

APRIL 9, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, APRIL 9, 2007 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  
Charles E Wilson, Mayor Pro-tem  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Ruben Perez, Interim City Attorney  
Edna S Lopez, City Secretary  
Al Lopez, Fire Chief  
Dora Byington, Purchasing Director  
Frank Garcia, Wastewater Supervisor  
Yolanda Cadena, Health Director  
Mark Rushing, Finance Director  
Bill Donnell, Public Works Director  
Albert Pardo, City Engineer  
Dianne Leubert, Solid Waste Superintendent  
Ricardo Torres, Police Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the regular meeting to order at 6:00 P.M. in the City Commission Chambers.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

The invocation was delivered by Ms Dora Byington, followed by the Pledge of Allegiance and the Texas Pledge.

Mayor Fugate announced the quorum was present.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Mayor Fugate called for consideration of the minutes of the regular meeting of Monday, March 26, 2007. **Commissioner Wilson made a motion to accept the minutes, as presented, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting “FOR”.**

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

None

Mayor Fugate announced there were no public hearings.

**III. Petitions, Grievances, and Presentations.<sup>2</sup>**

1. Proclamation designating the month of April as “Sexual Assault Awareness and Prevention”.

Mayor Fugate presented the proclamation to Ms Susan Holley-Lowe, Rural Outreach Services Manager. Ms Holley-Lowe provided statistics on the different types of assaults.

2. City Manager’s Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the upcoming Trash-Off Day on Saturday, April 21<sup>st</sup> and on the date of, April 24<sup>th</sup> for the next house to be demolished located 1205 E Ave C.

3. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. There was no report.

4. City Commission's Reports. (City Commission).

Mayor Fugate called for the City Commission's reports. There were no reports.

**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 made.

**V. Consent Agenda**

NONE

**REGULAR AGENDA**

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

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

**1. Discuss and consider a contract for grant writing services with Ms Carla Lee Suson. (Commissioner Laskowski).**

Commissioner Laskowski stated that at a previous meeting with Ms Carla Suson there was discussion in reference to potential grants available for the City of Kingsville. He stated that Ms Suson contacted him last week with regard to a new cycle of grants with a filing deadline of May 4<sup>th</sup>. Ms Suson had pointed out to him a grant for ladder trucks which is one of primary items that this grant will fund. He stated a letter was also provided to him that Congressman Ortiz's office would be willing to draft a letter of support to submit as part of the City's grant application. He stated that's when he decided that Ms Suson give a presentation.

Mayor Fugate called for questions or comments. Commissioner Pecos asked the Fire Chief if they were aware of this grant. Chief Lopez replied that his Staff is working on this particular grant which closes on May 4<sup>th</sup>. He stated that there has been discussion with the City Manager regarding the match for the ladder truck. Commissioner Pecos commented that the Fire Department has submitted grants in the past, and that they are aware of what is needed and required. He then asked if the Fire Department needed help in submitting this. Chief Lopez responded this is a matter for the Commission to decide but his department is aware of the application which will be submitted with the department's information. Mayor Fugate then asked if the Fire Department needed any help. Chief Lopez replied he did not believe so, and stated that the application will be submitted on the next agenda for Commission approval. Commissioner Laskowski asked who was doing the grant. Chief Lopez replied Firefighter Mike Luna. Commissioner Laskowski asked Mr. Luna's success with grant writing. Chief Lopez responded that the biggest grant awarded was the Homeland Security grant which included several items.

Mayor Fugate called for further questions or comments. Commissioner Wilson asked that Ms Suson address the Commission. Ms Suson provided information on grant guidelines and programs. She provided information as to why Kingsville is a good choice for this grant. She pointed out some of the highlights of the grant and provided information on why to use a professional grant writer. She stated that this is the only cycle that she has seen that has a

letter of support offered by Congressman Ortiz. She stated this should not be overlooked. Ms Suson provided information regarding her success with grant writing.

Mayor Fugate called for questions or comments. Commissioner Wilson stated that under the contract specs the maximum the City would be responsible for is \$300.00. Ms Suson replied that was correct, and that there is a line item in the grant that allows for the payment of grant writers fee. Commissioner Laskowski asked if a larger cash match is offered does that improve the City's chance of getting the grant. Ms Suson replied probably not, but nothing of this nature was discussed in the guideline and she would have to write the administrator. She added that the less you ask for the better the chances. She added that asking for only 50% of the cost of the ladder truck would give the City a better chance of receiving the grant. Commissioner Laskowski asked Ms Suson about her success rate with grants. Ms Suson replied she has ten years of professional writing experience. She added that she has received one Federal grant, one Foundation grant, and was turned down for one Federal grant.

Commissioner Garcia stated that in the presentation there is a contract between the City of Kingsville and Carla Lee Suson. He asked whether this process is being misused and whether this should have been opened up to other grant writers with the possibility of getting a better price. Interim City Attorney Ruben Perez stated that you do not have to bid for procure professional services, but there are some statutes that do not allow for legal or engineering services. He added that for most professional services, you do not bid, but this can be opened up for solicitation or proposals and this is where you invite the professionals to do a presentation. Ms Suson stated that for this particular grant there is not enough time. She added that she would prefer to step back and let the Fire department writer do the best job he can. She continued to say that the City could then look at procuring services as grant writer through an open bid process later. She added it is more important to get the grant then who gets to write the grant.

Beside the \$300.00, Mayor Fugate asked Ms Suson if she was asking for any portion of the grant. Ms Suson replied, "No sir". She added that she would write the \$300.00 into the grant to pay the City back. Commissioner Laskowski stated that information is not provided regarding grant cycles. He stated that Ms Suson made him aware of this grant and because of the timeline he decided to bring this to the Commission at this time. Mayor Fugate stated that it was his understanding that the City was not aware of this grant, and there had been some miscommunication. Commissioner Wilson suggested the City go out for an RFP to acquire some grant writing service of a general nature to acquire some talents.

Mayor Fugate called for a motion. **Commissioner Laskowski made a motion to enter into a contract with Carla Lee Suson to write this grant at a cost not to exceed \$300.00 at \$25.00 per hour, not to exceed \$300.00, seconded by Commissioner Wilson.**

Mayor Fugate asked for the City Manager's opinion. City Manager Yerena stated this is at City Commission discretion. He asked that the Commission value the in-house expertise. Mayor Fugate commended the City Manager on grants that he has written. City Manager Yerena stated that the Fire Department has the expertise as to the equipment needed and they know what they need. Mayor Fugate stated that he was looking for Staff recommendation. City Manager Yerena stated that the Fire Department brings a strong sense of focus to what the needs are, and that he can help them put it in writing.

Mayor Fugate called for other comments. Commissioner Garcia stated that in the sense of fairness, the City should request services from others. He stated that he agreed with the City Manager that the Fire Department has that particular sense of focus and legitimate knowledge in their field.

Mayor Fugate called for roll-call vote. **Wilson, Laskowski voting "FOR". Fugate, Garcia, Pecos voting "AGAINST".**

**2. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 9-7-3, providing for assessment and collection of administrative fees. (City Manager).**

City Manager Yerena stated this amends the ordinance to increase administrative fees for work done by Staff. He stated that the increase of fees would serve as an obstacle for citizens and would alleviate them from using the City as a contractor.

Mayor Fugate called for questions or comments. In reference to E (1); Commissioner Laskowski asked about assessing a one time 10% fee. Interim City Attorney Perez replied that interest is charged on a periodic basis or annually. In reference to 9-7-4, Commissioner Laskowski stated that the language in the first sentence needs to be corrected.

## INTRODUCTION ONLY

### **3. Consider introduction of an ordinance amending the Fiscal Year 2006-2007 Budget for the City of Kingsville for Water and Wastewater infrastructure projects to come from Fund 054 Utility Fund Capital projects and CO 2005 Utility Fund Interest Revenue and Fund Balance. (City Manager).**

City Manager Yerena stated this refers back to the development approved at a prior special meeting. He stated that this would provide for the funding for the infrastructure for that development. He stated there are two options, one would be to provide these improvements which would basically take care of not only that development but development in the adjacent area, the second would be for the developer to do the infrastructure work himself, but that would only open up his development. He stated that an advantage to the City would be that the total cost of the project is \$302,925.00; the developer's cost to provide the infrastructure for his development only is \$102,000.00. He added that amount was taken out and the remaining balance would be \$196,625.00, which would be the City's responsibility. City Manager Yerena stated that the City has looked at impact fees and have visited this with the City Attorney. He added that he is recommending that the City move towards that step. But, at this point the City is not ready to move forward with impact fees.

Mr. Robert Viera, LNV Engineering provided information on an approved Texas Capital Fund Grant. The developer decided he did not want to utilize that money, he is proposing to put the lift station further back about 200 feet back than where the City would like to put it. The developer is looking at pitching in only \$75,000. The best interest to the City is to put the lift station at General Cavazos and FM 3320. Mayor Fugate stated that in his opinion, it is best to let the developer do whatever he is going to do, and the City address the impact fees at a later date. He stated that considering all the work done in the grant, the developer needs to complete their part on their own. City Manager Yerena stated the project has been very frustrating and this would have helped other developers in the area. Mayor Fugate stated that the SCADA system is important and the City needs to move forward. City Manager Yerena stated it would be in the best interest of the City to let this developer develop on its own and the rest of the area can be developed on the impact fees. Commissioner Laskowski asked why there is a budget amendment proposed for dollar figures that the City does not know the answer too. City Manager Yerena replied the only way is to estimate. City Manager Yerena stated this was presented to the Commission so that a determination could be made to move forward or let the developer move forward. He stated that the developer is in a time frame.

## INTRODUCTION ONLY

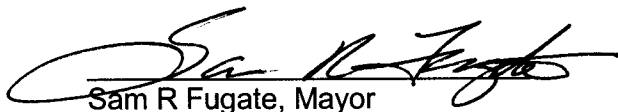
### **4. Consider approval of Change Order No. 2 from CSA Construction for \$7,942.00 for the 2006 Clarifier & Stair Improvements Project. (Public Works Director).**

Mr. Bill Donnell, Public Works Director stated this change order would allow the City to remove and replace the slotted pipe thickeners on the North Treatment Plant in the amount of \$27,200.00 and the removal and replacement of 11 sets of 4" Air Header Piping Fitting on the South Treatment Plant Aeration Basin in the amount of \$11,742.00. He stated that with the deletion of not needing to replace 124 Grout Pads (\$250.00 ea) from the North Plant there was a net increase of \$7,942.00 and these funds are available through the 2005 CO funds.

Mayor Fugate called for questions or comments. **Commissioner Laskowski made a motion to approve \$7,942.00 change order, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:58 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary