

MAY 12, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 12, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Al Garcia, Commissioner
Noel Pena, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Bill Donnell, Asst. Public Works Director
Charlie Cardenas, Public Works Director/City Engineer
Robert Isassi, Director of Planning & Development Services
Diana Gonzales, Human Resources Director
David Mason, Purchasing/IT Director
Ricardo Torres, Chief of Police
Joey Reed, Fire Chief
Deborah Balli, Finance Director
Cynthia Martin, Interim Tourism Director
Luke Stevens, Sanitation Supervisor
Robert Rodriguez, Library Director
Jennifer Bernal, Community Appearance Supervisor
Ken Starrs, Assistant Task Force Commander

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:02 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Courtney Alvarez, City Attorney followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

NONE

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

None.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Tourism, 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."

Mr. Vince Capell, City Manager, announces that he will be out of the office on vacation beginning May 22nd through May 30th and will return to the office on June 2nd. He further congratulated the Mayor & Commissioners for a successful election.

Mrs. Courtney Alvarez, City Attorney, reported that we will be having a Special Commission meeting on Monday, May 19th to canvass the election results and a Special

meeting on Thursday, May 22nd at 7:30 p.m. for the swearing-in of the newly elected officials. She further stated that the next regular meeting is scheduled to for Tuesday, May 27th due to Monday, May 26th being a holiday.

Commissioner Garcia stated that he received a complaint from a citizen that the garbage trucks are leaking hydraulic fluid and creating a stain on the surface on the road which in time will create a pothole. He would ask for staff to look into this situation and see if it could be corrected.

Mr. Capell stated that he is aware of the situation and has asked Mr. Charlie Cardenas to look into this issue.

Commissioner Pena stated that he knows of a volunteer who is willing to assist in fixing this issue. Pena further thanked Mary Valenzuela, City Secretary for her work on running the Election. He stated that it is hard work to put together an election.

Commissioner Luebert thanked everyone who went out and voted and further thanked Mrs. Valenzuela for her hard work on putting this election together and in between putting the TML Region event together during the same time. She further stated that a fabulous job was done by Mrs. Valenzuela on both events.

Mayor Fugate presented Because you Care awards to citizens who have made a difference in beautifying Kingsville.

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

1. **Motion to approve resolution 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).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider authorizing the award of a contract for the lift station/force main sanitary sewer improvements to Bridges Specialties as per staff and engineer of record's recommendation. (Director of Purchasing and IT).**

Mr. David Mason, Purchasing/IT Director, reported that this item is to authorize the award of the contract for the Lift Station/Force Main Sanitary Sewer Improvements.

Mason further reported that LNV Engineering is the engineer of record for this project and created the bid documents. Bids were advertised in the Kingsville Record on February 26, 2014 and March 5, 2014. A prebid meeting was held March 26, 2014 at 9:00 a.m. in the City of Kingsville Commission Chambers. Bid opening was April 2, 2104 at 1:30 p.m. and received six bids. It was recommended the contract be awarded to Bridges Specialties of Robstown for the amount of \$887,711.74. Mason further stated that the City Engineer and LNV Engineering are in agreement with this award. Funds are available from 054-5-700.3-543.00 of which there is a balance of \$788,000. The balance of \$99,711.74 is available from a budget transfer from Fund 62, CO 2005 of which there is a balance of \$52,977.46. The remaining funds of \$46,734.28 will be covered by Utility Fund 051 Fund Balance.

Mayor Fugate asked City Engineer, Charlie Cardenas for a brief history on this company and asks if Cardenas was comfortable with this company. Mr. Cardenas responded that he was comfortable with the company as they have done work for the city in the past.

Mayor Fugate asked when the project is to begin. Mr. Cardenas stated that he would like to start this project this summer.

Motion made by Commissioner Pena to approve this award, seconded by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

3. Consider authorizing the award of a contract for the new 18" water transmission line to the 5125 Company as per staff and engineer of record's recommendation. (Director of Purchasing and IT).

Mr. Mason reported that LNV Engineering is the engineer of record for this project and created the bid documents. Bids were advertised in the Kingsville Record on February 26, 2014 and March 5, 2014. A prebid meeting was held on March 26, 2014 at 9:00 a.m. in the City of Kingsville Commission Chambers. Bid opening was April 2, 2014 at 1:30 p.m. Mason further stated that it is recommended the contract be awarded to The 5125 Company of Mission, TX on the basis they are the lowest qualified bidder based on previous experience in water utility construction. They have completed successful projects for STWA for approximately 2.5 million, City of Falfurrias for \$500,000. Funds are available from 068-5-600.1-541.00, Fund 066, CO 2011, of which there is a balance of \$528,500. The balance of \$278,166.65 is available from utility Fund 051 Fund Balance.

Mayor Fugate stated that the only concern he has, is that he received a memo from the City Manager stating that there were problems at Lake Villa Apartments with the work this particular company performed, and now the City considering awarding the bid to the same company. Mr. Cardenas stated that at the time of printing the memo, he was under the impression that this company was working at Lakeview Villa, but they're not, and this is why Mr. Mason did not read that section of the memo. Cardenas further stated that for the record he would like it noted that this company is not the same company that is working for Lakeview Villa.

Motion made by Commissioner Pena to approve this award, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

4. Consider authorizing the award of repairs to certain concrete streets, curbs and drainage gutters, Bid 14-10 concrete paving improvement phase 4, to E-Tech Construction as per staff recommendation. (Director of Purchasing and IT).

Mr. Mason reported that this item authorizes the award of repairs to concrete streets, curbs and drainage gutters within the City of Kingsville. Advertised for seal bids on March 5, 2014 and March 12, 2014 and proposals were accepted until 1:30 p.m. on March 25, 2014. One potential vendor attended the mandatory prebid meeting and site visitation on Thursday, March 13, 2014. One bid was submitted, that of E-Tech Construction. The original bid was for \$363,000 but several streets were included that were not on the priority list. Upon removal of these streets and addition of the five on the priority list the total bid comes to \$153,300. It was recommended the contract be awarded to E-Tech Construction of San Antonio, TX in the amount of \$153,300. E-Tech construction has successfully completed several projects for the City of Kingsville. Mason further stated that this action will expend \$153,300 from 068-5-305.0-531.00 CO 2013 Street Projects fund of which \$164,000 was budgeted.

Commissioner Leubert asked if any of these areas that these are going in have sidewalks and installing the handicap access on the curbs. Mr. Cardenas stated yes they do have sidewalks and handicap access is being done on a case by case basis.

Motion made by Commissioner Pena to authorize this award, seconded by Commissioner Leubert and Commissioner Pecos. The motion was passed and

approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

5. Consider appeal of Historic Development Board decision regarding 330 & 332 W. Alice. (Interim Director of Tourism).

Mrs. Cynthia Martin, Interim Director of Tourism, stated that Mr. Dennis Yaklin, owner of the property at 330 & 332 W. Alice wishes to appeal the findings of the Historical Development Board made on December 18, 2013 regarding his application for a permit presented at that meeting. Martin reported that the siding on 332 W. Alice only be replaced with wooden narrow lap siding as was evidenced on the front of the building that has since been removed. Mrs. Martin further stated that the Historical Board is only trying to preserve the integrity of its historic look.

Mr. Dennis Yaklin stated that he would like to install hardy plank which is more durable material verses wood.

Commissioner Leubert stated that hardy plank is also energy efficient. Commissioner Garcia commented that wood also has good quality.

Mayor Fugate stated that wood produced now, does not compare to how it used to be produced.

Commissioner Pena commented that he can attest to Mr. Yaklin comments regarding hardy plank. Pena further stated that he has had to also replace some wood parts to his home because wood does not hold up as well anymore.

Motion made by Commissioner Leubert to reverse the decision of the Historical Development Board, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR". Garcia "AGAINST".

6. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for Fund 054 Utility Fund Capital Projects and Fund 62 CO Series 2005 Utility Fund to finance lift station/force main sanitary sewer improvements. (Director of Finance).

Introduction items.

7. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for Fund 051 Utility Fund to finance a new 18" water transmission line. (Director of Finance).

Introduction item.

8. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for Fund 051 Utility Fund to finance repairs for a vertical sewage pump at the FM 1717 lift station. (Director of Finance).

Introduction item.

9. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the General Fund 01 Community Appearance Department to fund improvements to the Recycling Center. (Director of Finance).

Commissioner Leubert commented that the plans look good but is still concerned about the entrance. She further asked how many vehicles can go in at a time. Mr. Cardenas stated two to three cars fit according to the plans.

Introduction item.

10. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the General Fund 01 Community Appearance Department to fund professional services for additional contract services and for tree replacements. (Director of Finance).

Mr. Isassi stated that he is looking into creating a Developer's Guide for construction in Kingsville and rewriting/clarifying the platting process. This work will require a consultant to research the City's ordinances and create a descriptive flowchart to illustrate processes and timelines to potential developers and planning. This will create new and updated code language that will detail a more defined application of the various types of plat submittals as well as submittal checklist to ensure plats have been thoroughly reviewed. The cost for this work will be an estimated \$6,500.

Introduction item.

11. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for Community Appearance to fund the purchase and installation of trees for the corridor landscaping project along 6th Street. (Director of Finance).

Introduction item.


12. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Commissioner Leubert).

Mayor Fugate announced the executive session and convened the Commission at 7:02 p.m.

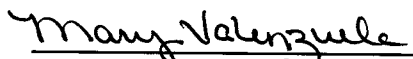
Mayor Fugate reconvened the meeting into open session at 7:40.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:40 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary