

MAY 9, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 9, 2011 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, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Frank Garcia, Wastewater Supervisor
Yolanda Cadena, Health Director
Gary Fuselier, Landfill Supervisor
Willie Vera, Task Force Commander
Al Lopez, Fire Chief
Naim Khan, City Engineer
Mark Rushing, Finance Director
Susan Ivy, Parks Director
Bill Donnell, Public Works Director
John Garcia, Risk Manager
Ricardo Torres, Police Chief
Bob Trescott, Downtown Manager
Joe Casillas, Water Production Supervisor
Diana Gonzales, Human Resource Director

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M. and announce quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, 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, February 25th, 2011. **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, Pecos, Wilson, Laskowski voting “FOR”.**

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

City Manager Capell stated the Commission was previously provided with Staff reports and asked if there were any questions. He announced Mr. Rick Medrano, Representative for Entrust would provide information on the City's Health Insurance; there are several proclamations to be presented; the County approved the Interlocal Agreements with the four (4) County Constables; provided an update of several Texas Main Street meetings; and he announced that the City/County Health Board will meet on Thursday.

Ms Alvarez reported there will be Municipal Court on Thursday and agenda items are due this Friday for the next meeting of the May 23rd.

Commissioner Wilson and Mayor Fugate presented two Eagle Scout proclamations to Kenneth Cox and William Brown.

Commissioner Laskowski and Ms Ivy presented a "Because You Care" award to several Boy Scouts Gilberto Sosa, Richard Reyes, Jr., Giancarlo Bruschetta, Nathaniel Gant, and Fred Soliz, III, for their hard work at the Kleberg Park as part of their Eagle Scout certification.

Commissioner Laskowski presented a "Because You Care" award to the Kingsville Boxing Club for their help with cleaning an elderly person's property.

Mayor Fugate presented Mr. Roel Perez, retired City employee with a Certificate of Appreciation for his 20 years of service to the City and a City of Kingsville watch.

Mayor Fugate congratulated Mariachi Celestial a Kingsville youth group for their successful performance at a concert held on the previous Friday.

Mr. Medrano addressed the Commission, providing information on the 2nd quarter, the first six-month period from October through March. He stated for the first six-months the City is doing well. He provided information on the YTD Claim Expense by month for the current year; percentages on several medical services; 3-year Claim Utilization Trends which is running close to where the City was last year; the Prescription Plan Summary, 35% enrolled purchased prescriptions; PPO savings by claim type; PPO Utilization – majority of employees use participating providers; 3 yrs PPO savings trend; Enrollment versus Claim Cost Comparison; and the Top Providers – with Christus Spohn Health System as #1. Mr. Medrano stated the first six-month report for the City looks good.

Mr. Medrano provided information on the City's walking program. The program was a nine (9) week program that concluded April 21st with Tony Garcia, Jr. winning the most improved and received a \$100 gift certificate. There were ten (10) teams participating, the team- The Unstoppables- from the Police Department won the group award.

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 no comments.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-5. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson, Commissioner Garcia & Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".**

V.

Consent Agenda

Notice to the Public

1. **Motion to approve out-of-state travel for City Manager to attend the International City Managers Association (ICMA) 97th Annual Conference in Milwaukee, WI on September 18th – 21st, 2011. (City Manager).**

2. **RESOLUTION NO. R2011-35 Motion to approve resolution authorizing participation in Operation StoneGarden with the U.S. Department of Homeland Security for operational overtime, travel & per diem, vehicle & equipment rentals, vehicles/equipment maintenance, fuel cost and/or mileage reimbursement, and equipment; Authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**
3. **RESOLUTION NO. R2011-36 Motion to approve resolution appointing City Manager Vincent Capell to represent the City of Kingsville at the Coastal Bend Council of Governments General Meetings. (Commissioner Garcia).**
4. **ORDINANCE NO. ORD2011-14 Motion to approve final passage of an ordinance amending the Fiscal Year 2010-2011 Budget for the General Fund to correct a line item for the City Manager budget and for the Utility Fund Wastewater Department to allocate funds for TCEQ fines. (Finance Director).**
5. **Motion to re-appoint Ms. Carol Ann Anderson and Ms. Lupita Perez to the Historical Development Board with each to serve another three (3) year term. (Interim Director of Development Services).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. **Consider three (3) appointments to the Historical Development Board with each to serve a three (3) year term. (Interim Director of Development Services).**

Mr. Donnell stated Ms Gabrielle Ganther, Ms Sandra Rexroat, and Mr. Hanns Mimberg have volunteered to serve.

Commissioner Garcia and Commissioner Pecos made a motion to appoint Ms Ganther, Ms Rexroat, and Mr. Mimberg to the Board, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

7. **Consider authorizing the City to enter into negotiations with Naismith Engineering for all technical engineering services associated with the Landfill (RFQ #11-26). (City Engineer).**

Mr. Khan stated this was previously presented to the Commission at the last meeting.

Commissioner Laskowski made a motion to authorize the City to negotiate with Naismith Engineering for engineering services for the Landfill, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

8. **Consider resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County for repairs to the Kleberg County Airport. (City Manager).**

City Manager Capell stated this agreement was developed late in working with County Commissioner Schultz. Mr. Khan went to the airport and inspected the site. Mr. Khan feels that in order to do a good job additional work needs to be done other than just putting down the asphalt. Later in speaking to Mr. Khan, City Manager Capell stated that Mr. Khan had mentioned that he would be glad to put down the asphalt if the County signed some kind of legal release. So, this is why this agreement is being presented for the Commissions' consideration. He stated County Commissioner Schultz has said that the County is already, at least, informally agreed to terms of splitting the cost 50/50. City Manager Capell stated if the Commission wants to go with only putting the asphalt down and getting a legal release from the County that would be something the Commission can consider. The proposal before them is the original proposal. City Manager Capell stated that Mr. Khan has said that he is not an airport expert but he thinks he can do a good job putting down the asphalt. The cost would be about \$1,600 for the County and the City. Mayor Fugate stated he did not see County Commissioner Schultz in the audience. Mayor Fugate called for questions or comments.

Commissioner Wilson stated the County is not represented at this meeting, so that answers his question on how he would move forward with this. If this was an important enough issue for the County then someone that represents the County should have been at this meeting to, in some way defend their proposal and ask for the give. Secondly, it appears they are going to do nothing except pay, the City will do all the man work, and

the City will do everything, as far as the man hours and the equipment. The County will only provide money.

Mr. Khan stated the estimate provided includes labor and materials. Commissioner Wilson stated it is his understanding that several precincts have asphalt laying equipment and if that's the case, he is curious as to why the County is coming to the City for the labor portion. He added it would be more appropriate for the City to be a cash match. Mr. Khan stated to his knowledge they do not have the hot mix, only the sealcoat. Commissioner Wilson asked if it was beyond the County's capacity to hire someone to do this work for them. City Manager Capell replied he thought the County could do that but they are thinking they can save money by having the City do the work. An outside contractor will be used to evaluate the base. Commissioner Wilson stated the outside contractor will actually be sealing the base. He stated this baffles him as to why the County is continuing to come to the City for half of every project that they seem not able to fund.

City Manager Capell stated for a project this small, even before it gets to the Commission, Staff had probably put in a number of hours just to get it to them which would exceed the cost of the project or gets close to it. He suggested if the City will be participating the City should have a minimum threshold on projects.

Commissioner Wilson stated he was surprised seeing this project on the front page of the newspaper, prior to it coming before the City Commission.

Commissioner Garcia stated he agrees with Commissioner Wilson's comments. He asked if the transportation cost is included. Mr. Khan replied there's no heavy equipment to be transported and if the County did this on their own, it would cost them more money because of the cost for labor.

Commissioner Laskowski voiced his concern on several things: (1) did not consider the City Engineer's cost for providing his service; (2) there were actually three (3) culverts on the site, and the reason that the taxi way failed was because two (2) culverts collapsed and the County instead of replacing them they pulled them out and now there's only one (1) to provide drainage from one side of the taxi way to the other, and if it rains there's going to be problems. He stated that he doesn't think the City should get into something that they are not our partner, other than in cash because the City will hold full liability in the failure of it.

Mayor Fugate called for questions or comments. He then called for a motion.

NO MOTION

9. ORDINANCE NO. ORD2011-15 Consider final passage of an ordinance amending the Fiscal Year 2010-2011 Budget for the General Fund to allocate funds for an Interlocal Agreement with Kleberg County to cover one half of the electricity expense and to cover equipment repairs for the Golf Course. (Finance Director).

Mayor Fugate stated this has previously been on the agenda. Mayor Fugate called for a motion.

Commissioner Garcia made a motion to approve the final passage of the ordinance, seconded by Commissioner Pecos. Mayor Fugate called for further discussion. Commissioner Wilson commented that as his previous comments, "this is a rabbit hole that the City is getting ready to jump in". **The motion was passed and approved by the following vote: Fugate, Garcia, Pecos voting "FOR". Wilson, Laskowski "AGAINST".**

10. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 Budget for the General Fund, the Utility Fund, the Solid Waste Capital Projects Fund and the Landfill Fund to allocate each fund for the portion of estimated revenue anticipated to be uncollectable debt. (Finance Director).

Mr. Rushing stated the following funds were calculated with the expected revenue less the estimated amount to be uncollectable: (001) General Fund for Landfill fees, Garbage Fees and Ambulance Services Revenue; (051) Utility Fund Water Sales and Sewer Sales; (087) Solid Waste Capital Projects Fund Garbage Fees Additional Revenue; and (090) Landfill Fund Budget for Landfill Surcharge Revenue. Standard accounting and financial reporting procedures require the City "gross up" its revenues and expenditures for amounts considered uncollectable. Presently, these amounts are "netted" against revenue. This budget amendment is required to conform to standard accounting practices and has no affect on net budgets or net income or loss from operations. In effect, this budget amendment is budget neutral.

Commissioner Garcia asked what the collect ability for the write-offs was. Mr. Rushing replied the City has two (2) collection agencies that collect for ambulance billing.

INTRODUCTION ONLY

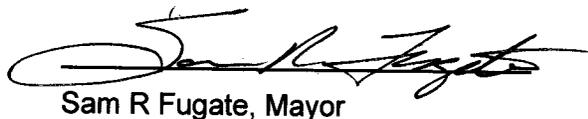
11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7 Personnel Policies, Section 1 Adoption of the Classification and Compensation Plan, to reclassify the City Engineer as the Public Works Director/City Engineer within Management Level-1, to reclassify the Public Works Director as the Assistant Public Works Director within Management Level-3, and to delete the Solid Waste Superintendent position from Management Level-3. (City Manager).

City Manager Capell stated these changes eliminate one director reporting to another which is problematic and consolidates leadership functions. The Public Works/City Engineer are closely aligned to each other. It's a change that he is proposing but has talked to the affected employee. It eliminates the Solid Waste Superintendent position. This has several improvements that clean this up and prepares the City for the future in terms of straightening up the organization from a public perception.

INTRODUCTION ONLY

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:04 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary