

JULY 21, 2009

A SPECIAL JOINT MEETING BETWEEN THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION AND THE KLEBERG COUNTY COMMISSIONERS' COURT ON TUESDAY, JULY 21, 2009 AT THE KLEBERG BANK COMMUNITY ROOM BASEMENT – 100 EAST KLEBERG AT 9:30 A.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
Mark Rushing, Finance Director
Frank Garcia, Wastewater Supervisor
Naim Khan, City Engineer
Ken Clark, Director of Development Services
Al Lopez, Fire Chief
Felix Camarillo, Firefighter
Joey Codero, Firefighter
Robert Rodriguez, Library Director
Ruth Valdez, Library
Diana Gonzalez, Human Resource Director
Bill Donnell, Public Works Director
Mary Valenzuela, Legal Secretary
Vilma Castillo, Collections Supervisor
Joe Casillas, Water Production Supervisor
Macario Mayorga, Water Supervisor
John Garcia, Risk Manager
Dianne Leubert, Solid Waste Superintendent
Yolanda Cadena, Health Director
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Judge DelaGarza and Mayor Fugate called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by County Commissioner David Rosse, followed by the Pledge of Allegiance and the Texas Pledge.

Judge DelaGarza advised this meeting was long overdue and asked everyone to conduct themselves in a professional manner.

II. 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.

III. Items for consideration by Commissioners.⁴

1. Discuss in joint session with the Kleberg County Commissioners' Court potential revisions to the Interlocal Agreement on the Parks Department providing for changes to the water trade section. (Mayor Fugate).

Ms Susan Ivy stated that the current agreement allows \$46,000 in fees provided by the City, and in return the County puts in \$30,000 for capital improvements to City parks. She stated it is imperative that the agreement be changed. She added that a placement of water well at Dick Kleberg Park would relieve the watering of soccer and baseball fields. She added that she also wants to put an irrigation system at the playground area of Kleberg Park and some of the City parks. There was lengthy discussion on the water and sewer charges to the park. The \$200,000 provided by the City goes into revenue to the parks. She explained that at the end of the June billing the \$46,000 has been exhausted. Mayor Fugate stated this has been an unusual year due to the heat and drought, and in his opinion the City needs to provide more money in the water trade. Ms Ivy stated that the County has requested her to reduce her budget by 10%. Mayor Fugate stated he would recommend to his Commission to give the parks more money as long as the County does not cut this budget. Judge DelaGarza stated this department is one of those requiring the need not to cut money. Ms Ivy stated that park personnel also has the duty of working on getting the coliseum ready for events, so this takes away from their time to spend at the parks. She suggested contracting this service out.

There was discussion on several Interlocal Agreements between the City and the County for parks. Judge DelaGarza requested copies the agreements from the City.

County Commissioner Lomas suggested the Parks get their own water well. Upon a question from County Commissioner Alvarez, Ms Courtney Alvarez, City Attorney stated the City would have to look at the City ordinance and the park would have to check with TCEQ. She added that they would also need \$600,000 to drill a well. Judge DelaGarza stated this is something to look at.

Mayor Fugate stated the Finance Director has suggested providing the parks with \$20,000 more if the current trend continues, but this would have to be presented to the entire City Commission.

Ms Ivy stated the City has committed \$20,000 per year for three years for the Texas Parks and Wildlife Grant, while the County committed \$7,500 a year. She added the County Departments have provided services. Commissioner Laskowski stated over the last two to three years the water trade money has been spent mainly at the Dick Kleberg Park and the City neighborhood parks have suffered. He suggested that the City parks get watered since it is not costing anything. Ms Ivy stated she will be getting bid on an irrigation system for the neighborhood parks. She further provided information on things that the County has provided.

Commissioner Garcia stated the parks have deteriorated within the past 15 years and as a community it has to come together to fix this. He stated he is in support of a bond issue for \$3,000,000 for parks. Ms Ivy stated that money is needed to redo the perimeter of the park and she would like help in fixing the roads. She explained the parks budget \$850,000 which includes the \$200,000 from the City. County Commissioner Lomas stated he agrees with having a bond election, to include a new swimming pool. Ms Ivy agreed that another pool is needed which would include a walking trail.

2. Discuss in joint session with the Kleberg County Commissioners' Court possible funding for half of the capital outlay for the Health Department and the Parks Department from the City's 2009 Certificates of Obligation. (City Manager).

Judge DelaGarza stated that the County did not receive notice that this was going to happen. Mayor Fugate stated this was discussed in the Judge's office and it was stated that the County had no money. County Commissioner Lomas stated that the City is at fault because the information was only presented to the Judge and not the rest of the County Commissioners' Court. Mayor Fugate stated that proper documentation was not presented and in the future the proper documentation will be submitted to all County Commissioners. County Commissioner Alvarez called for the amount that is needed. City Manager Yerena stated the amount is \$46,787.50 for the Health Department, and \$13,514.50 for the Park Department, this is principle only for a total of \$60,302. Judge DelaGarza stated the City Commission can go to Commissioners' Court at any time and there is an agreement, and if the amount is 50/50 then that is what the County owes. Mayor Fugate stated the equipment purchased is critical and is needed for these departments. Commissioner Laskowski stated he approached three of the five County Commissioners, Rosse, Cantu, and Lomas to have this put on their agenda.

There was lengthy discussion regarding splitting departments. County Commissioner Lomas stated that legally splitting the departments will take about a year and that both entities are bound by state statute. He recommended putting this on the agenda for fiscal year 2010-2011. Judge DelaGarza stated there are time constraints and splitting the departments can not be done this year. County Commissioner Cantu stated that both entities need to be looking at

doing more together to save money. Mayor Fugate stated that 90% of the citizens of Kleberg County live inside the city limits of Kingsville, so there is no reason why more is not done together instead of less. He added that everyone has limited resources and when departments are consolidated it helps everyone, your money goes further and added he is not in favor of splitting the departments. County Commissioner Rosse suggested meeting early in the budget process to discuss the joint departments. Commissioner Laskowski suggested the County's chief budget officer should provide numbers to the City so that the City can consider it. Judge DelaGarza stated that the City should put out half the money for everything. Commissioner Laskowski replied that only one employee from the Park department is dedicated for City parks. Mayor Fugate stated that employee maintains all City/County parks other than Dick Kleberg, which includes Brookshire. County Commissioner Lomas stated that the parks are not identified as City park or County park, and the employees do work for both entities. He asked that all issues be addressed together. Ms Ivy suggested that joint department heads be able to address their budgets in a joint meeting with the City and County Commission.

3. Discuss in joint session with the Kleberg County Commissioners' Court potential provision of 911 Emergency Ambulance Services for the County. (City Manager).

City Manager Yerena stated the County Judge requested this service to the County. He stated that after speaking to the Fire Chief, in order to break even, the City would want \$400,000 with the County purchasing the heart monitor at \$20,000, the debt service for new ambulance, \$13,000 to \$14,000 per year and the insurance on the ambulance. County Commissioner Lomas asked how many ambulances would be located in the County. City Manager Yerena replied only one ambulance would be located outside the city limits or wherever the County would need it. Upon a question from County Commissioner Lomas, Fire Chief Lopez stated that the City ambulance would respond as a back up just like it is done now. Judge DelaGarza stated right now the County is provided with two ambulances and the new contract with the present ambulance service company has not been signed, but they do provide two ambulance services. He stated that he is talking to Sensible Care ambulance service, but if this does not work out they would be willing to talk to the City. City Manager Yerena stated the price given by the City just breaks even. Commissioner Laskowski stated that the City is offering them three ambulances, if needed. Fire Chief Lopez stated actually it would be four ambulances, three in the City limits and one stationed out.

4. Discuss in joint session with the Kleberg County Commissioners' Court potential economic incentives for Paulson Falls. (Mayor Fugate).

Mayor Fugate stated this has been presented to the County Commissioners Court by Commissioner Laskowski at a previous meeting. County Commissioner Alvarez stated there were two concerns, if it is legal and the money needed up front, \$200,000. Mayor Fugate stated the amount can be divided over a period of time. Commissioner Laskowski stated this can be done but are waiting for the County to come up with some scenarios. The first contribution would be \$50,000. He stated that the City's Residential Development Agreement was modified at the last City Commission meeting for language to include the improvement of streets. County Commissioner Alvarez stated the third concern is bankruptcy. Commissioner Laskowski stated the City's RDA includes an irrevocable letter for the bond for the entire amount of the grant and improvements. Mayor Fugate stated lots in Kingsville are limited. He stated the way Kingsville and Kleberg County are growing, more houses are needed. Judge DelaGarza stated that he is not opposed to economic development and the County will have to be creative when the \$200,000 is forked out. He stated that the entities have to work together on this economic development project.

5. Discuss in joint session with the Kleberg County Commissioners' Court possible reallocation of Health Department to the County and of the Library Department to the City as per Judge De La Garza's suggestion. (City Manager).

This item was discussed in item # 2.

6. Discuss in joint session with the Kleberg County Commissioners' Court the turning away of city prisoners from the Kleberg County Jail when less than 10 beds are being used by city prisoners. (City Manager).

Chief Torres addressed the Commissioners. He stated that from January to July 17th multiple instances have occurred where the City's prisoners are not being taken at the County jail. He stated that on one occasion an individual was refused then thirty minutes later he broke into the Library. He stated that his officers find out that the County is not taking prisoners so they do not

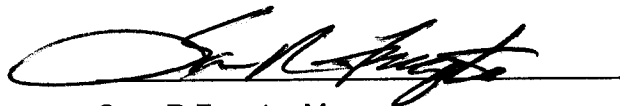
arrest anyone. Chief Torres stated that records show there is ample room for the municipal prisoners. Captain Woodruff stated that at times when the County jail is at 105 they are at maximum capacity. He added at 105 he may have five City inmates, but when the City brings in a Class C, an example public intoxication, they are released four hours later. But the prisoner is brought in with a Class C warrant, an example possession of a tobacco product, that individual will stay in FTA for forty-eight hours, the Jail Commission when they inspect they look at the jail's daily senses for the month and if the jail is overcrowded that is a severe and serious discrepancy so the count must be kept down. He stated that at the present time twenty-seven inmates are housed at other counties at \$43.00 per day. He stated they are not refusing all inmates, on any given day the City can bring in an inmate with multiple charges of Class B or above. Captain Woodruff stated that he just restricted Class C, so that he can get his count down. Captain Woodruff stated that the City has previously not paid for housing prisoners over the ten beds allowed for the City. Mayor Fugate stated that half of the inmates are from the check point. Judge DelaGarza advised that the certificates of obligations will help alleviate the problem by expanding the jail either for women or non-violent inmates. Captain Woodruff stated the so-called contract allocates ten beds, with a guarantee of five. Chief Torres provided information on prisoners that were turned away. Mayor Fugate stated Captain Woodruff was reading from the wrong contract and the original contract was amended in January 2009. He stated that the original contract was signed in November 5th 1996; and the twenty year contract was signed in September 19th, 1997. He stated that according to the contract the number of beds cannot be less than ten.

7. Discuss in joint session with the Kleberg County Commissioners' Court the possible hiring of a lobbyist to represent the City of Kingsville and Kleberg County at the state level. (Mayor Fugate).


Mayor Fugate stated there is a lobbyist but the contract has expired. He stated that there were major issues which were taken care of by Ms Patricia Shipton, Lobbyist and she did a great job because she had great relationships. He stated there are critical issues that will be coming up to this community and someone has to be on board now. Mr. Dick Messberger, Economic Development Director addressed the Commission and reminded them about the BRAC process. He stated the best work is done in the off session. As a result Kingsville Naval Base is one of the few recommended for expansion. He provided information on several issues that are coming up. Mr. Messberger stated that Ms Shipton's proposal is for \$5,000 per month which is subject for negotiations. Upon a question from Judge DelaGarza, Mr. Messberger stated he would provide a copy of Ms Shipton's proposal. Mayor Fugate stated Ms Shipton provided daily updates and this is money well spent. He added if you want your agenda addressed you have to have someone there. Upon a question from County Commissioner Alvarez, Mayor Fugate recommended countering Ms Shipton's proposal to \$3,000. Judge DelaGarza stated he has witnessed her work.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 11:18 A.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC
City Secretary