider introduction of an ordinance amending the Fiscal year 2011 2012 Budget for the General Fund Capital Projects Fund for \$5,000.00 for the beautification project on Yoakum St. to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).

Mayor Fugate stated is item is to make the accounting warrant for the previous agenda item.

INTRODUCTION ONLY

19. RESOLUTION NO. 2012-25 Consider resolution authorizing implementation of annexation procedures for Lot 9, Section 22, K.T.&I. Subdivision; setting dates, times and places of public hearings; and authorizing public hearing notices and any other requirements required by law. (Director of Development Services).

Mr. Kellam stated this is the Hawks Landing area, 1996 it was agreed not to annex for five (5) years and that period of time has since expired. The City is following through with what Staff feels is necessary for the City and we feel it is necessary to incorporate that into the City. The City already provides basic services and fire/police protection. Staff needs Commissions' blessing to continue. Commissioner Laskowski thanked its only 9 years late. Property on the tax rolls

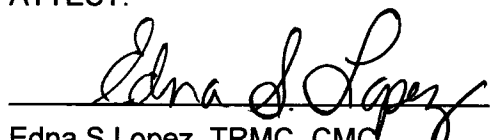
Commissioner Wilson made a motion to adopt this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:02 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMC
City Secretary