

APRIL 9, 2018

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 9, 2018 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
 Arturo Pecos, Commissioner  
 Al Garcia, Commissioner  
 Edna Lopez, Commissioner  
 Diana Guerrero-Pena

**CITY STAFF PRESENT:**

Jesus Garza, City Manager  
 Mary Valenzuela, City Secretary  
 Courtney Alvarez, City Attorney  
 Kyle Benson, IT Manager  
 Tom Ginter, Director of Planning & Development Services  
 Emilio Garcia, Health Director  
 Bill Donnell, Public Works Director  
 Rudy Mora, City Engineer  
 Susan Ivy, Parks Manager  
 Ricardo Torres, Chief of Police  
 Adrian Garcia, Fire Chief  
 Derek Williams, IT  
 Jessica Montalvo, Health Department  
 Jason Torres, Health Inspector  
 Diana Gonzales, Human Resources Director  
 Robert Rodrigues, Library Director  
 Cynthia Martin, Downtown Manager  
 Monica Longoria, Administrative Assistant  
 Richard Flores, Golf Course Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with all five Commissioner 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 – March 26, 2018

**Motion made by Commissioner Pecos to approve the minutes of March 26, 2018, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Fugate voting “FOR”. Lopez and Guerrero-Pena “ABSTAINED”.**

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

1. 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, 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, Utilities Billing Update; **Police-Communications Update**; Police & Fire Department – Grant Update, Police & Fire Reports; **Streets Update**; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, **miscellaneous park projects**, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Landfill Update, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Demolition Update, Planning Development Update, **Golf Course Update**, Municipal Court Update. No formal action can be taken on these items at this time.”*

Mayor Fugate presented a proclamation for "Month of the Military Child" for the month of April, 2018. A second proclamation was presented for "Animal Control Week".

Chief Torres gave an update on the Communications Department where dispatchers work. They have received the T-Series Dispatch Consoles, which allow the dispatcher the ability to be able to work standing up if they choose too. These consoles were purchased through a grant that the Kingsville Police Department. He further stated that they have also made other minor renovations such as flooring, telephone systems, etc..

Mayor Fugate thanked Chief Torres for his grant writing.

Mr. Sharam Santillan, Capital Improvements Manager updated the Commission on some capital improvements projects. On-going and future projects are the Downtown Pavilion Park, Dog Park at Dick Kleberg Park, Kiddie Pool at Brookshire Pool, Splash Pad at Los Hermanos Flores Park, Brookshire Pool Renovations, and Recreational Trails Program through the Texas Parks and Wildlife Department. The Downtown Pavilion Park, concrete work is substantially complete. Street parking construction by City Street Division has begun, today. Irrigation set to begin this week by Parks Department, with partnership from the Volunteer Fire Department to do the irrigation at pumphouse. Backfilling will be done by City's Public Works Department. Sod will be required once installation of irrigation is complete. Brick pavers will be installed by the Parks Department, which will tie into the downtown look. The Dog Park at Dick Kleberg Park, surveying and staking by City's Engineering Department and ensure proper drainage. Chain link fencing will be done, one for small dogs and one for large dogs. This will be done by third-party contractor. Irrigation and sodding will be done as well. Novice and intermediate agility course, benches, trash bins, watering stations, dog waste stations, and fire hydrants will be purchased through BuyBoard.

Mayor Fugate asked about completion timeline for this project. Mr. Santillan responded that at this time, he does not have a timeline for completion for this project. Santillan further responded that maybe in the next couple of months.

Mr. Garza also responded maybe three to four months, as there are some items that need to be purchased that require Commission approval. Garza further stated that with the Parks Director position being vacant at the moment, any capital improvement that is taking place within the Parks Department has delayed the project. Staff hopes to get this project back on track and looks for a completion date sometime during the summer.

Mayor Fugate commented that the good thing about this project is that it is a private/public partnership. He further asked staff how much private funding has been given to the City for this project. Mr. Garza responded that the amount is about \$36,000 in total donations. Garza further stated that staff anticipates the total cost being near \$100,000.00 for this project. The difference for this project has been budgeted in the CO's for Park Improvements.

Mr. Santillan continued to report on the Kiddie Pool at Brookshire Pool. The project components are excavation and construction set to begin this week and end week of May 13, 2018. They are planning for a grand opening during the week of May 20, 2018. The kiddie pool will consist of a beach entrance from 0" to 18" of water. The kiddie pool will be approximately 1,250 square-feet. This pool will also include water playground features such as Lasso Spinner, Water Cannons and Hitching Post. Santillan reported on the Splash Pad at Los Hermanos Flores Park. He stated that excavation and construction set to begin this week and end week of May 13, 2018. The timeline for the grand opening for the Splash Pad is scheduled for May 12, 2018. The splash pad will be approximately 1,800 square feet; 1,00 square feet of wet area and 800 square feet of walk area. The splash pad will have water features of tumble buckets, aqua hoop, spray jets, and water cannons.

Mr. Garza commented that staff is contemplating on placing a fence around the area in order to keep animals away from the area.

Mayor Fugate commented that more lighting may be needed for this area. Mr. Santillan commented that there is already adequate lighting, but staff can look into adding additional lighting. Mayor Fugate further asked if the water will be running all the time or is there a timer schedule on it. Mr. Garza commented that it will be on a timer, so that water does not run at all hours of the day or night. There will also be appropriate signage with rules posted.

Mr. Santillan continued with the Brookshire Pool Renovations. He stated that shade structure will be renovated. Redo roof to match facility, which will be installed by city staff. Restrooms renovations will include reconfigure restrooms to service both Pool and Skate Park. The pool deck will also be renovated and repainting of the building.

Mr. Garza commented that new speaker and AV System will be installed at the pool area. This will assist with movie night, Zumba Class and any other activity that make take place. There will also be new software installed to allow credit card payments.

Commissioner Lopez commented that she is still concerned about the Oak Tree that will be by the Kiddie Pool.

Mr. Santillan reported on the Recreational Trails Program. A grant application was submitted January 30, 2018. It is proposed to have an 8 foot wide crushed granite trail, which will start at the West entrance of Dick Kleberg Park. The trail will be 3,300 feet/0.65 miles long. The total cost for this project is \$232,540 of which 80% federal funding and 20% local match. Funding selection is to occur in Summer 2018.

Mr. Garza commented that there has been some new improvements made at the Recreation Hall located inside Dick Kleberg Park.

Mr. Richard Flores gave an update on the Golf Course. He showed pictures of upgrades made to the Golf Course.

Mr. Bill Donnell, Public Works Director updated the Commission on Streets. Staff has been working in certain area of the City to make improvements to our city streets.

Commissioner Lopez asked where staff is at in the process of getting an RFP. Mr. Garza commented that he will need to get with Mr. Charlie Sosa, Purchasing Manager to get more information. Mr. Sosa was not available during this meeting.

Mrs. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for April 23<sup>rd</sup>, with the deadline to submit items for this meeting scheduled for April 13<sup>th</sup>. The April 23<sup>rd</sup> Commission meeting will take place at the Recreation Hall located inside Dick Kleberg Park, due to the beginning of Early Voting, which will take place in the Community Room located inside City Hall. Alvarez mentioned that agenda item #6 may look familiar to the Commission as it has been approved in the past. Due to a change of an Alternate Judge, the item would need to be brought back to the Commission for approval.

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

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

No public comments made.

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Park's donation from the Kingsville Rotary Club. (City Manager).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to purchase Red Ribbon Drug Awareness promotional items from previous donations to the Red Ribbon Drug Awareness Fund. (Police Chief).**
3. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Business Regulations, Article 3, Alcoholic Beverages, providing for a change to the distance for the sale of alcoholic beverages within 300 feet of a church, public or private school, daycare or child care facility, or hospital. (Director of Planning & Development Services).**

**4. Motion to approve final passage of an ordinance to change the zoning map in reference to Orig Town, Block 16, Lot N/2 13-14 also known as 507 W. Richard Ave. from R3-Multi-Family District to R2-Two-Family District. (Director of Planning & Development Services).**

**5. Motion to approve final passage of an ordinance to change the zoning map in reference to 50.7369 Acres out of Cooper, Block Z-1, Lots 1-32; Cooper, Block Z-2, Lots 1-32; Henrietta Hgts, Block 3, Lots 1-32; Henrietta Hgts, Block 4, Lots 1-32; Henrietta Hgts, Block 5, Lots 1-32; Henrietta Hgts, Block 6, Lots 1-32; Henrietta Hgts, Block 7, Lots 1-32; Henrietta Hgts, Block 8, Lots 1-32; Luker Addn, Lots 1-2; Orig Town, Block 13, Lots 1-32; Orig Town, Block 14, Lots 1-32; Orig Town, Block 15, Lots 1-32; Orig Town, Block 16, Lots 1-12, N/2 15-16, N/2 S/2 15-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 Acres 0.3214, 25-32; Orig Town, Block 17, Lots 1-32; Orig Town, Block 18, Lots 1-32; Orig Town, Block 19, Lots 1-32; Orig Town, Block 20, Lots 1-10, W50' 11-14, 23-28; Orig Town, Block 30, Lots 1-32; Orig Town, Block 31, Lots 1-24; Orig Town, Block 32, Lots 1-32; Orig Town, Block 33, Lots 1-24 from R3 (Multi-Family) District To R1 (Single-Family) District. (Director of Planning & Development Services).**

**6. Motion to approve a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 5, 2018. (City Secretary).**

**(MOCIÓN PARA APROBAR UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 5 DE MAYO DE 2018.) (SECRETARIA MUNICIPAL).**

## **REGULAR AGENDA**

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

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

**7. Consider accepting a donation of \$30 from the Woman's Club of Kingsville-Flair Department for the Parks Department. (Parks Manager).**

Motion made by Commissioner Lopez to approve the acceptance of a donation from the Woman's Club of Kingsville-Flair Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Guerrero-Pena, Lopez, Pecos, Fugate voting "FOR".

**8. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Parks donation from the Woman's Club (for summer program). (Parks Manager).**

Introduction item.

**9. Consider accepting donation of \$500 for the Kingsville Fire Department. (Fire Chief).**

Motion made by Commissioner Garcia to accept this donation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Guerrero-Pena, Lopez, Pecos, Garcia, Fugate voting "FOR".

**10. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Fire Department donation. (Fire Chief).**

Introduction item.

**11. Consider final passage of an ordinance amending the Fiscal Year 2017-2018 budget to include additional engineering services for the wastewater system. (Finance Director).**

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

**12. Consider a resolution authorizing the Mayor to enter into Task Order No. 1 under the Master Professional Services Agreement between LNV Engineering, Inc. and the City of Kingsville for wastewater treatment improvements. (City Engineer).**

Mr. Rudy Mora, City Engineer, stated that the Task Order involves three options. The first option is to divert about .2 million gallons wastewater flow from an existing lift station directly to the North Wastewater Treatment Plant or into the collection system which leads to the North Wastewater Treatment Plant. The second option is to transfer flow from the South Wastewater Treatment Plant to the North Wastewater Treatment Plant. The third option would be to expand capacity of the South Wastewater Treatment Plant.

Mr. Garza commented that option number 1 and 2 sound very similar, the difference would be that option 1 would not require the build out of a new lift station, as the first option is looking at the existing infrastructure and seeing if it could be achieved that way. The second option would be for the actual build out of an infrastructure.

Mayor Fugate asked how much a lift station would cost. Mr. Mora responded that without doing any research first, he would not be able to estimate the cost.

Mr. Mora continued to state that the report should be completed by October 2018.

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

Mr. Garza commented that staff continues to work on a capital maintenance improvement plan that is outside of the scope of this expansion, which will be presented to the Commission once it has been completed.

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

**13. Consider waiver of certain fees for the downtown Festival de la Loteria on April 28, 2018. (Downtown Manager).**

Mrs. Cynthia Martin reported that it has been a tradition of granting support for community events that are held downtown. This is a new event this year so it was not included in the annual listing of parades and events brought forth yearly for a waiver of fees. This festival will be held on April 28<sup>th</sup> from 10:00 a.m. to 8:00 p.m. in the Historical Downtown District. The fees for the event would be \$150 street closing fee, \$210 for trash services and \$300 for building up and tearing down the barricades for a total of \$660.

**Motion made by Commissioner Pecos to approve the waiver of certain fees, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Guerrero-Pena, Lopez, Pecos, Fugate voting "FOR".**

**14. Consider a resolution authorizing the City to submit an application to the Office of the Governor Criminal Justice Division for Texas Conversion to the National Incident-Based Reporting System, Third-Round Funding Announcement for the purpose of requesting grant funding on behalf of the City for RMS and CAD equipment for law enforcement purposes for the Kingsville Police Department with no anticipated cash match. (Chief of Police).**

Chief Torres stated that this resolution designates the City Manager as the grantee's Authorized Official to allow his designee, the Chief of Police to apply for, accept, reject, alter or terminate the grant on behalf of the application agency for the NIBRS Grant thru the Office of the Governor, Criminal Justice Division. The State of Texas is soliciting applications for projects that enable local law enforcement agencies to upgrade their technology infrastructure to allow for and support the submission of data to the Uniform Crime Reporting Incident Based System. This program is a partnership between the Office of the Governor Criminal Justice Division and the Texas Department of Public Safety. EFORCE has provided a quote of \$336,985.60 for all the software, software interfaces and hardware for the Texas Conversion to the National Incident-Based Reporting System. This grant if awarded in whole or in part would reimburse the City of Kingsville 100% of the costs with no cash match for items awarded.

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

**15. Consider a resolution authorizing the City Manager to execute a Service Level Agreement with Brycer, LLC for the Compliance Engine program for the Fire Department. (Fire Chief).**

Mr. Adrian Garcia, Fire Chief stated that the Compliance Engine is a simple internet based tool to be utilized by the Fire Marshal's Office to track and drive code compliance, reduce false alarms, and provide a safer community for our residents. The solution will provide a secure cloud environment in which a third-party contractors that inspect, test and maintain fire protections systems, can submit their reports via the Brycer's web portal directly to the Fire Marshal's Office. The service level agreement will be for an initial three years at no cost to the City or Fire Department.

Mr. Garza asked Chief Garcia to clarify the fees and who would be responsible for the fees.

Chief Garcia stated that this is free to the City. The actual third-party inspector is the one that gets charged by Brycer, who pays for every report they file which is about a \$15 fee. So for the City and the business owner, it is free.

Mayor Fugate and Commissioner Lopez asked for clarification as to how it is free to the City and the business owner.

Chief Garcia stated that the way Brycer makes their money is through the third-party inspector who is the individual who has to come in and do the inspection. So when they do their inspection, they file the report to Brycer and pay a \$15 fee per report.

Mayor Fugate asked who pays for the third party. Chief Garcia responded that the business owner pays their fee in order to get the inspection done. Garcia further stated that the report is the way that Brycer is making their money.

Commissioner Lopez asked if the we would be collecting these fees any longer. Chief Garcia responded yes, the city will still collect its permit fees. Garcia stated that they would open up the web portal and when they see that the inspection has been done, the city will then send an invoice for the permit fee depending on the type of inspection.

Commissioner Garcia asked if this is standard cost for inspection for every business or is it different depending on the type of business.

Chief Garcia responded that every business will have a different cost. Within the Fire Prevention Ordinance there is a schedule of fees, so depending on the type of system that they have, they will get charged a certain permit fee, depending on the system and to include overall.

Commissioner Lopez asked if this would be adding additional fees to the business. Chief Garcia responded no, the city is not adding any more fees that is not already being paid. Commissioner Lopez asked if the business would not have to pay the third party anything. Chief Garcia stated that the business is already paying the third party now. Garcia continued to state that business owners still have to pay the third party to come in and do the inspection and paying a permit fee to the city, to witness the inspection. Garcia stated that the only fee that is being paid is by the third party contractor, Brycer in order for the city to utilize the system. The business owner is not getting any additional fees that they aren't already paying today.

Commissioner Lopez asked how staff is planning on educating the public on this as they are already confused.

Chief Garcia responded that staff is creating a pamphlet, which has been reviewed by the City Manager. Staff is getting estimates to create this pamphlet. It is staffs goal to put out this pamphlet throughout the city and put a news story on the Kingsville Record.

Commissioner Garcia asked if we would be picking up 500 more businesses through this inspection process.

Chief Garcia responded that the businesses have always been there, they just hadn't been inspected as staff had been focused on the 300 businesses with fire protection systems. With some of that load being transferred to Brycer, it will free up the Fire Marshall to do some of the overall inspections that do not require a third party inspector.

Commissioner Garcia asked about the inspectors whether they are city inspectors or third party inspectors miss a particular cause of fire situation, who is in the middle of all that.

Mrs. Alvarez responded that it would have to be determined on a case by case basis.

Mayor Fugate commented that the third party inspectors are already doing the inspections now. They are being hired to coordinate the inspections.

Chief Garcia stated that the inspection is already current, there is no new inspection being added or charging additional fees.

Commissioner Lopez asked if the Fire Marshall goes out with the third party inspector. Chief Garcia responded that it would depend on the schedule, but the main that he is trying to do is coordinate it. Garcia further stated that their goal is to improve the fire prevention.

Commissioner Lopez also asked that if this is approved, when would it take effect.

Chief Garcia stated that as soon as it is approved, the city would have to bring in Brycer and work with staff in uploading all the businesses into their system, therefore there is not an actual date that he can state as to when it would take effect.

Commissioner Lopez stated that her concern is in educating the citizens.

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

**16. Discuss parameters for employee health care plan request for proposals. (Human Resources Director).**

Mrs. Diana Gonzales, Human Resources Director, stated that over the last several months, the City of Kingsville has been reviewing the employee health plan. There have been employees meetings discussions and surveys have been conducted and an eleven member HPD Committee that met several times to discuss this. The next step is going out for an RFP, once the plan design parameters have been established. Since this is an evaluation of significant benefit offered to City of Kingsville employees, it is necessary to go out for an RFP with a range of scenarios in order to review the city's options. The city has been working with Carlisle Insurance to develop some vial scenarios.

Ms. Sarah Parkey, Carlisle Insurance representative went over a list of plans, which was provided to the City Commission for their review. Parkey stated that each member is covered 100% after they have met their \$250 monthly deductible with a max out of pocket is \$6,600. Max out of pocket on all the plans shown is going to include the deductible, include any co-insurance that they may have as well as every time we make a co-pay, at the doctor's office, pharmacy, emergency room or urgent care.

Ms. Parkey further mentioned that when someone goes out to see a primary care physician verses a specialist, currently the City's group plan has the same co-pay regardless if you see a primary care specialist physician. Preventive services on all plans shows that it would be covered at 100%, so the annual physical lab and x-ray will still covered at 100% with no co-pays or deductibles for those. Prescription drug program currently is a \$10 co-pay for generic brand and members paying 30% of the cost for brand name prescriptions. She stated that there are several scenarios that are listed at the bottom of Exhibit "A". She stated that Scenario A and B and the two letters between the two scenarios of each of the plans shown are either 100% co-insurance, meaning after they have reached the deductible the insurance company is going to pay 100% of their claims or 90% co-insurance. What this means is that once the member has reached its deductible, they will have a 90/10 share, which the City of Kingsville pays 90% of their claims after they have reached their deductible, with the member paying the 10%. Parkey stated that the Commission would need to keep in mind that they still have the maximum out of pocket. The max out of pocket is going to contain the deductible, co-insurance and any and all co-pays. Once that amount has been met, you will be covered at a 100%. In all of the scenarios, the max out of pocket was kept the same. For scenarios A and B, it is \$6,650, for an increase of \$50.00 then what it is currently is on the plan now. Parkey stated that the biggest difference is the switch to an annual deductible.

Ms. Parkey further spoke about information off the handout, which was provided to the City Commission and displayed on the projector screen. Ms. Parkey only refers, during her conversation, to the numbers by stating "numbers listed on the handout", a copy of the handout will be attached to these minutes as Exhibit "A".

Ms. Parkey stated that the city's current administrator is one of the only third party administrators that she is aware of and that we have gone out for RFP in the past that will administer a month deductible. All of the other plans that they manage have an annual deductible to which she thinks will create a lot more competition amongst the market as far as getting quotes back from other carriers for the City. Ms. Parkey went over scenario's A and B on Exhibit "A", regarding deductibles. Scenario's E & F and G & H are a little different as they are Health Saving Plans compatible. What this means is that a member/employee and their dependents are allowed to setup a health savings account. They are allowed as well as their employer are allowed to contribute on a pre-tax basis to this health savings account. The health savings account will belong to the member. In the event that they left the City of Kingsville, the account is in their name, they take it with them when they go. The money that is put into a health savings account is not on a use it or lose it type of basis. This account is designated for medical services

as it is designed to help the member pay for services and deductibles. If the member decided to go on vacation, due to that it's their money, they can use this money for that, but would have to pay taxes on that money, as it is reserved for medical expenses. The scenarios with health savings plans are less expensive than the traditional copay plans. Being that a member is going to pay the network discounted cost for their service.

Mr. Garza stated that under the co-insurance, it's a bit different than what the city currently has. Due to the city's current primary network is geographically small, makes it very difficult to have a discussion regarding in network and out of network.

Ms. Parkey commented that staying in network verses out of network is very important as in network is the contract plans with the doctor. If someone goes to an out of network physician, the member will receive an unbalance bill. The out of network doctor or facility will take what the plan pays them, but they are not under any contract to accept that amount of money, which allows them to go back to the member and ask them to pay the remaining balance.

Mr. Garza commented that the RFP is intentional in trying to explore our options for an annual deductible. This is not to say that once the results of the RFP come back staff can continue to have a conversation so that if the Commission chooses on a monthly deductible, but at that point it would be a conversation on making changes with the current TPA which is Entrust. Garza stated that through this RFP process, the results that different companies will submit won't include specific contributions to the employees. Those contributions to employees will be determined by the employer. Garza further stated that what is being included in the RFP, is anticipating shifting to the four tiers that have been discussed in the past, as oppose to the two tiers that are currently in existence. Staff anticipates putting out the RFP this month, and will be out for a minimum of 30 days.

Mrs. Gonzales commented that as there is several different scenarios, it is usually 30 days but for this particular one, the city could do 45 days. After that period, it would take about two weeks to go through all the different scenarios, which Carlisle will be assisting with this as well during the evaluation process. After the evaluation has been completed, staff will then bring forward information to the Commission. Gonzales further commented that regarding the RFP, in the RFP, there is a request for any kind of information on wellness program that the companies may have, whether it is something that is supplied by their network or something that is free, discounted or a cost to the member.

Mr. Garza commented that previous RFP's that the City has gone out for, have not made any mention of incorporating a wellness program to a TPA service.

Mayor Fugate questioned how many scenarios does the Commission pick? Mr. Garza responded that this is part of the conversation about having multiple options. There could be one option if the Commission chooses to go with one only; but the Commission can also choose to provide several options. This conversation can occur after staff receives the RFP results. It is staffs intention to provide at least two options to the employee so that they can pick the option that works better for them.

Mrs. Gonzales commented that for the RFP, it would be providing all the options listed on Exhibit "A".

Commissioner Garcia that with options C,D,F,G,& H, come with a savings program. Ms. Parkey responded that only E,F, & G,H have a savings program.

Mr. Garza commented that as for educating the City's employees, information has been emailed out and he has been meeting with employees personally on a month basis.

**17. Discuss Chapter XI-Business Regulations, Article 2- Ambulance Service of the City of Kingsville Code of Ordinances and areas for improvement of same. (City Manager).**

Mr. Garza gave a presentation on the Private Ambulance Ordinance. He stated that the basics of the city's ordinance only applies to companies pricking up patients in Kingsville. EMS Service must have an Ambulance Operator Permit, which is good for one year. Ambulance inspections are done randomly. A requirement is that all must have appropriate levels of insurance, personal injury of \$300,000 and property damage of \$100,000. An ambulance driver/attendant permit is required. They are also charged a street user fee on a quarterly basis. If needed, 911 ambulance availability. Ambulance service companies that are working within the City of Kingsville are Air Med, Sensible EMS, EMS Direct and Trinity EMS. This ordinance was last updated in September 2005. Implementation of ordinance has been inconsistent since its inception. Last year, current administration began looking at enforcing the ordinance; established process



and engaging and communicating with the private ambulance companies. A comparative analysis was done with surrounding cities. Chief Garcia further stated that implementation challenges are overall fee and requirement structure and Street User Fee section. Conflicts with the Street User Fee passed in 2015. The Street User Fee is based on ERU Based Formula. Disparity now exist in Street User Fees between those operators located inside the city limits verses those that are not. The current approach is operators within the City limits fall under the Street User Fee process passed in 2015. Operators outside the City limits will proceed with process except for Street User Fee Section. Recommendations are staff seeks support to review the ordinance and present alternatives with the following goals: simplification of requirements which equals simplification of enforcement; review street user fee section; strengthen the penalty section of the ordinance.

Mayor Fugate commented that it wouldn't be a problem charging more, if they don't live here in Kingsville and have their business here. It gets done with all other services that the city offers.

Mr. Garza responded that it is one of the issues that has come up, so he has instructed staff to do, is to proceed with this process and putting the street user component on the side so that staff can have a conversation as to what their position is. Garza stated that there has been one company that has paid and has had their ambulance inspected. With this particular company that has paid submitted insurance papers that met their requirements but didn't meet the city 's requirements and so staff is working with them in order to make the necessary adjustments. Garza further stated that the question to the Commission, if there is a desire to re-access the street user fee of the ordinance, staff can take the time to develop some options then bring for Commission consideration. If the direction from the Commission is to keep it as is, then staff will proceed with that.

Mayor Fugate asked if this the amount that is being talked about is \$400.00 per year. Mr. Garza commented that the max is \$500.00 per quarter is the maximum.

Commissioner Lopez commented there are five ambulances in Kingsville that are not inspected. She further stated that private ambulances need to provide the same type of service they would receive if one of the City's ambulance was to respond. Lopez stated that her main concern is the citizens of Kingsville. It is important that they receive the same level of care that a city ambulance would provide. Until the city can get the third ambulance up and running again, anyone that will be transporting our citizens needs to provide the same level of care as if one of the city's ambulances were to respond. She further stated that staff does not know what is in a private ambulance when they care for our citizens. Therefore, random inspections will need to be made.

Mr. Garza stated that there are two different issues, revenue and the public safety inspection, and how they are balanced is key for this. Garza stated that if the revenues or fees is playing a role in it and staff feels that possibly lowering it can help improve the inspection and enforcement rate, could be something that can be discussed, if the Commission chooses to do so. Garza further stated that it is important to note that these companies, if though they do not currently get inspected by the city, they go through a state level inspection they have to go through which could possibly be done annually.

Commissioner Lopez commented that staff is making this more difficult than it has to be.

Mayor Fugate commented that he is cutting this conversation short. He further asked for staff to bring the Commission some scenarios that the Commission can look at.


**18. 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 and convened the meeting into close session at 7:55 p.m.

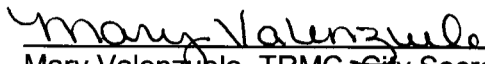
Mayor Fugate reconvened the meeting into open session at 8:13 p.m.

## VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:13 P.M.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMC, City Secretary