

APRIL 23, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, APRIL 23, 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  
Courtney Alvarez, City Attorney  
Edna S Lopez, City Secretary  
Al Lopez, Fire Chief  
Mark Rushing, Finance Director  
Bill Donnell, Public Works Director  
Frank Garcia, Wastewater Supervisor  
Robert Rodriguez, Library Director  
Dora Byington, Purchasing Director  
Dianne Leubert, Solid Waste Superintendent  
Albert Pardo, City Engineer  
Yolanda Cadena, Health Director  
Diana Gonzales, Human Resource Director  
Ricardo Torres, Police Chief  
Mike Luna, Fire Lieutenant  
Ron Pray, Fire Engineer  
Don Erebia, Fire Captain

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

**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 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, April 9<sup>th</sup>, 2007. Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

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

Mayor Fugate announced there were no public hearings.

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

**1. City Manager's Report. (City Manager).**

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on an upcoming meeting with the Master Plan consultant and committee; and on a presentation he made at the Border-to-Border Conference in McAllen, Texas.

Mayor Fugate presented two plaques from the Texas Commission on Fire Protection to Fire Chief Al Lopez.

**2. City Attorney's Report. (City Attorney).**

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez reported everyone was fine and congratulated City Secretary Edna S Lopez for twenty-seven years of service to the City of Kingsville; and wished Ms Diana Gonzales and City Manager Yerena a Happy Birthday.

**3. City Commission's Reports. (City Commission).**

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reported on the Trash-off being a great success and thanked staff and several groups for all their help. Mayor Fugate reported he was out-of-town but he seen all the trash that was collected. Commissioner Laskowski thanked the employees of Pct 1 & 3, and Ms Jennifer Vela, Litter Abatement Officer for all their hard work. Mayor Fugate reported that the Transportation summit was very informative, and reported on a Senate hearing he attended in Austin, Texas.

**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.

Mayor Fugate called for motion to approve the Consent Agenda (Items 1-4).

**V. Consent Agenda**

**2. Motion to approve final passage 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).**

**3. Motion to approve resolution authorizing the submission of an application to the Commercial Equipment Direct Assistance Program for the purpose of requesting funding for video enhancement equipment. (Police Chief).**

**4. Motion to approve resolution authorizing the submission of an application to the Office of Drug Control Policy Counterdrug Technology Assessment Center for the purpose of acquiring grant funding from the Technology Transfer Program. (Police Chief).**

Commissioner Laskowski made a motion to adopt Consent Agenda Items 2, 3, & 4, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

**1. Motion to approve final passage 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).**

Commissioner Laskowski stated his reason for the removal of this item from the Consent Agenda was that there were corrections made to Section 9-7-4, the removal of three "of's". Commissioner Laskowski made a motion to approve final passage of this ordinance with those changes, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

## REGULAR AGENDA

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

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

**5. Consider resolution of the City of Kingsville, Texas, authorizing the South Texas Aggregation Project, Inc. to negotiate an electric supply agreement for deliveries of electricity effective January 1, 2008; authorizing the Mayor or other designated City Official to sign a contract with STAP for the City of Kingsville's 2008 and, if economically feasible, 2009 electricity needs; and committing to budget for energy purchases in 2008 and, if economically feasible, 2009 and to honor the City of Kingsville's commitments to purchase power for its electrical needs in 2008 and, if economically feasible, 2009 through STAP. (City Manager).**

City Manager Yerena stated this was a protocol that has been done in the past, in trying to secure energy prices and is similar to what was done in prior years. This would authorize our consultants to lock in energy price for 2008 and would authorize them to look at anything that is at or below the STAP's current price for power. He stated that under Section II of the Resolution, the Commission would need to designate either the Mayor or City Manager to sign the contract. Mayor Fugate stated he would be available to sign the contract.

Mayor Fugate called for questions or comments. Commissioner Laskowski made a motion to adopt the resolution authorizing South Teas Aggregation Project to negotiate an electric supply agreement for deliveries of electricity effective January 1, 2008 and authorizing the Mayor to sign the contract with STAP for the City of Kingsville 2008, and if economically feasible 2009 electricity needs, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending the Classification Plan Management Level Salary Plan FY2006-2007 in Chapter III, Article 7, Personnel Policies. (City Manager).**

City Manager Yerena stated this ordinance would provide information on what has been done in the search for a Director of Development Services. He stated a survey was done on the pay range for this position. He stated that he feels this is lacking in people that are qualified to adequately fill position. In reference to the survey, Commissioner Laskowski asked if the question was asked about other duties in this position. Ms Diana Gonzalez replied they all represent the same duties as what our City requires and they directly oversee only the Planning department. She then provided survey information received from different cities.

Commissioner Garcia asked for the rate of pay for position. Ms Gonzales replied the salary range ML3 is from \$34,161 to \$57,819. She stated that the previous employee was paid approximately \$54,000. City Manager Yerena stated that if the salary were raised more qualified applicants would apply. Ms Gonzales stated she has received calls in reference to concerns about the salary.

Commissioner Laskowski asked about the cap amount, \$70,000 for this position. City Manager Yerena stated a current employee will reach his one year 3% pay raise and he is currently at the cap and this would help in giving him his raise.

Mayor Fugate called for questions or comments. Commissioner Pecos stated he approves of this change which would give the City Manager an opportunity to negotiate a good salary with an applicant.

#### **INTRODUCTION ONLY**

**7. Consider resolution authorizing the submission of an application to the U.S. Department of Homeland Security for the purpose of requesting funding for Fire Department equipment through the 2007 Assistance to Firefighters Grant. (Fire Chief).**

Fire Chief Al Lopez stated he is requesting authorization to continue with the grant process. He stated that the majority of the application is done. He stated that the grant request can be for two things: vehicles and equipment. He stated that the grant request is for hazmat equipment. Concerning the vehicles, he stated the department is looking to apply for a fast attack pumper and a platform ladder.

Lt Mike Luna addressed the Commission and provided a synopsis of the grant. Lt Luna provided information on the items that the department applied for and received through this grant during the previous year.

Lt Luna provided a handout, "Assistance to Firefighting Grant Talking Point". He stated that he had spoken to Mr. James Thomason, Region coordinator from the Department of Homeland Security Region 6. He stated that according to Mr. Thomason there were 692 vehicles that were awarded last year. Lt Luna stated there was only one vehicle awarded to this region. He stated out of four states (Texas, Louisiana, Oklahoma, and Arkansas) only one ladder truck was awarded. He provided information on all the strikes against the City for receiving this grant. He stated that in the narrative the City has to show why it is struggling to purchase this vehicle. Lt Luna stated the department would have a better chance at acquiring a fast attack pumper and the department does have a need for it.

City Manager Yerena stated the intent is provide the information to this Commission and give the probabilities of obtaining one or the other. He added that based on what the Commission would like to do staff will move forward. He stated that the department has a better opportunity of acquiring a fast attack pumper.

Mayor Fugate called for questions. Commissioner Pecos stated that this grant is very competitive and this seems to be very hard to justify. He added it is better to get something than to receive nothing. Commissioner Garcia asked why the Commission had not received a copy of the entire grant. Lt Luna stated this can not be print out until it is completed.

Commissioner Laskowski asked the City's category on the grant. Lt Luna replied the City is suburban. Commissioner Laskowski made reference to several sections of the Homeland Security website. He stated he had several sections highlighted that would be favorable for the City. He stated that an application could be submitted to refurbish equipment.

There was discussion on refurbishing the current vehicle and on being able to apply for two vehicles. Lt Luna stated it was up to the Commission to apply for two vehicles but that would probably bring up the amount being requested. Commissioner Laskowski stated that if there is an opportunity to apply for two vehicles, then the department should do so. Commissioner Pecos stated that the agency would not be able to distinguish between the two amounts for the vehicles. He stated that the City has a better chance if they apply for one vehicle.

There was lengthy discussion on applying for two vehicles. Mayor Fugate asked if it would hurt to apply for two vehicles. Lt Luna replied that it is better to ask for less. Engineer Ron Pray provided information on his experience with this grant. He provided information on having to justify and proof the need. He stated that the financial situation of the entire community is looked at. Commissioner Laskowski stated monies do not come in from the other entities. Engineer Pray stated that they were told at the grant workshop not to ask for too much, and to keep it under \$50,000, he added that this grant is very competitive.

Commissioner Wilson stated that what this boils down to is what the Commission wants the department to do in writing the grant. He stated that part of this is to know the ins and outs of writing this grant. He stated this year is very unique and different than last year.

Mayor Fugate asked how long it would take to receive the ladder truck is an application was made. Fire Chief Lopez replied that the City can't start working on that until after the award is made which would be sometime in November and the truck would not be received not another ten to twelve months.

Commissioner Laskowski asked about ordering the truck before grant is awarded. Engineer Pray stated that once his grant was awarded he had to show proof of date of order, and this has to be a competitive process. Fire Chief Lopez stated their understanding is that if the City is dealing on a ladder truck then the grant award can not be used on that truck. City Attorney Alvarez stated a section of the grant which stated that a grantee can not use grant funds to pay for grant products contracted for or purchased prior to effective date of the grant. Fire Chief Lopez stated he agrees with Lt Luna that the department stands a better chance of going in with the small amount on a vehicle then coupling the two together. He stated that does not mean that it can't be done, and stated that he doesn't think it is a win/win.

Mayor Fugate called for City Manager's recommendation. City Manager Yerena stated that the facts having been reviewed but based on the probabilities the department stands at a higher chance of receiving an award if the lesser amount is submitted.

Mayor Fugate called for further questions or comments. Commissioner Garcia asked about the priority of the ladder truck. Fire Chief Lopez explained that the department is in the processing of putting together a recommendation on the purchase of a ladder truck. He stated that bids will be opened tomorrow.

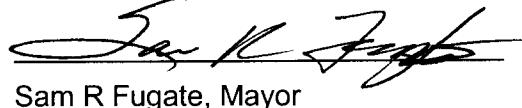
Upon a request from Mayor Fugate, City Attorney Alvarez provided clarification of the resolution.

Commissioner Pecos made a motion to approve Staff recommendation in trying to get the fast attack pumper and hazmat equipment. Mayor Fugate asked for comments from each Commissioner. Commissioner Garcia stated Fire Department personnel know what is needed and they have put a lot of work into this grant; Commissioner Wilson stated he had great concern that the ladder truck is not being requested which is a great priority for the community, but he stated that he agreed with Commissioner Garcia's comment. Commissioner Laskowski thanked the fire department staff for all their work on this grant. He stated that the City has a responsibility to the taxpayers to submit an application to get a ladder truck for \$60,000 rather than \$600,000. Mayor Fugate stated this is a real dilemma, that the Fire department has been very concerned about the status of the ladder truck for the last several years. He stated this is a problem that this Commission inherited. He added that the City is working on this and this issue will be addressed. He stated that the Fire Department staff knows better what they can get and what they can't get on this grant. He further stated that asking for the ladder truck would probably jeopardize the other equipment which is really needed for their safety.

**Mayor Fugate called for a motion. Commissioner Pecos made a motion to consider resolution authorizing the submission of an application to the US Department of Homeland Security for the purpose of requesting funding for Fire Department equipment through 2007 Assistance to Firefighters Grant, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".**

#### IV. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:25 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary