

NOVEMBER 8, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 8, 2010 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 – arrived at 6:09 P.M.
Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager
Edna S Lopez, City Secretary
Dora Byington, Purchasing Director
Naim Khan, City Engineer
Yolanda Cadena, Health Director
Diana Gonzales, Human Resource Director
Al Lopez, Fire Chief
Mark Rushing, Finance Director
Robert Rodriguez, Library Director
Frank Garcia, Wastewater Supervisor
Bob Trescott, Downtown Manager
Steve Palacios, Firefighter/Paramedic
Gary Fuselier, Landfill Supervisor
Marco Jimenez, Water Supervisor
Joe Casillas, Water Production Supervisor
Arturo Perez, Garage Supervisor
Bill Donnell, Public Works Director
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present, with Mayor Fugate absent.

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 Pro-tem Garcia called for consideration of the minutes of the special meeting of Monday, November 1st, 2010. **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: Garcia, Pecos, Wilson, Laskowski voting “FOR”. Fugate “ABSENT”.**

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

NONE

III. Reports from Commission & Staff²

“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, Keep Kingsville Beautiful, 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, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project. No formal action can be taken on these items at this time.”

Interim City Manager Alvarez reported on the closure of City offices on Thursday, November 11th, 2010 in observance of Veterans Day; on a Veterans Day parade being held on Thursday, November 11th at 5:00 P.M.; on the interview process continuing for a Purchasing Director; there will an Entrust presentation; there will be a special City Commission meeting at 12:00 noon on Wednesday, November 10th to canvass the votes from the Charter Amendment election of November 2nd; and the next regular meeting will be on Monday, November 22nd, 2010. She provided an update on brush pickup; and stated that this past weekend there had been problems with AEP at the Wastewater Department causing damage to City equipment, Staff will be meeting with AEP to assess the damage and TCEQ has been notified. She stated that Consent Agenda Item #2 has to be pulled out due to the low bidder not able to honor the bid that was submitted. There's an item on the agenda to discuss on the 2010 CO projects. She stated a detailed list is included in the agenda packet. She stated Ms Ann Burger Entrekin, the City's financial advisor will be available to give a presentation at a Commission Meeting on November 22nd or December 13th. She provided an update on a meeting that she attended last week between the City & County representatives and the new TXDOT District Engineer John Casey and Area Engineer Cris Caron at the Chamber of Commerce to discuss projects. She announced that a letter was received from a citizen expressing a job well done by Firefighters/EMT's John Torres and Joe Mendieta.

Mr. Rick Medrano, Entrust Representative, provided information on the yearend report; the plan begins October 1st and ends September 30th. He provided information on the Aggregate Report stating the City had a very good year finishing at 67% attachment point. He stated that 21% went to in-patient services; 11% to out-patient services; 14% to surgery/anesthesia; etc. The number of employees participating in the health fair doubled.

Mayor Pro-tem Garcia announced Mayor Fugate's arrival at 6:09 P.M.

Mr. Medrano provided information on the PPO Savings by Claim Type for a total of 59.36% which was better than last year. He stated the turnaround time for claim processing time was excellent. The top providers are Christus Spohn, Caremark, Methodist Healthcare System, Kingsville Medical Center, Walgreens, Driscoll Childrens Hospital, Cardiology Associates of Corpus Christi, Santa Rosa, Gilberto Sosa Jr., and ABK Emergency Physicians. The PPO Savings trends finish is the best for the last three years, and the employees participated in the wellness program.

Mayor Fugate presented a proclamation honoring Texas State Welterweight Champion Oscar Adrian Gonzalez.

Commissioner Pecos reported high grass and weeds at Tranquitas Creek on the west side travelling east on Corral and pavement problems on East Kenedy east of the Bypass 77.

Commissioner Wilson introduced a group of Scouts that were in attendance who are working on their merit badges and one thing they had to do was to attend a City Commission meeting.

IV. Public Comment on Agenda Items⁻³

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

V. **Consent Agenda**

1. **Motion to approve authorizing upgrading two copiers and acquiring a new printer for the Law Enforcement Center for an annual cost of \$9,516.00 from Ikon Office Solutions. (Purchasing Director).**
2. **Motion to approve Bid No. 11-15 authorizing a contract for janitorial maintenance services at the Nerio C Garza Public Works Building. (Purchasing Director).**

Ms Byington stated a letter was received that Mr. Macias could not accept the job. Recommendation is to award the bid to Valerio Janitorial Services at cost of \$500.00 more than the amount stated for the same period of time. This company does the cleaning at the Depot and the Police Department.

Commissioner Laskowski made a motion to accept Staff's recommendation to award the contract to Vicente Valerio, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

3. **RESOLUTION NO. R2010-52 Consider resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the International Association of Firefighters Local #2390 for Fiscal Years 2010 through 2013. (Interim City Manager).**

Interim City Manager Alvarez explained the City's negotiating team had a bargaining meeting on October 27th with the Fire Union. The changes that the Association recommended are attached, there's a summary sheet of the proposed changes from what the Commission originally received at the December 11th meeting compared to what the Union was suggesting or requesting when the City met with them at the end of October. She stated that basically the residency language that is being recommended in the current contract would remain unchanged from the prior collective bargaining agreement. With regard to Article 24 -Wages, the Union made a suggestion to change the "Me Too" clause so if there's a general cost of living adjustment given across the board to any group of City employees, not just non-civil services employees, the Union would be included. She stated that had been in a prior agreement, but if that was in the agreement there was no guaranteed for pay raises in year two & three of the contract. The City recommended if this would be brought before the Commission then the guaranteed increases in year two & three of the contract would need to come out and they conceded to that. The other recommendation from the Union was in Article 25, the Evergreen Clause, basically it would be a three year contract but without limitation. She explained that the way this contract previously read when presented in October was that the contract would remain in full force and effect through the 30th day of September 2013 or until such time it was superseded by a new contract between the parties or in no event it would continue full force and effect for one year after that. She added that the Union struck that out, so this could theoretically stay in place until a new contract is negotiated at any point after September 30th, 2013. She stated that with the new wording the residency clause would remain as currently is in the contract and on the wages they would get the 2% for this year like the rest of the employees and in years two & three of the contract they would get the higher of whatever other group of City employees receive, civil service or non-civil service employees.

Mayor Fugate called for comments or questions. Commissioner Laskowski stated that he had suggested proposing to them to add the clause that anybody hired after October 1st could live within 45 miles radius to help the Fire Chief with the concerns about being able to hire people that don't live in Kingsville and that don't want to live in Kingsville. Fire Chief Lopez stated that he had mentioned it to the Union, and that Commissioner Laskowski had mentioned it to the Staff but the Union was not interested.

Mayor Fugate called for a motion. **Commissioner Pecos made a motion to approve the resolution, seconded by Commissioner Garcia. Mayor Fugate**

called for other discussion. Commissioner Wilson asked if there had been a vote on this by the Fire Union. Interim City Manager Alvarez replied that she thought they had voted on it, but there was a Union representative present. She stated they had voted on the prior one, but did not know if when they made that vote it included this language. So the answer is "NO". **The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".**

4. RESOLUTION NO. R2010-53 Consider resolution of the City of Kingsville, Texas, authorizing the South Texas Aggregation Project (STAP) to negotiate an extension to the current electric supply and necessary related services agreement with Next Era for a fixed price per kwh that is lower than contract rates for 2011-2013, said extension to continue until December 31, 2018; Authorizing STAP to act as an agent on behalf of the City to enter into a contract for electricity; Authorizing the Chairman of STAP to execute an extension to the current electric supply agreement for deliveries of electricity effective January 1, 2011 or as soon after finalization of a contract as possible; Committing to budget for energy purchases and to honor the City's commitments to purchase power through STAP for its electrical needs through December 31, 2018. (Interim City Manager).

Interim City Manager Alvarez explained she attended the STAP meeting held in conjunction with TML Conference and this was one of the items discussed. The gas future is running low and there is an opportunity to attain some favorable savings. She stated as in the past when STAP is negotiating a contract on behalf of its members it likes to get as much as possible authority if they can negotiate a beneficial contract to lock it in as opposed to having them negotiate it and then coming back to the Commission for it to be accepted. Basically this says they will negotiate on our behalf and once they get the best deal that they possibly can assuming it falls within the perimeters of authorization as set in this resolution then they will go ahead and seal the deal. The rate would be locked in for the next five years.

Upon a question from Commissioner Laskowski, Interim City Manager Alvarez stated the City is in the south zone.

Commissioner Laskowski made a motion to adopt this resolution, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

5. Discuss potential items for Certificates of Obligation 2011 projects list. (Interim City Manager).

Interim City Manager Alvarez stated earlier this summer this list of projects was worked on with Staff by the former City Manager and the Finance Director. She stated that she asked Staff to go back and review the list to make sure that the projects submitted were still in the right priority list and to check pricing. In doing that she learned there is a five year capital improvement drainage plan that was prepared and was not previously presented to the Commission. So now it is included in the packet of information. This proposed projects list does not include anything for potential need at the golf course or parks system but it does include a sand bagging machine that can be used at public works and also with regards to emergency management issues. She stated there's a slight increase on some breathing equipment for the fire department and for a fire pumper which is included in the recap. The potential City Hall remodeling was in the initial proposal and is also included in this recap. Another addition is an issue that SCS Engineering had brought up with regard to some spacing of monitoring wells at the Landfill that needed to be addressed.

Mayor Fugate called for questions or comments. Commissioner Laskowski stated in September a resolution was passed to provide water service to Escondido Estates and he sees that as part of the utility fund issuance that the City is going to borrow \$204,000 to pay for a water line. He stated that he was given the impression that the City adopted the resolution that the City was going to put a meter on the line that runs down to supply water to Pan Am to supply water to Ricardo and that was the only expense associated with providing that service to

these folks. Interim City Manager Alvarez replied that the City is currently providing water with regard to the Escondido Creek Estates and there is a meter, so that part of the contract with them has been fulfilled. She stated that Staff has noted that there will be some sewer in that area and to increase the opportunity for growth then it would be helpful to have a water line as well. This would also serve as a backup in the event that the one line that does go towards them should ever go down. So this was a dual purpose proposal.

Mr. Donnell stated this line was an oversight on his part and that he forgot to bring it in. He stated that with the addition of the lift station and the possible development of that area is the 12" water line that South Texas Water Authority is proposing and essentially this would loop that bottom system and eliminate the dumping of water due to the bypass. There will be water from South Creek, all the way to Pan American and what they are not using the City will have to keep a residual on. Commissioner Laskowski asked if the system was looped back to Escondido Road. Mr. Donnell stated no, but this would extend the line from 772 to Escondido Road. This would loop the system because if they lay that line there, there would be a dead end at the meter.

Commissioner Laskowski voiced his concern about borrowing money for the Landfill and paying for with general fund tax revenue. He then asked why this isn't being paid for with revenues from Solid Waste. Mr. Rushing explained that at the end of September 30th, 2011, on the CAFR there will be a fund balance on those additional funds of \$514,680 and this will be utilized. There is also a need for a backhoe. He explained to pull off \$110,000 showing on the track hoe, and then on the dump truck \$80,000, and for Commissions' consideration another \$80,000 for a backhoe, the sub total would be \$244,000. In the 2010-11 the net receipts over disbursement on Fund 87, the City picks up another \$32,000, so approximately there would be \$276,000 if Commission chose to buy these items. He stated to pull off \$190,000 on the CO 2011 that relates to these items on the Landfill. Interim City Manager Alvarez asked about the landfill monitoring wells. Commissioner Laskowski stated that's what he's asking about. Mr. Rushing stated that those funds can also be utilized partially on the remaining balance of the \$276,000 which can be applied for the monitoring wells. Commissioner Laskowski suggested for Staff to provide them all of the items that are being considered to be purchased with the monies, \$10,785,000. Mr. Rushing replied the Commission was provided a summary sheet with the department's requests and was provided in the agenda packet and was also emailed on Friday. Mr. Rushing explained the requests. Commissioner Laskowski stated he would stop by the office for an updated list.

Commissioner Laskowski stated he had discussed with Interim City Manager Alvarez about developing a storm water fee to pay for the cost of storm drainage.

Commissioner Laskowski asked about the \$2.7K for renovating the old high school, Mayor Fugate stated he originally asked for \$2K. Private money is being used to pay for roof repairs, and the \$2K would be used at the end of the project.

Commissioner Laskowski stated this item is not only for discussion because Staff is going to move forward and issue approximately \$15K in bonds. Mayor Fugate stated that Staff is looking for direction. Commissioner Laskowski stated that Ms Entekin will be providing a presentation to the Commission later this month or next month so these bonds can be issued in January. Mr. Rushing stated the best time to issue these bonds is the first couple of weeks in January. He stated that this needs to be vetted out and discussion can be held with department heads.

Commissioner Laskowski voiced his concern that the City doesn't have a City Manager that will be responsible for this in the future, but he knows that the City needs to move forward with this. He added that he hates putting a City Manager in a position coming right out of the box and \$15K worth of debt that is issued even before he arrives. Mayor Fugate stated that January is the best time, to get a better interest rate. Commissioner Garcia stated that things need to be done, particularly the streets because they're eroding. He asked for the amount of miles of streets in the City. Mr. Khan replied about 115 miles. Commissioner Garcia then asked how many miles of streets were included in the five year plan. Mr. Khan replied he did not have that answer at the present time.

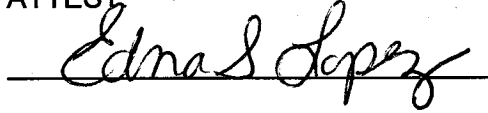
VI. Adjournment

There being no further business to come before the City Commission, the meeting was adjourned at 6:59 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary