

JUNE 13, 2011

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 13, 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  
Charles Wilson, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION PRESENT:**

Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Vincent Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Yolanda Cadena, Health Director  
Robert Rodriguez, Library Director  
Felix Camarillo, Firefighter  
Al Lopez, Fire Chief  
Willie Vera, Task Force Commander  
David Mason, Purchasing Director  
Ricardo Torres, Police Chief  
Mark Rushing, Finance Director  
Naim Khan, City Engineer  
Joe Casillas, Water Production Supervisor  
John Garcia, Risk Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M. and announced quorum as present with Commissioner Garcia absent.

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

The invocation was delivered by Mr. 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 special meeting of Monday, June 6<sup>th</sup>, 2011. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski voting “FOR”. Wilson “ABSTAINED”. Garcia “ABSENT”.**

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

NONE

**III. Reports from Commission & Staff<sup>2</sup>**

*“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 he had no official report other than to submit the staff report already provided and called for questions or comments. He provided information on items of interest: June 21<sup>st</sup> – Wifi Open House at the Library; June 24<sup>th</sup> – TML Region Meeting in Rockport; he explained that he had received several complaints regarding the soliciting for donations on our City's street and may revisit the ordinance at a later date; he hopes to get the proposed budget to the Commission during the week of July 11<sup>th</sup>; Budget work sessions are tentatively scheduled during the week of July 18<sup>th</sup> – 29<sup>th</sup>; and he stated he made an offer to someone and he has accepted the Director of Development Services position but will provide more information after that person gives notice to his employer.

Mayor Fugate commented that the Commission has not provided the City Manager information on the Commissions' goals on the direction that they want the City to go. He suggested setting a goal setting workshop before the budget is finalized.

Ms Alvarez reported on attending the Texas City Attorney seminar which was very informative, the good news is that so far in comparison to the last legislative session they did not hurt the authority of the municipalities across the State, they haven't increased any of the fees that they ask the Cities through Municipal Court to collect to help supplement the State; she will provide information to various department heads about the legislative updates that affect their departments; agenda items are due Friday, June 17<sup>th</sup>; and the next Commission meeting is on Monday, June 27<sup>th</sup>.

Upon Mayor Fugate's request, Mr. Rick Cowan, Retired Law Enforcement Officer addressed the Commission. Mr. Cowan provided information from the National Coalition against Bigger Trucks. He stated there's legislation introduced in Congress that's in the sub-committee which Congress Farenthold is a member. HR 763 proposes to increase single trailer truck weights by 17,000 lbs, from the current legal limit of 80,000 lbs. A separate movement that's being lobbied in Washington is to increase the size of the trailer by going to triple trailers. He stated he's asking Commission to write to Congress Farenthold, if they agree with his groups' position, about the safety issues and the cost to public entities for infrastructure. Increase in weight will make it worst. He stated that TXDOT has not taken an official position, but the engineers have historically been against any increase in truck weight and size.

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

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mr. Rudy Galvan, 1908 Kelly, spoke about an incident that occurred with a solicitor on King St and 14<sup>th</sup> St.

Mr. Otis Myers, 1417 Brenda, spoke about allowing only local citizens to participate in soliciting and asked that the ordinance be reconsidered to eliminate out of town solicitors.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1 & 2. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".**

#### **V. Consent Agenda**

1. **ORDINANCE NO. ORD2011-19 Motion to approve final passage of an ordinance amending the Fiscal Year 2010-2011 Budget for the General Fund Service Center Fuel Tank Monitor System. (Finance Director).**
2. **Motion to approve re-appointing Mr. Octavio Xavier Alvarez to the Library Board to serve another three (3) year term. (Library Director).**

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

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

**3. Consider authorizing staff to negotiate a contract with HDR Engineering for stormwater drainage study, fee, and implementation, RFQ#11-22. (Purchasing Director).**

Mr. Mason provided information on the publications for this service. Five responses were received and reviewed by Staff. The top two firms were interviewed, HDR and Water Resource Management. HDR received highest score during the evaluation and Staff's recommendation is that City Staff be allowed to negotiate a contract with HDR.

**Commissioner Laskowski made a motion to authorize Staff to negotiate a contract with HDR Engineering for the stormwater drainage study, seconded by Commissioner Wilson. Mayor Fugate called for further discussion. Commissioner Laskowski requested to see the scoring for any RFQ's that the City scores for his own personal knowledge, as has been done in the past. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".**

**4. RESOLUTION NO. R2011-39 Consider resolution authorizing the City Manager to enter into an amendment to and extension of the Professional Services Agreement for Ambulance Billing. (Finance Director).**

Mr. Rushing stated this is a proposal to extend the current contract that expired March 31<sup>st</sup> with Alexander Billing. Alexander Billing was bought out by Intermedics. Alexander Billing had software that the City bought about twenty (20) years ago on the medical side that cost about \$10,000. The overall collection rate is 7% on the contract that just expired. During the negotiation process this new company wanted to charge the City a fee for the new software that they were developing. They are going to quit doing support on the current software. The annual maintenance fee is about \$17,000, at the end of this fiscal year they will be doing away with that software. He stated that the City will have to go to the market place and shop for the medical software anyway. The medical software could cost about \$20,000 - \$30,000, the maintenance agreement about \$5,000 if the City decides to go to someone else. Mr. Rushing stated that in negotiating with Intermedics, he asked that they extend the current contract and use the old Alexander Billing contract; provide the City with both the collection service at 6% and charge the City 1% for the medical software. This still keeps the City at 7%. He stated that Mr. Mason did some market research to find out what other people are getting charged for collection fee. In general the market is charging about 10 – 12%.

Mr. Mason stated he posed the question on the National Public Purchasing List Serve. The lowest was 5.5% with Intermedic in Miami Dade County; a neighboring County in Florida was 7.5%; the closest found geographically in population was Ward County at 10.5% of collected not billed. Mr. Mason stated he concurs with Mr. Rushing this is the best deal. Regarding the Exhibit mention in the resolution, Commissioner Laskowski asked if the letter from the company suffices the amendment to the agreement. Ms Alvarez replied because these are the only sections that are being changed out of the agreement you will have the original agreement and this addendum attached and that will be sufficient so long as the Commission approves it.

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

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:27 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary