

JULY 16, 2007 – 11:30 AM

A SPECIAL MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JULY 16, 2007 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 11:30 A.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Charles E Wilson, Mayor Pro-tem
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Robert Rodriguez, Library Director
Frank Garcia, Wastewater Supervisor
Dora Byington, Purchasing Director
Dianne Leubert, Wastewater Superintendent
Diana Gonzalez, Human Resource Director
Yolanda Cadena, Health Director
Al Lopez, Fire Chief
Armando Gutierrez, City Engineer
Abel Carrillo, Building Official
Susan Ivy, Parks Director
Bill Donnell, Public Works Director
Joe Casillas, Water Production Supervisor
Art Alvarez, Risk Manager
Jaime Garza, Task Force Commander
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 11:39 A.M., and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Purchasing Director 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 July 9, 2007 and Special Meeting of July 10th, 2007. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting “FOR”. Wilson, Pecos “AGAINST”.**

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

NONE

III. Petitions, Grievances, and Presentations.²

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported City crews are out cleaning up after the storm.

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

Mayor Fugate called for the City Attorney's report. City Attorney Alvarez thanked all community participants for their participation in the Master Plan, and reminded everyone to get information to the City Secretary's office for Monday's agenda.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reminded everyone about Trash-Off Day. Mayor Fugate reported he attended a TML Region Meeting in Cuero, Texas and commented on the cleanliness of that city.

Commissioner Laskowski made a motion to amend the order of the agenda in order to go into the regular session, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting "FOR". Wilson, Pecos "ABSENT".

4. Review and discuss proposed fiscal year 2007-2008 budget for departments of the City of Kingsville.

450 – Parks

Park Director Susan Ivy stated that she has been told that her budget will not be cut. She provided information on equipment needed; funds will be added to pest and weed control, and the need for mobile phones. She stated very little changed in her budget. She further provided information on the needs at the park.

220 – Fire

Fire Chief Al Lopez provided information on each account that has increased. He stated that supplies are utilized in many areas, for uniforms, new bunker gear is needed, and in minor apparatus, upgrade kits can be removed. He stated that line item 217 can be reduced. He stated the line item for medical supplies can also be reduced by \$10,000. He stated that line item 226 – Computers this will be used to purchase new software but can be reduced by \$3,000. He stated there is an increase to Professional Services due to the need to pay for a new Medical Director and for promotional exams. Chief Lopez provided information for line items in accounts #400's. He stated account #511 is for continuing work on Central Fire Station and began work at Station #2. He stated there is a need for a bay to house the new ladder truck and he would also like to purchase a new vehicle for the Fire Captains.

Mayor Fugate excused himself from the meeting at 12:50 P.M.

Commissioner Garcia asked about overtime. Fire Chief Lopez replied he is proposing a more realistic figure, but this is left up to Finance.

There was discussion on the budget balance for salaries and overtime.

At 1:00 P.M., the Commission took a break.

The Commission reconvened at 1:10 P.M.

460 – Library

Library Director Robert Rodriguez stated this year's budget is in line with last year's and the Library Board is requesting this budget be approved. Commissioner Laskowski asked about the

library's roof. Mr. Rodriguez replied the roof is being repaired in sections due to monetary constraints. He added that monies are included for the roof in this budget. He stated that monies for equipment maintenance, line item #414 cover the price increase for maintenance. Commissioner Garcia asked about utilities, account #323. Mr. Rodriguez replied this is not the actual amounts for year to date. Commissioner Garcia stated this department has very little increase to their budget.

233 – Task Force

Commander Jaime Garza stated that some adjustments to the budget are needed. He stated the Border Patrol covers repairs to their buildings and would like to keep monies in building maintenance for rent or other expenses. Ms Anita Stewart stated that the line items for Professional Services need to be increased by \$3,000 for a total of \$5,300. She stated that they would like increase the pay for the cleaning person from \$50. to \$75. There was lengthy discussion on increasing line item for Building Maintenance.

Commissioner Garcia asked about line item for cell phones. Commissioner Laskowski stated this covers other services and equipment. Commander Garza stated all officers have cell phones and Ms Stewart has decreased the amount for services. Commissioner Laskowski asked about certification pay. Commander Garza replied this is not calculated by the department. Mr. Rushing stated these amounts were pulled from the previous budget. Upon a question, the line item for animal care will be revisited.

Commissioner Laskowski asked about guns and ammunition. Ms Stewart replied there is a need for guns and ammunition which will be purchased in a lump sum. Commander Garza stated all questions will be answered.

440 – Health

Health Director Yolanda Cadena stated the year to date actual expenditures are incorrect. Ms Cadena stated the County has all ready submitted their proposed budget. Mr. Rushing stated there are two different requests from the County which has proposed cuts. Mr. Rushing stated there is a decrease by 50% for the Health Department expenditures by the County. The difference between the two is \$72,302 of what Ms Cadena proposed. Mr. Rushing provided information on all line items decreased.

Commissioner Laskowski called for the City Manager's recommendation. City Manager Yerena replied this is a hard situation, rather than splitting the departments. Commissioner Laskowski stated maybe the City needs to take back both departments and the \$200,000 for parks.

Ms Cadena provided information to the Health Department's proposed budget requests.

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 made.

V. Consent Agenda

NONE

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider authorizing the City Manager to enter into an Interlocal Agreement between the City of Kingsville and the City of Bishop relating to Emergency Medical Services (911). (City Manager).

City Manager Yerena stated that there was a meeting with Bishop's Administration. He stated the agreement puts a fee in place, and the Kingsville Ambulance service would be a provider of last resort.

Commissioner Laskowski asked about Bishop being turned down by other ambulance services at least twice before they call us. Fire Chief Lopez explained that they have to make an attempt to acquire ambulance services from the two ambulance services that are operating in the areas, SensibleCare and AMR. He stated the City's ambulance would be the third choice. Commissioner Laskowski asked how practical that was in reference to the timeline involved in waiting for ambulance services. Mayor Fugate replied it is a short timeline and just a phone call will satisfy the agreement. City Manager Yerena stated the intent is that the City would be a provider of last resort. Commissioner Laskowski asked Bishop Mayor Rypple for her opinion. Mayor Rypple stated that during an accident there were no ambulance services available in the area. She added they are working on a county wide ambulance service, but there is nothing in Bishop. She stated their ambulance calls average from 12 – 17. She stated that they will address the Council with the MOU at a meeting to be held tomorrow.

There was discussion on the length of time it takes for an ambulance to response.

Mayor Fugate asked Mayor Rypple if she had any objections to the MOU. Mayor Rypple replied she did not, but the Counsel meeting is tomorrow and would have an answer.

Mayor Fugate requested a change to the MOU, to change making a call to only one other ambulance service rather than two calls. City Manager Yerena stated the intent is that the City of Kingsville is used as a backup service. Mayor Rypple stated she understands the cost. For clarification, the average calls of 12 – 17 are per month. Fire Chief Lopez stated the private ambulance service response time is about 30 seconds to find out if an ambulance is available. Upon a question from Commissioner Garcia, Fire Chief Lopez stated there is no agreement for fire mutual aid.

Commissioner Laskowski pointed out several corrections to the MOU. He stated a concern of his is that the Citizens of Kingsville should not absorb the cost for providing medical services to the citizens of Bishop. He requested language be incorporated into the agreement stating that if the service is provided that the City of Bishop in the event of failure to pay would guaranteed compensation to the City for the medical services not paid for by the recipient. He stated that is only fair. He stated that the citizens of Kingsville should not pay to subsidize the citizens of Bishop.

Upon a question from Mayor Fugate, Fire Chief Lopez replied during a meeting staff tried to put an actual out of pocket cost to this service. He stated emergency calls cost over \$1,000, and billing entails a lot more. He stated several things were taken into account in order to come up with this figure and the flat rate was practical. City Manager Yerena stated the budgetary expense was looked at, he added it would not be practical for the City of Bishop to be accountable. Upon a question from Commissioner Garcia, Fire Chief Lopez stated the MOU states they will be operating under the Fire Department's local protocols. Commissioner Laskowski reiterated his concern about charging only \$250.

Mayor Rypple stated she is working diligently in getting this situation solved. Mayor Fugate stated this is only for two months at the most, he added the City needs to be a good neighbor and pass this MOU.

City Manager Yerena stated Staff will work on a fire mutual aid agreement.

City Attorney Alvarez offered some proposed wording change based on the discussion could read: Whenever emergency medical services are needed in Bishop, Bishop should attempt to

contact at least two private providers prior to contacting the City for emergency medical services.

Mayor Fugate called for further discussion. Commissioner Garcia stated that need is short term but if things do not work out language is needed in this MOU to reflect that. Mayor Ryppe stated this was addressed in the agreement.

Commissioner Laskowski stated the City of Bishop is agreeable to cover costs not paid by recipients. He requested City Attorney Alvarez offer language to cover this. City Attorney Alvarez stated if the Commission is interested in acting on this item, she would rather not put language in at this time until she has a chance to check different issues.

Mayor Fugate asked if motion could be made that is ambiguous enough to cover the issue.

Commissioner Laskowski made a motion to accept agreement, and attempt to include language that would, if legal, to allow or call for the City of Bishop to reimburse the City of Kingsville for all medical services provided in the event that the recipient does not pay for and change the language in Section 11 to remove the reference to the park, seconded by Commissioner Garcia. Mayor Fugate called for further questions. Fire Chief Lopez asked for the effective date. Commissioner Laskowski stated effective upon approval by the Bishop City Council. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting "FOR". Wilson, Pecos "ABSENT".

2. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.77 acres out of Retama Park, Block 12, Lots 1-3, from R-2 Two Family District to C2 Retail Commercial District. (Interim Director of Development Services).

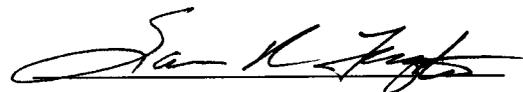
Public Works Director Bill Donnell stated this business will be Pueblo Tires.

Mayor Fugate called for further questions or comments.

Commissioner Laskowski made a motion to adopt this ordinance changing the zoning of Block 12, Lot 1-3 from R-2 to C-2 retail commercial district, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting "FOR". Wilson, Pecos "ABSENT".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 1:52 P.M.



Sam R. Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary