

August 17, 2004

**A SPECIAL MEETING OF THE KINGSVILLE CITY COMMISSION WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS ON TUESDAY, AUGUST 17, 2004 CITY HALL/ 200 EAST KLEBERG AVENUE 11:00 A.M.**

**CITY COMMISSION PRESENT:**

Sam R Fugate, Mayor  
Charles E Wilson, Commissioner  
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  
George Bejarano, Asst City Manager  
Ricardo Torres, Police Chief  
Julian Cavazos, Lieutenant  
Barry Blackstock, Lieutenant  
George Crocker, Sergeant  
Joe Garcia, Water Field Supervisor  
Macario Mayorga, Water Superintendent  
Frank Garcia, Wastewater Field Supervisor  
Daniel Almeida, Wastewater Construction  
Joe Casillas, Water Production  
Caron Vela, Accountant  
Dora Byington, Purchasing Director

**I. Preliminary Proceedings.**

Mayor Fugate opened the meeting at 11:00 A.M.

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

The invocation was delivered by City Manager Yerena. The Pledge of Allegiance and the Texas Pledge followed.

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

1. None.

**III. Public Comment on Agenda Items.<sup>3</sup>**

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

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

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

City Manager Yerena reported that the City is working on setting up a meeting with the STWA, and added that a budget workshop meeting will be set up for Tuesday of next week.

Mayor Fugate advised that there have been conversations with the members of the Water Authority Board and would like to meet with City Manager Yerena.

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

Ms Alvarez reported that Ms Serrato from STWA might be in attendance at today's meeting. She requested that the commission take "Items of Consideration" at some point either during the budget review process or prior to it starting.

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

Mayor Fugate announced that tonight at 7:00 P.M. was Albert Garcia's rosary and that the funeral was tomorrow at 11:00 A.M. at St. Joseph Catholic Church. He also reported that he had visited Dr. Rudy Lopez, KISD Superintendent who had emergency surgery and is doing well. He announced that the Governor would be here at 3:30 P.M.

4. Review and discuss proposed fiscal year 2004-2005 budget for departments of the City of Kingsville.

**Water Department – Mr. Macario Mayorga – 11:05 A.M.**

Mr. Bejarano stated that the budget has gone from \$702,000 to \$703,000. He added Professional Services was increased to \$10,000 because there are times when work requires that a professional be hired to help with installation and adjustments for certain lines. He also mentioned that overtime, supplies and other requests have been cut down.

Commissioner Pecos asked if problems might arise with the water wells because of higher consumption, since less water will be bought from STWA. Mr. Mayorga replied that enough money was budgeted in Account #541 for lines and material.

Commissioner Garcia asked about long range water line replacement for the future. Mr. Mayorga replied that new lines are not budgeted, that comes from a special account.

Mayor Fugate asked about Account #541. Mr. Mayorga replied that material, and the cost of water lines is allocated in this account. He further mentioned that this account is only for repairing and not replacing.

**Water Production – Mr. Joe Casillas – 11:15 A.M.**

Mr. Bejarano stated that \$560,000 was last year's number, and \$593,000 is this year's. He advised that \$32,000 in the utility fund was the major increase.

Commissioner Laskowski suggested that FICA and TMRS be recalculated for the entire budget.

Ms Alvarez asked if the Chemical account has a sufficient amount budgeted to cover the cost of the new process of chlorination. Mr. Casillas replied that the amount was increase by \$1,000, and added that chlorine will be used and ammonia will be added.

The Commission then asked several other questions about the purchasing of chemicals.

Commissioner Wilson stated that historically \$8,000 worth of chemicals have been used within the last three (3) years, and now \$11,000 is being budgeted but nothing different is being done. Mr. Casillas replied that the dosage was lowered due to problems, and is using less chlorine.

Mr. Casillas stated that .5 chlorine is being used for the system since 911 because this will give a higher residual reading out in the distribution. He added that the chlorine will kill or neutralize a third of the chemical that a person might introduce into the system.

Commissioner Garcia asked if the cost of the chlorine and ammonia is comparable to each other. Mr. Casillas replied that ammonia costs less.

**Wastewater Department 700.1 – Mr. Daniel Almeida – 11:27 A.M.**

Mr. Bejarano said that the \$176,417 for salaries is a correct figure. He added that this department's main concern is that a lot of monies are being spent on repairs and maintenance, and the decrease in overtime. He said that Mr. Almeida has advised that he can live with the situation at this point and time.

Mr. Bejarano said that overtime will increase rapidly in the event that the City receives the Certificate of Obligations.

Commissioner Garcia asked if the City was anticipating issuing CO. City Manager Yerena stated that the City is looking at numbers.

Mr. Almeida advised the Commission that the overtime figures may change if Certificate of Obligations is received.

The Commission then asked several other questions about timelines, salary discrepancies, and overtime.

**Wastewater Department 700.2 – Mr. Daniel Almeida – 11:35 A.M.**

Mr. Bejarano said there was a decrease in this department from \$205,000 to \$197,000.

Commissioner Laskowski pointed out the FICA and Wage increase. Mr. Bejarano replied all that will be recalculated.

Commissioner Garcia asked who is responsible for step increases. Ms Caron Vela, Accountant replied that step increases are done through the Human Resource Department.

**Wastewater Department 700.3 – Mr. Daniel Almeida – 11:39 A.M.**

Mr. Bejarano said that this department has eight (8) employees and the budget increased from \$432,000 to \$442,000. He said that the largest increase was for Account #314 - Professional Services which increased from \$836 to \$10,000 for consultant services and engineering study.

Mr. Almeida said that outside lab analysis fees are paid from Account #314. He added that their sample frequency was changed to weekly sampling by the State.

Commissioner Garcia asked about wastewater needs in the future. Mr. Almeida said that the crossing at Santa Gertrudis will need improvement.

**City Commission – Commission – 11:44 A.M.**

Mr. Bejarano said that this department had a change in the health insurance figures.

Ms. Vela said that one Commissioner account was coded incorrectly so the health insurance figure will be decreased by \$4,600.

Commissioner Laskowski asked about the increase in car allowance. Mr. Bejarano replied that the increase was for \$400 per person due to the increase in gas prices.

The Commission then asked several other questions about the Mayor's increased car allowance.

Mayor Fugate expressed his concern about receiving more car allowance than the rest of the Commission. He requested that his car allowance be the same as the rest of the Commission and the amount budgeted is changed from \$21,600 to \$16,700.

Commissioner Laskowski said that last year \$19,200 budgeted for the car allowance, but adjustments were made to this account. He requested \$19,200 be budgeted for car allowance.

Mayor Fugate expressed his concern about \$1,000 being budgeted for subscriptions; he recommended this line item be cut down to zero.

Commissioner Laskowski asked about the increase for catering from \$1,500 to \$4,000.

Mayor Fugate requested that the catering account be decreased to \$1,500.

Mayor Fugate said that he will sort through memberships and dues information, and will see if there is anything that will be useful to him.

Commissioner Laskowski asked about purchasing of a computer for the Mayor's office.

The Commission then discussed swapping out equipment.

Mayor Fugate said that the purchase of a computer is okay with him.

Mayor Fugate asked about minor equipment and office furniture. Ms Edna Lopez replied that several regular and fire resistant filing cabinets were needed, and cell phones for the commission are also purchased in this account.

The Commission then discussed the purchasing of Nextel phones.

Mayor Fugate, Commissioner Garcia and Commissioner Pecos requested that they not receive a city purchased phone.

City Manager Yerena said that traditionally the Mayor and Commissioners are given a phone.

Commissioner Laskowski said that the only thing he was looking for was the Nextel feature.

Commissioner Laskowski asked if the \$5,000 decrease was enough in Training and Travel. Mayor Fugate responded it was.

The Commission then discussed attending the TML and NLC Conferences.

Mayor Fugate said that he has been informed by Mr. Dick Messberger that he would like for him to attend at least one of the base closure meetings in Washington DC.

City Manager Yerena said that there would also be some travel for the Certificates of Obligation.

#### **City Special – Commission 11:59 AM**

Mayor Fugate asked about the travel policy. Ms Alvarez replied that reimbursement is done whenever a trip is in excess of 30 miles.

Mayor Fugate said that all charitable contributions have been cut out. He added that Halo Flight's request was for \$5,000, but \$10,000 was given, so this should be changed back to \$5,000.

Commissioner Wilson asked what is included in Account #314 – Professional Services. Mayor Fugate replied that everything is listed.

Commissioner Wilson asked about the Service Center Clean-Up, Training & Travel, and Election accounts. Ms Vela replied that these accounts were for the truck rental used for hauling stuff from the back of the Service Center, education of customer service for employees, and in the event of a recall or bond election.

Commissioner Wilson asked about the account for Attorney's fees. Mr. Bejarano replied this was for other things that may occur and are not in Ms Alvarez's budget.

Commissioner Wilson requested that any attorney fees be paid out of the same place.

Commissioner Wilson asked for a quick overview of Account #342 Special Services and Other Services. Ms Vela replied that she would have to look into this.

Commissioner Wilson asked about Health Insurance and Life Insurance. Ms Vela replied that this is the City's portion for retirees from the Fire and Police Departments.

Commissioner Wilson asked about Account #314.01 Appraisal District. He said that \$107,000 was budgeted, but only \$82,025 was encumbered. Ms Vela replied that she had increased the City's portion. Commissioner Wilson suggested this be investigated.

Ms Alvarez reminded the commission that under item #314.09 – Professional Services – Train Depot, the City is contractually obligated under the grant for the next ten (10) years to have \$20,000 to cover the City's contribution.

Commissioner Laskowski said that last year \$10,000 was budgeted for a comprehensive plan, but nothing is budgeted this year. City Manager Yerena replied that this was another item for the wish list.

**Mayor Fugate called for a lunch recess at 12:10 P.M.**

**The meeting was reconvened at 12:30 P.M.**

**Commissioner Wilson made a motion to amend the agenda, seconded by Commissioner Laskowski. The motion was passed and approved by the following votes: Fugate, Pecos, Garcia, Laskowski, Wilson voting "FOR".**

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

**1. Consider awarding bid for Liquid Ammonia Sulfate (L.A.S). (Bid No. 24-40) (Purchasing Director).**

Ms Dora Byington said that this item authorized execution of a contract for the purchase and installation of six (6) Liquid Ammonia Sulfate Systems (L.A.S.) and one (1) 500 gallon tank, level indicator and transfer pump for the water department. She advised that two (2) bids were received. She said that she was informed prior to sending out bids that the consultant engineer from STWA had reviewed and approved the specifications that were mailed out. She added that copies of the bids received were given to both Ms Serrato from STWA and Mr. Casillas, Water Production Supervisor.

Ms Byington said that the lowest bidder stated in his bid form that it meets all of the specifications. She added that she had spoken to the company's representative and that he confirmed that he had worked with STWA when they were preparing the specifications. She said that the lowest bidder agreed to provide STWA with the same terms, conditions and price should STWA wish to purchase a unit.

Ms. Byington said that this action will expend \$120,240.00, and funds were transferred and approved by the City Commission under item 103-314.01, to cover the cost of these units and additional equipment.

Ms Byington said that it is recommended the bid be awarded to Chlor-Serv. Inc. from Hutto, Texas. She added that her recommendation is contingent upon STWA approving these units as meeting the requirements to work with the City.

Commissioner Wilson said that Commissioner Laskowski has informed him that the financial impact is not originally where the money was going to be taken from.

Ms Byington said that figures were taken from the agenda item of a previous meeting.

Ms Alvarez said that this could be worked out later, since the commission had already approved the line item for \$140,000 and that is all that is required.

Mayor Fugate said that the motion was that it to be taken out of two (2) funds.

City Manager Yerena said monies would come from CO's and the remainder from Capital Improvements.

**Commissioner Wilson made a motion to adopt staff recommendation for Chlor-Serv. contingent upon STWA engineering approval, seconded by Commissioner Garcia. The motion was passed and approved by the following votes: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".**

**2. Consider a proposed tax rate; if proposed tax rate will exceed the rollback rate or 103 percent of the effective tax rate (whichever is lower), take a record vote and schedule a public meeting. (Finance Director).**

Commissioner Laskowski made a motion to table this item, seconded by Commissioner Garcia. The motion was disapproved by the following votes: Fugate, Wilson, Pecos voting "NO", and Garcia, Laskowski voting "FOR".

Mr. Bejarano explained that at this point the commission needs to state whether they are going to exceed the roll back rate, and if the roll back rate will not be exceeded they don't have to take a vote.

Mayor Fugate mentioned that is why he wanted to talk about it. He asked if something had to be done at this meeting, or if this could wait until they knew what the budget was going to look like.

City Manager Yerena said at this point nothing was needed to be done, but reminded the Commission that they need to act on this as soon as possible.

Mayor Fugate said that because of the discrepancies in the budget, Tuesday would be a better time to make decision.

**Commissioner Wilson made motion to table this item until Tuesday, the 27<sup>th</sup>, seconded by Commissioner Garcia. The motion was passed and approved by the following votes: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".**

**Police Department – Chief Ricardo Torres – 12:45 PM.**

Chief Torres addressed the commission, stating that division heads would be responsible for presentation on each of their divisions. He gave an overview regarding some issues that needed to be brought forth.

**Police Department 210.1 –Chief Torres**

Commissioner Laskowski asked about Account #121 Clothing Allowance for \$1,800, and Account # 212 Uniforms and Personal Wear for \$1,500. Chief Torres stated that only Account #121 is needed.

Commissioner Laskowski said that in 2001, 2002, and 2003 monies were not budgeted for clothing allowance. Chief Torres replied that this was addressed by contract for personnel.

Commissioner Laskowski asked about the increase of \$500 for catering. Chief Torres replied that under the City's Ethics Policy, solicitation will be limited.

Commissioner Laskowski asked about Medical Treatment. Chief Torres replied this was for the psychological testing for the seven (7) vacant positions.

Commissioner Garcia asked about the increase on overtime. Chief Torres replied that several situations have occurred where Sgt Cuellar has had to conduct investigations after hours.

**Police Department 210.2 – Lt Barry Blackstock – 12 55 PM**

Lt. Barry Blackstock addressed the commission, stating that the overtime that was requested is for \$165,000, but this was changed to \$121,347 and would have to make some drastic changes.

The Commission then discussed vacant positions that were not funded in last year's budget.

Lt. Blackstock said that he would like to keep the overtime at \$145,000.

Commissioner Laskowski asked about City Administration's recommendation of \$1,139,500, Mr. Yerena said that was to bring this division up to par with staffing and step increases.

The Commission then discussed personnel changes that were made due to problems in certain divisions.

Commissioner Laskowski said he would like to see some plan to get warrants within anticipated revenue range. Sgt Blackstock replied that people will do community service or sit out the time in jail. He added that the rewards will diminished over time because some people will just pay their fines.

**Mayor excused himself from the meeting at 1:22 P.M. Mayor Pro-Tem Wilson presided over the meeting.**

The Commission then discussed the warrant base systems used by DPS and other entities.

Sgt Blackstock said that the Laundry line item is under funded because officers are not using the laundry service due to problems with the laundry service provider.

Sgt Blackstock said that vehicle maintenance was decreased to \$18,000, but he prefers it be decreased only to \$20,000. He added that they could get by on \$1,200 for Professional Services and \$6,800 was okay for Training and Travel.

**Police Department 210.3 – Sgt George Crocker – 1:30 PM**

Commissioner Laskowski asked about \$16,724 for overtime. Sgt Crocker replied that was not correct and that \$38,582 was in the current budget. He advised that overtime saving as come because pre-certified telecommunication operators have been hired.

Sgt Crocker said that this division is understaffed and the RMS Cad manager, Mary Lou has to dispatch which does not allow her to do her job.

Sgt Crocker said that he would like to request the same amount that was budgeted last fiscal year.

Sgt Crocker said that the figure \$282,000 is border line for salaries, and added that contractually it is unknown what will happen with his salary. He also said that some of the dispatchers will be reaching a new pay scale.

Commissioner Laskowski said that there are two (2) line items for uniforms and personal wear. Sgt Crocker explained that his clothing allowance was put into the salaries account, and that \$2,400 was budgeted for this fiscal year which included uniforms for dispatchers. He stated that he allocated \$1,500 for uniforms.

Commissioner Wilson asked which account would be deleted. Ms Alvarez stated that neither one because the clothing allowance is under the collective bargaining agreement, and the uniform Account #212 is something that Sgt Crocker is trying to implement for the dispatcher.

Sgt Crocker asked that Account #212 be increased to \$1,500 rather than \$1,000. He said that Account #215 Motor, Gas and Oil is for a vehicle that is assigned to his division which is used for out of town travel and for running errands.

Commissioner Laskowski said that in last year's budget, \$2,000 was budgeted for Account #217 and only \$88.00 was spent. Sgt Crocker explained that this year the commercial shredder will be replaced and different items are needed for the telephone systems.

Sgt Crocker said that he would like to upgrade the 1997-98 model computers.

Commissioner Laskowski asked if the current internet service can be dropped if a contract is negotiated with the Wireless Company. Sgt Crocker replied that it would be great because DSL is costly.

Sgt Crocker asked for an increase in Professional Services, from \$12,000 to \$20,000. He gave reasons for the increase.

**Police Department 210.4 – Lt Julian Cavazos – 1:45 PM.**

Lt Cavazos said that he is requesting \$45,000 for overtime. He stated that DEA has not reimbursed the City for overtime while using two (2) Police Officers.

City Manager Yerena asked if reimbursement is not being requested, or are they not paying. Ms Vela replied that the reimbursement is in the revenue account, but a separate fund will be set. Ms Vela said only overtime is reimbursed.

Lt Cavazos said that approximately \$3,000 has been saved on overtime due to officers working flex time. He added that this division falls under the clothing allowance, so only Account #121 is needed. He mentioned that \$6,000 for Motor, Gas and Oil and \$4,000 for computers is fine, but added that the actual request for Training and Travel was \$12,000 but is only being allowed \$8,400. Lt Cavazos stated that the Account – Medical Treatment is for exams given to sexually assaulted children, but added that some of this amount is reimbursed.

Lt Cavazos touched on some of the requested items in Capital Outlay.

**Police Department 210.5 – Chief Torres – 1:55 PM**

Chief Torres said that this is the budget that was done away with last year. He said that personnel were replaced into this account in order to ensure that the money was there when people are hired which was calculated at \$206,665.

Commissioner Laskowski asked about Patrol positions being pulled back out of Patrol and the increase of Patrol's budget. Chief Torres replied the increase was for personnel step increases.

Commissioner Laskowski asked if cost associated numbers were taken from another department. Chief Torres replied that these were all new items, and added this had been used for the building maintenance fund.

Chief Torres said that the account for Uniforms and Personal Wear should be increased to \$2000. He added that \$14,765 was proposed in overtime in order to train SWAT personnel which is not reflected on this budget.

The Commission then discussed creating a new line item in order to track SWAT overtime.

Commissioner Wilson asked if \$14,000 was what is needed to cover SWAT training. He added that a new line item that will be created to specifically track SWAT overtime.

Chief Torres said that in Professional Services, \$14,492 has been currently expended, and \$16,000 is being requested.

Commissioner Garcia said that there was nothing currently budgeted for training. Chief Torres replied that there was \$8,000 in that line item which is the cost of training itself for that same SWAT team.

Chief Torres said that \$2,000 is the request being made for Minor Equipment, Account #217; he explained that Sgt Myers is currently paying for maintaining the bicycles.

Chief Torres said that he placed two (2) budgets for Chapter 59 and Federal Forfeiture Fund. He said the under Chapter 59 this includes: Community Policing Materials, red ribbon week, national night out, lapel pens, pencils, and rulers.

Chief Torres said that \$30,000 has been allowed to assist with software licensing, wireless video and server, Lexus Nexus Law Enforcement software which does financial background checks.

Ms Alvarez advised that safeguard policies will be in place.

City Manager Yerena said that the policy will be given to Ms Alvarez for review before implementing.

Chief Torres said that the Federal Forfeiture Funds is for night vision goggles at a cost of \$20,000, \$15,000 for body armors, and \$11,000 for tazers.

City Manager Yerena gave recap of today's budget meeting, stating that the City Commission's items will be looked at, the Police Department overtime, FICA, TMRS, and insurance numbers. He added that a workshop will be scheduled next Tuesday at 3:00 P.M.

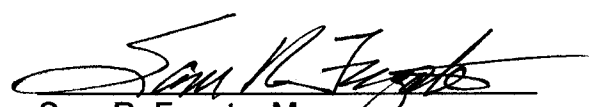
Commissioner Garcia expressed his concern that the passage of ordinances is not getting disseminated to the departments.

Mayor Pro-tem Wilson stated that generally there is an effective date of seventeen (17) days.

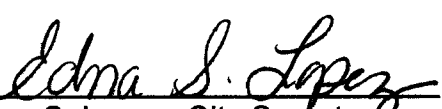


**V. Adjournment.**

The meeting was adjourned at 2:20 P.M. by Mayor Pro-Tem Charles E Wilson.

  
Sam R. Fugate, Mayor

ATTEST:

  
Edna S. Lopez, City Secretary