

JULY 28, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 28, 2008 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, Mayor Pro-tem
Charles E Wilson, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Dora Byington, Purchasing Director
Mark Rushing, Finance Director
Diana Gonzales, Human Resource Director
Frank Garcia, Wastewater Supervisor
Yolanda Cadena, Health Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Fidel Gonzalez, Task Force Commander
Grace Garcia, Task Force Agent
Joe Casillas, Water Production Supervisor

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 Ms Dora Byington, 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, July 14th, 2008 and the special meetings of Thursday, July 17th and Friday, July 18th, 2008.

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, Wilson, Laskowski voting "FOR". Pecos "ABSENT".

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

Mayor Fugate announced there were no public hearings.

III. Reports from Commission & Staff.²

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

City Manager Yerena reported Staff was extending the timeline for the submittal of bids for landfill operations and brush collection. He updated the Commission on a recent trip to Hidalgo County. Mayor Fugate commented that things went well at the City's Command Center. Chief Torres and Chief Lopez reported on what has occurred in the Valley since the storm.

Ms Alvarez reported on the deadline for health insurance bids; on "Diversity in the Workplace" class at Coastal Bend College; and on a ribbon cutting ceremony.

Upon a request from Commissioner Garcia, City Manager Yerena provided a brief report about the storm. He stated that there was minimal damage, some power outages and some debris from trees.

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 Consent Agenda, Items 1 & 2. **Commissioner Wilson made a motion to remove Consent Agenda item #1 and approve Consent Agenda item #2, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Wilson voting "FOR". Pecos "ABSENT".**

V. Consent Agenda

1. **RESOLUTION R2008-18 Motion to approve a resolution of the City of Kingsville accepting a donation of pool tables from Texas A&M University-Kingsville and making a donation of those pool tables to the Boys & Girls Club of Kingsville. (Mayor Fugate).**

Mayor Fugate stated he received a call from Mr. Crispin Trevino from Texas A&M University-Kingsville. Mayor Fugate stated that Mr. Trevino stated that a donation could not be made directly from the University so he asked if the City could do it for them. Ms Alvarez stated this could be done because they provide a benefit for the youth or citizens of the City of Kingsville, that the City itself cannot do through the after school and daycare type programs that are available.

Mayor Fugate called for further questions or comments. **Commissioner Garcia made a motion to approve the resolution, seconded by Commissioner Laskowski. Commissioner Wilson asked that Staff not put any issues that deal with Texas A&M University-Kingsville or their components on the consent agenda. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia voting "FOR". Wilson "ABSTAINED". Pecos "ABSENT".**

2. **Motion to approve renewing the current contract for purchasing cards for an additional three (3) years commencing on October 1, 2008 through September 30, 2011 with Bank Card from Omaha, Nebraska. (Purchasing Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. **Consider approval of modification to City Manager's compensation. (Mayor Fugate).**

Mayor Fugate asked to table this item until the entire Commission was available.

TABLED

4. Consider approving the final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, providing for the fiscal year 2007-2008 employee compensation plan. (Human Resource Director).

TABLED

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

5. Discuss and consider authorizing the Mayor to enter into a Mutual Aid Agreement between the City of Kingsville and Hidalgo County for Emergency Management. (Mayor Fugate).

City Manager Yerena stated the intent of this agreement is to provide a document that would give the City an opportunity to provide mutual aid to Hidalgo County. He stated the Commission was given two versions of the document.

Ms Alvarez stated that on Friday there appeared that there may have been a need for assistance, with that in mind a mutual aid agreement was developed based with the exception of a few things that were removed and some paragraphs added to an existing Interlocal Agreement between the City of Kingsville and the Coastal Bend Council of Government. She added that since that time additional requests for assistance have been made from cities within Hidalgo County. She stated the cities within Hidalgo County have requested assistance with debris management. She stated that with the additional requests made, for it to be beneficial for the City to work with not just Hidalgo County but participating cities within Hidalgo County for their request, then the second document would be the one to approve.

City Manager Yerena stated the County Judge of Hidalgo County thanks the Mayor, City Commissioners and the citizens of City of Kingsville for all the help. He stated the second request would accommodate a request from the Judge.

Upon a question from Commissioner Wilson, Ms Alvarez stated the agenda item states for Hidalgo County, but since the other cities are within Hidalgo County the agenda still covers those cities. She added this is still sufficient notice for the public of what area the City is looking to render aid. Commissioner Wilson asked if it was Staff's opinion that the State of Texas cannot provide Hidalgo County and those entities within Hidalgo County sufficient resources to take care of their needs. He added that he did want to help them if they did not have the available resources. City Manager Yerena replied that Staff's intent is to provide the assistance not provided by the State. He added that Hidalgo County is looking to use the City's current contract with Ashbritt for debris management. Commissioner Wilson stated that there hasn't been anything reported on the news media about that magnitude of disaster in that area. He added he wants to make sure the resources available have been made available to them, if not, we as citizens of Texas need to raise the flag. Commissioner Wilson stated he was surprised they did not call on Corpus Christi. He added there may come a time that we will need their help if the State of Texas does not provide assistance.

Upon a question from Commissioner Garcia, Ms Alvarez explained this agreement would not effect any other agreement.

Mayor Fugate stated that the Hidalgo County Judge looked to his friends first because he has a lot of acquaintances here and this will not cost the City anything. Ms Alvarez explained the agreement with regard to providing equipment. Mayor Fugate stated this began when Hidalgo County wanted to use Ashbritt's services.

Upon a question from Mayor Fugate, Ms Alvarez responded that since all the cities are within the same County this item meets the requirements of the Texas Open Meetings Act.

There was discussion regarding the Cities participation in the events of 911 and with helping the Katrina evacuees. Commissioner Garcia stated these are our neighbors and they are not asking for personnel or equipment as of yet. City Manager Yerena stated the City of Kingsville citizens will be taken care of first.

Commissioner Wilson expressed his concern about not receiving reimbursement. He stated the agreement states that the City Manager can set rates and would like to see the rates set based on FEMA rates. He stated he is not against lending them the aid that they need to get over this situation, but there is no reason not to do it the right way. Commissioner Garcia asked for an explanation of the right way. Commissioner Wilson responded the right way is to make sure that the City has its assets, our people and our resource protected. Mayor Fugate stated that all they really want is the brush contract.

Commissioner Wilson asked that the language on page 7 include the language for FEMA, that the City of Kingsville will bill FEMA based on reimbursable fees. Ms Alvarez stated that the City of Kingsville will determine cost as per FEMA guidelines in the event of a dispute regarding a request for reimbursement.

Commissioner Laskowski voiced his concerns about Hidalgo County not paying for debris management services. Ms Alvarez stated that the contract with Ashbritt states that the City will call them for services within our entity and the agreement states that the City can provide disaster assistance which includes debris removal if requested.


Ms Alvarez read two proposed language changes for page 7: The City of Kingsville City Manager would determine cost as per FEMA guidelines in the event of a dispute regarding request for reimbursement or the City of Kingsville City Manager will use FEMA guidelines to determine cost in the event.

Commissioner Laskowski stated that every participating cities within Hidalgo County would have to adopt this same agreement prior to the City of Kingsville providing any type of assistance. Ms Alvarez replied that was correct.

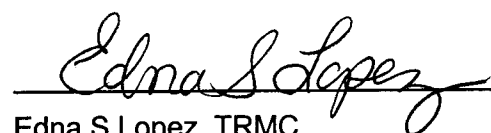
Commissioner Wilson made a motion to adopt the mutual aid agreement between the City of Kingsville and Hidalgo County and participating Cities within Hidalgo County as amended in Section 7 to include the first set of language for FEMA reimbursement, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia, Wilson voting "FOR". Pecos "ABSENT".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:47 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC
City Secretary