

AUGUST 8, 2016

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 8, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Edna Lopez, Commissioner  
Arturo Pecos, Commissioner  
Noel Pena, Commissioner  
Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Jesús Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Bill Donnell, Assistant Public Works Director  
Diana Gonzales, Human Resources Director  
Susan Ivy, Parks Manager  
David Solis, Risk Manager  
Deborah Balli, Finance Director  
Adrian Garcia, Fire Chief  
Charlie Cardenas, Public Works Director/Engineer  
Ricardo Torres, Police Chief  
Leo Alarcon, Tourism Director  
David Mason, Purchasing Director/IT  
Cynthia Martin, Downtown Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 P.M. and announced quorum with all five Commission members present.

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

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – July 11, 2016

Mayor Fugate called for a motion to approve the minutes of July 11, 2016.

**Motion made by Commissioner Pena to approve the minutes of July 11, 2016 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Fugate voting “FOR”. Garcia “ABSTAINED”.**

Regular Meeting – July 25, 2016

Mayor Fugate called for a motion to approve the minutes of July 25, 2016.

**Motion made by Commissioner Pena to approve the minutes of July 25, 2016 as presented, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez voting “FOR”. Fugate “ABSTAINED”.**

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

1. Public hearing for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for an establishment known as O Ma Shreeful Inc., D/B/A Rita's Super Store located at 227 W. King Avenue, Kingsville, Texas. (Director of Planning and Development Services).

Mayor Fugate announced and opened this public hearing at 6:03 P.M.

Mr. Tom Ginter, Director of Planning & Development Services reported that this is a request for an alcohol variance for a Wine and Beer Retailer's Permit due to a change in ownership. After performing the required measurement, it was determined that the establishment comes within 1,000ft of four churches. All required notices were mailed to property owners within 300ft. Staff did not receive any negative feedback from those property owners that were noticed.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so at this time with a five-minute time limit. Additional time cannot be extended by City Commission.

No comments were made.

Mayor Fugate closed this public hearing at 6:04 P.M.

2. Public hearing for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for an establishment known as Sunny Mini Mart located at 1230 E. Santa Gertrudis, Kingsville, Texas. (Director of Planning and Development Services).

Mayor Fugate announced and opened this public hearing at 6:04 P.M.

Mr. Ginter reported that this is a request for an alcohol variance for a Wine and Beer Retailer's Permit due to a change in ownership. After performing the required measurement, it was determined that the establishment comes within 1,000ft of a public school. All required notices were mailed to property owners within 300ft. Staff did not receive any negative feedback for those property owners that were noticed.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so at this time with a five-minute time limit. Additional time cannot be extended by City Commission.

No comments were made.

Mayor Fugate closed this public hearing at 6:05 P.M.

### 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, Tourism, 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, **Investment Report**, Quarterly Budget Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mr. Jesús Garza, City Manager reported on the Fiscal Year 2015-2016, Third Quarter Investment Report for period ending June 30, 2016. The City of Kingsville total cash and investment for quarter ended June 30, 2016 is at \$35,545,825.42. The investment requirements are, percentage in cash 88.36%, percentage in CD's 11.64%, and percentage in US Treasuries 0.00%. The report is reviewed by the following Investment Committee members Jesús Garza, City Manager; Courtney Alvarez, City Attorney; Arturo Pecos, Commissioner; and Deborah Balli, Finance Manager.

City Manager touched base on the vacant building ordinance. Letters were sent to each of these property owners with information on how to bring their properties into compliance and giving them a 90-day grace period to remedy the issue. The deadline for compliance was August 4, 2016.

Mayor Fugate asked about the façade grant and if anyone has been applying for these monies. He further stated that he would like to see those businesses that are already established in the downtown area to apply for these grants. Furthermore, Fugate asked if K.A. Childs has submitted plans for the vacant building located on E. Kleberg, if not, they should be required. Mr. Garza responded that it is not required for plans submittal, but they could if they preferred.

Commissioner Pecos commented that he had written a letter to H.E.B. Headquarters asking if they would be interested in purchasing the old K.A. Childs building. This location could be used for additional staff and customer parking. H.E.B. staffing already utilize the area for their parking. Pecos further commented that he has not received a response from H.E.B. representatives.

Mr. Garza commented that evaluations forms for the City Manager, City Attorney, Municipal Court Judge will be made available to the City Commission on Friday, August

12, 2016. Commission members may pick them up on Friday which is the same time that the draft budget books will be released.

Mrs. Courtney Alvarez, City Attorney commented that the next City Commission is scheduled for Monday, August 22, 2016 with agenda items due on Friday, August 12<sup>th</sup>. Alvarez further updated the City Commission on a few items that were discussed and acted on by the Kleberg County Commissioners' Court. One item was the demolition of an old radio tower which is owned by the County. The County did not act on this item due to a wording issue on how it was posted but will be coming back at another meeting. The next item was the City of Kingsville and Kleberg County Interlocal Agreement for inmate housing which will expire on November 1, 2016. Alvarez stated that Captain Castillo from the Sheriff's Office and his staff will be working on a proposal and pass through the City at one point. It was mentioned that the proposal will have some changes to the fees charged to the City for housing inmates. The proposed change mentioned was the fee of \$45.00 per day per inmate for ten beds to \$55.00 per day per inmate for ten beds. It was mentioned that this is the amount Kenedy and Duval County's pay in their contract. Alvarez stated that the motion that was approved was for the County Attorney, County Judge and Sheriff to negotiate a contract with the City of Kingsville on a contract then bring it back before both entities.

Mayor Fugate asked how many beds are used by the City. Mrs. Alvarez responded that mid 2007-2008 staff was looking into modifying the rate, the Chief of Police had worked with his staff in gathering some information together at that time which is something staff will be working on going into negotiations. Alvarez stated that it is her understanding, second and third hand, that the beds are not routinely filled.

Commissioner Garcia that he would like to know if the City has ever exceeded the ten beds.

Mayor Fugate commented that if the city does exceed the number of beds, the city pays for those extras used.

Mrs. Alvarez further commented that the other item before the County Commissioners' Court was that regarding the County Airport. Last year the City of Kingsville was approached by the Airport Board and was asked to help with a cash match contribution for improvements to the airport. This was a 90/10 grant, the State would pay 90% and the County would pay 10%, so both entities would pay \$8,000. When the bids came in, it was discovered that the lowest bid was \$73,000 above what the grant was for. Somehow the State was able to increase the grant amount which intern increased the cash match that is required. The County did make a motion to approve the \$7,300 and included in that motion was that, Commissioner Hinojosa from the County and Castro come to the City at a future meeting requesting that the City participate with half of the \$7,300, of which the city's portion would be \$3,650. Alvarez stated that the deadline to submit the draft budget for the upcoming fiscal year to the City Secretary's Office and be posted online by Friday, August 12, 2016, if staff is planning to improve the budget on September 12<sup>th</sup>.

Commissioner Garcia asked about the old hospital located on Caesar Street. Mr. Garza mentioned that the Capital Improvements Manager, Sharam Santanilla is doing some research for grants dealing with asbestos removal.

Commissioner Lopez commented that she would like to see the City revisit the Streets Masterplan which was done about three years ago. Lopez stated that some streets need to be looked at as they are getting worse. Mr. Garza commented that it may be a good idea on revisiting this plan.

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

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

James Creek, Ingleside, TX commented that he would like to comment on agenda item #16. Creek stated that they have 100% confidence on the new Fire Chief to do his job, especially when the Fire Department has three qualified Captains. He further stated that the Union members are asking the Commission not to consider item #16 as the Fire Department already has qualified staff to be able to assist with this type of work.

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being*

*discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

**CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

**Motion made by Commissioner Pena to approve the consent agenda as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".**

- 1. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Budget for Public Works overtime due to recent storm event. (Director of Finance).**
- 2. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Budget for purchase and installation of a generator for the Police Department radio tower site. (Director of Finance).**
- 3. Motion to approve final passage of an ordinance abandoning an alley and retaining an easement for utility purposes in Block 1, Eva Addition, Lots 1-18 and in Block 2, Clyde Addition, Lots 1-6 (alley is between 15<sup>th</sup> and 16<sup>th</sup> Streets) for Torres Estates. (Director of Planning and Development Services).**

**REGULAR AGENDA**

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

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

- 4. Motion to approve certification of 2015 excess debt collections and the certification of 2016 anticipated collection rate, pursuant Section 26.04(b) of the Texas Property Tax Code. (Director of Finance).**

Mrs. Deborah Balli, Finance Director stated that due to Melissa De La Garza, Tax Collector unable to make the meeting, she would be presenting this item before the City Commission. Balli further read the certification of 2015 Excess Debt Collections which read "I, Melissa T. De La Garza, Collector for the City of Kingsville solemnly swear, that the amount of excess debt service funds collected in 2015 for the City of Kingsville, Interest & Sinking Fund has been determined to be \$-0-, signed by Melissa T. De La Garza and dated July 20, 2016. Balli further continued to read the Certification of 2016 Anticipated Collection Rate which reads "I, Melissa T. De La Garza, Collector for the City of Kingsville solemnly swear, that the anticipated collection rate for 2016 for the City of Kingsville, Interest & Sinking Fund has been estimated to be 100%. Signed by Melissa T. De La Garza and dated July 20, 2016.

**Motion made by Commissioner Garcia to approve the certification of 2015 excess debt collections and the certification of 2016 anticipated collection rate, pursuant to Section 26.04(b) of the Texas Property Tax Code, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".**

- 5. Consider accepting 2016 certified total appraised, assessed, and taxable values of all property and the total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Director of Finance).**

Mrs. Balli commented that the 2016 Final Value information as of July 25, 2016 for the City of Kingsville, the net taxable value is \$789,457,160.

**Motion made by Commissioner Pena to accept the 2016 certified total appraised, assessed, and taxable values of all property and the total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District, seconded by Commissioner Lopez.**

Mayor Fugate asked how much the city had increased in valuation this year. Mr. Garza responded that the increase was in the amount of \$33,000,000. Fugate further asked where most of this money came from. Mrs. Balli responded that this amount came from new development such as the Wildwood Trails, Legends, and Oak Tree.

**The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".**

**6. Consider a proposed tax rate; if proposed tax rate will exceed the effective tax rate or the rollback rate (whichever is lower), take record vote and schedule public hearings (for August 22<sup>nd</sup> & August 31<sup>st</sup>, 2016 at 6:00 P.M. at the Alcorn Commission Chambers, 200 E. Kleberg Ave., Kingsville, TX). (Director of Finance).**

Mayor Fugate commented that this is done every year. Staff proposes the same tax rate for this budget as the rate from last year, but it is prudent to set your tax rate below the effective rate just in case something comes up during budget workshops.

Mrs. Balli commented that the effective tax rate is \$.82858 per one hundredth valuations. The rollback tax rate is \$.90024 per one hundredth valuations. The current year rate now is \$.84220 per one hundredth valuations. Staff recommends that the proposed rate be underneath the rollback tax rate of \$.89000 per one hundredth valuations. The current budget has been created with the City's current tax rate of \$.84220. Staff is asking for the additional increase in case something comes that city is not aware of at this time. Historically the City Commission has adopted that current year rate, \$.84220 and with a new requirement this year is that the City would need to state what the increase in the property tax value revenues for, such as used for certain quality of life.

Mayor Fugate commented that this is his twelfth budget he has been involved with and this is done every year but have not ever had to been used.

**Motion made by Commissioner Pecos that the proposed property tax rate be \$0.89000 and that two public hearings be set for Monday, August 22, 2016 and Wednesday, August 31, 2016 at 6:00 P.M. in the Alcorn Commission Chambers, 200 E. Kleberg Ave., Kingsville, TX, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".**

**7. Consider an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for an establishment known as O Ma Shreeful, Inc. D/B/A Rita's Super Store located at 227 W. King Avenue, Kingsville, Texas. (Director of Planning & Development Services).**

**Motion made by Commissioner Pecos to approve this alcohol variance, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".**

**8. Consider an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for an establishment known as Sunny Mini Mart located at 1230 E. Santa Gertrudis, Kingsville, Texas. (Director of Planning & Development Services).**

**Motion made by Commissioner Pecos to approve this alcohol variance, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".**

**9. Discuss insurance claims for city property from May 31, 2016 weather event and FEMA assistance. (Risk Manager & Fire Chief).**

Mr. David Solis, Risk Manager updated the City Commission on the property insurance claim. On July 18<sup>th</sup> an initial statement of loss was submitted to the underwriters for an amount of \$1,408,412.16 which includes a \$25,000 deductible. The initial payment recommendation is, after the deductible is \$1,383,412.16. This will include the rebuild of the Care building externally and internally as well as the J.K. Northway. There will be one or two supplemental to the insurance for payment. One will be for the total repair to the AC Units at the J.K. Northway which is about \$237,000. The other supplemental is to include the loss of business revenue to the J.K. Northway and Recreation Center and Golf Course. This amount is estimated at \$23,000. I will also include the reserves of \$200,000 for all the loss of tress at the Parks and Golf Course. As for the tree removal, a true number hasn't been determined as of yet.

Mr. Adrian Garcia, Fire Chief reported that the right after the storm, the city began working with Texas Department of Emergency Management. In addition to this, staff has been working closely with Kleberg County Emergency Management. The City has also partnered with the Disaster Recovery Center which assisted 300 residents of Kleberg County and City since the storm on May 31<sup>st</sup>. Currently, there has been a public assistance kickoff meeting on Thursday, August 4<sup>th</sup>, in which data was collected for an application submittal.

**10. Consider awarding bid for construction of CDBG (Contract # 7215270) Water Line Project to Etech Construction as per recommendation of project engineer and staff. (Purchasing Director).**

Mr. David Mason, Purchasing Director reported that this item will allow the award for construction of the CDBG Water Line Project. The City advertised for bids on June 26, 2016 and July 3, 2016. A Pre-Bid Bid Conference was held on July 13, 2016. Bids were opened at 1:30 P.M., Wednesday, July 20, 2016 with five bids received. Etech Construction of San Antonio is the apparent lowest responsive bidder. This item will expend the \$191,953.00 of which \$210,000.00 is available from the CDBG Grants funds. It was recommended that the City award bid to Etech Construction, of San Antonio, TX in the amount of \$191,953.00. LNV Engineering representatives also recommend this bid go to Etech Construction.

**Motion made by Commissioner Pena to award this bid to Etech Construction of San Antonio, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".**

**11. Consider a resolution in support of an additional skilled nursing facility in Kleberg County. (Director of Planning and Development Services).**

Mr. Tom Ginter, Director of Planning and Development Services reported that the City of Kingsville was approached by the Rhoman Group asking for a support letter for additional skilled nursing facility in Kleberg County. If this facility was located in the City limits it would have a very positive impact. The construction estimate of the facility is \$9 Million to \$12 Million and will create 75 to 120 full-time positions.

Mr. Manny Salazar commented that there is no liability to the city or its residents.

Mrs. Alvarez commented that this is one of the items the Kleberg County Commissioners' Court approved. She further stated that she was present at the meeting when the owner gave its presentation where he did indicate to the County Commissioners' Court that this would not prohibit them from being in support of another skilled nursing facility if they wanted to come into the area.

**Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".**

**12. Consider a resolution approving an application and agreement for Historic District Façade Grant Program from K.A. Childs, Jr. for K.A. Childs Building. (Director of Planning and Development Services).**

Mr. Garza commented that there is \$50,000 allocated every fiscal year for façade grants. There is money available this fiscal year that has not been applied for. There are a few others that will be submitting their applications for this grant within the next 30-60 days. There is not another project that will not receive funding if this project gets approved.

Commissioner Pena commented that his concern is that the property owner spends the funds to replace the windows on a vacant property. Pena stated that the cost for the glass and paint is not of an exuberant amount that the property owner wouldn't be able to handle. He further state that he has received some concerns from the citizens about how this money is used.

Mr. Garza stated that this money comes from Hotel Occupancy Tax and not from the local tax payer. Garza further stated that when conversations were done regarding the vacant building ordinance part of the conversation was to make the façade grant available to these property owners in order for those issues to be addressed.

Commissioner Lopez asked for clarification on the following, the property owner would receive the funds from the grant to repair the windows or the building and when they sale the building they would reimburse the city the money or the money that is made theirs. Lopez further asked who administers these grants that are available to the property owners.

Mr. Garza responded that Mrs. Cynthia Martin administers the grant which is a reimbursement grant. For example, if the Commission was to approve this application, the property owner pays \$4,000 for the amount charged for window replacement, property owner then in return submits the receipts to the City to which the City will reimburse half of

the cost. Garza further commented that staff is planning on a budget workshop related to downtown revitalization which will intel more detail about the façade grant.

Mayor Fugate commented his concern is that the property owner may lose some of his motivation to do something with his vacant building if the City gives him money. Fugate stated that this is not only this property owner but any property owner in the downtown area. Fugate commented that he feels that the façade grant money should be for existing businesses.

Mr. Garza commented that the City is working with this property owner where he may potentially pay the City between \$10,000 to \$15,000 for the demolition behind his property. Garza stated that it's not as if the property owner is not committed to fixing his property as he is looking to spend this money to help fix his property.

Commissioner Pecos commented that monies that is being spent is not coming from tax payers.

**Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Garcia.**

Commissioner Pena commented that it is important to mention that this money is not paid through tax payers money, but paid out of HOT Funds.

**The motion was passed and approved by the following vote: Pena, Pecos, Garcia, voting "FOR". Fugate "AGAINST"; Lopez "ABSTAINED".**

**13. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget to extend the Parks and Recreation Brookshire Pool Season. (Director of Finance).**

Mrs. Susan Ivy commented that staff is requesting to extend service days at Brookshire Pool. Staff would like to extend the closing date to October 30, 2016 with reduced hours beginning after the regular closing date of August 20, 2016. Reduced hours would be Friday evening from 5:00 P.M. to 9:00 P.M. and Saturday and Sunday afternoons from 2:00 P.M. to 5:00 P.M. with pool rental availability on Saturday and Sunday from 5:00 P.M. to 9:00 P.M. Extending the dates of operation for this calendar year will require an additional \$6,000 funding. Admission fees would offset part of this expense but not all. Pool parties' rental fees will also offset costs as well.

Introduction item.

**14. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget for siren repairs due to storm damage. (Director of Finance).**

Mr. Ricardo Torres, Chief of Police commented that the city has a Storm Sentry System to alert its citizens of weather events consisting of weather station located at the Kingsville Police Department and 3 sirens. The siren located at 17<sup>th</sup> Street & Lee was damage when it was struck by lightning. The total cost for repairs will be \$13,450.00 which will be funded by the emergency funds that were originally allocated.

Commissioner Lopez asked if this was covered by insurance. Chief Torres responded that the city will pay for the repairs and then a request for reimbursement will be submitted as the sirens are needed for emergency notifications.

Introduction item.

**15. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 2, Ambulance Service, providing for the ambulance billing rates for services provided by the City. (Fire Chief).**

Chief Garcia commented that this will change the EMS Billing Rate to rates more consistent with the rest of the State of Texas. The additional revenue will help cover the increased fees from a new agreement with Intermedix that was approved by the last City Commission. Currently EMS billing has five different rates within the fee structure. The EMS billing change will reduce the fee structure to two different rates, making it less cumbersome and easier to use. Intermedix will begin billing for TripTix with the new contract increasing cost, which this adjustment will offset some of that increase. The change in billing rate will increase revenue by \$60,000 of which half will cover increased fees with Intermedix and

the other half will go towards a vehicle replacement fund to assist with ambulance replacements.

Mr. Garza commented that the agreement that was approved at the last meeting was going to have increase cost of \$30,000. When looking at the expenses for EMS, it was better to look at the overall expenses of EMS and necessarily just the Intermedix contract as EMS expenses go up every year whether its salary compensation for the actual EMS Paramedics or some overhead cost that hasn't been accounted for.

Commissioner Lopez asked what the dollar amount is that the City is writing off.

Mr. Garza commented that he does not have this information on hand, but will get the information and forward to the Commission at a later time.

Commissioner Lopez commented that she is asking due to some citizens being concerned about the elderly who have outstanding ambulance bills.

Mr. Jim DeVisser commented that the total amount billed every year is an estimate of \$2.2 million, of that amount the City collects approximately \$500,000.00 every year. The write-offs depend specifically on the amount that is billed per trip. Based on the \$1,300 amount, the write-off amount is about \$125,000.00. This is an approximation only.

Introduction item.

**16. Consider a resolution authorizing the City Manager to enter into a Fire Administration Specialist/Consultant Professional Services Agreement between the City of Kingsville and James DeVisser. (City Manager).**

Mr. Garza commented that after a consolidate effort between the City and County, the City decided to take on his own Emergency Operation which was tasked to the previous Risk Manager. Once the previous Risk Manager resigned if gave the City the opportunity to reorganize the Emergency Operations under the Fire Chief, which is consistent with best practices and something that is not uncommon for Fire Chief's to be named as the Emergency Operator. During the search for a new Fire Chief, the job posting had a requirement that the individual must be knowledgeable in Emergency Operations. Garza further stated shortly after he began working with the City, Fire Chief Joey Reed resigned a month later. This gave Garza an opportunity to visit with Fire Department staff and see the distinct difference between the Police Department and Fire Department. In the Police Department they have Sergeants that run each shift and Lieutenants that assist that all shifts are consistent. The amount of time that the Police Chief spends on the day to day operations ranges from 10% to 15%, which is minimal. This leaves the Police Chief to focus on special projects, grants, and bigger initiatives. On the Fire Department side, the Captains run their shift but the Chief has the responsibility assuring accountability across all the shifts. The amount of time the Fire Chief spends on day to day operations ranges from 50% to 80%. This results in the Fire Chief having less time in being able to focus on special projects and special initiatives. After doing a review on how we can assist the Fire Chief to where he has time to devote to special projects, etc., was to hire a consultant. Jim DeVisser has been named Interim Fire Chief since December, 2015 and would like to continue in assisting the Fire Department. What is being proposed is a bit different than the work Mr. DeVisser was doing while filling in during the search for a permanent Fire Chief. The scope of work will include assisting the Fire Department and Emergency Management with administrative processes review and development. Mr. DeVisser has over 20 years of experience, 12 of which have been in the role of Battalion Chief for the City of Corpus Christi Fire Department. His knowledge and expertise will help accomplish the goals of his department. Staff conducted research on independent third party Fire Consulting Firms; Fitch & Associates and RFG Fire Rescue Consulting. The hourly rate for third party consulting firms ranged from \$75.00 per hour to \$100.00 per hour. In light of Mr. DeVisser's experience the agreement is at a rate of \$28.00 per hour.

Chief Garcia commented that with this contract being approved, this will give him the opportunity to focus on the Fire Department and the position of Emergency Coordinator. The contract is a six-month contract with the option to renew on a month to month basis, with City Manager's approval and based on funding availability.

Commissioner Lopez commented that it was mentioned that the Police Chief had time during his day as he delegates some of the duties to the Sergeants which allow him to



focus on special projects. The same thing can be done in the Fire Department because there are Captain's that are very capable in assisting the Fire Chief. Lopez further commented that her concern with this contract is that if the City is going to be spending money on adding an additional position on a temporary basis, the Fire Department is still not up to par in staffing. She further commented that this additional money should go to equipment that is needed. Lopez stated that if this was part of the job description for the Fire Chief, the individual applying should know what was expected of him. Lopez further commented that the City needs to save money and focus on other things such as a third Fire Station. She further stated that the Fire Department has staff that is capable of assisting the Fire Chief. Lopez commented that she is against this agreement and staff needs to delegate to its employees instead of spending this money.

Mr. Garza commented that the amount of time the previous Risk Manager spent in Emergency Management was not acceptable. If staff wants to take serious the Emergency Management, the reality is that the roles of Risk Management and Emergency Management don't intertwine as good. Garza stated that he felt that Emergency Management with the Risk Manager was not up to par with what it needs to be. It is important to reassigned this responsibility to the Fire Chief, so part of this consulting contract is to take it a step further. This is about what is a priority to the City. If Emergency Management is a priority, then things need to be done in order to improve the Emergency Management Operations. It is no doubt that the Fire Department has excellent Captain's but with the structure of the Fire Department is that the Captains are responsible for their shift and a lot of things that staff wants to do or implement department wide fall under the Fire Chief. Garza feels that it would be difficult for the Fire Chief to focus on both the Fire Department and Emergency Management.

Commissioner Lopez stated that the Mayor is the Emergency Management Director and as per city ordinance, the Mayor appoints the Emergency Management Coordinator, but she hasn't seen or heard anything where this states that the appointment has been made. This appointment would also need to be filed with the State and the appointee would need to take an oath that need to be done. After working with the City for 32 years her concern are the citizens of this community.

Mayor Fugate commented that he has signed the appointment letter and has been filed with the State. Mayor Fugate further commented that staff is talking about \$13,000 which would not get the City another Firefighter or equipment to make any difference within the department. This gets us the extra person that can be used as a resource and it is a good thing for the department.

**Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Fugate voting "FOR". Lopez voting "AGAINST".**

**17. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).**

Mayor Fugate announced the Executive Session item and convened the meeting into closed session at 7:47

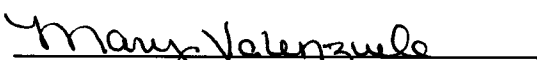
Mayor Fugate reconvened the meeting into open session at 8:16 P.M.

## VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:16 P.M.

  
Sam R. Fugate, Mayor

### ATTEST:

  
Mary Valenzuela, TRMC, City Secretary