

MINUTES OF WORKSHOP: MAY 2, 2023

Mayor Pro Tem David Pratka called the workshop to order at 5:31 pm.

David Pratka, Cody Harris, Joe Pustejovsky, and Matt Miller were present. Mayor Muska and Natalie Kelinske were not in attendance.

Trent Krienke from the QIPP program was present and he said our IGT for both West Rest Haven and St. Anthony's is due this coming June. The breakdown of the IGT payments is: \$396,000 for West Rest Haven and \$160,500 for St. Anthony's. We will also have the same payments due in December 2023. The program starts September 1st and the city will receive monthly and quarterly payments. The exact split between the city and the facilities still needs to be negotiated. Robby Payne with West Rest Haven was in attendance and said that they would like to have a 70/30 split. Michael Bumpass with St. Anthony's would like a 60/40 split. Trent recommends using Ecker Health Service as our third-party operator.

Jacob Bell from Walker Partners was present to discuss the Reagan/Marable/Davis project. We only received one bid from Holy Contractors: base bid \$2,649,035.06, alternate A (Davis) \$195,499.00, and alternate B (Reagan storm drainage) \$370,435.27.

Mike Sulak was present from the Planning and Zoning Committee; he said that the zoning board met regarding Jacob Polansky's request for a mobile food establishment park. The committee said that they do have some requirements that need to be met such as water, electricity, and trash disposal. According to Bill Hunt a food truck must have an agreement with a nearby facility to use their restroom. Harold Pfleiderer said that the City of Waco allows their Fire Marshal to control the safety of mobile food trucks instead of a city ordinance.

Mike Sulak also spoke on the rezoning of the 3 lots on North College Street (501, 503, and 505 N. College). The owner would like these residential lots rezoned commercial. Mike said that the zoning committee had no issue with this since those lots face the I-35 access road. David Pratka heard from several neighboring residents that they do not want those lots rezoned as commercial.

Workshop ended at 5:51 pm.

MINUTES OF MEETING: MAY 2, 2023

1. Call to order: Mayor Pro Tem David Pratka called the meeting to order at 6:01 pm.
2. Joe Pustejovsky gave the invocation and David Pratka recited the pledge.
3. Roll Call: present council members – David Pratka, Cody Harris, Joe Pustejovsky, and Matt Miller. Natalie Kelinske and Mayor Tommy Muska were not in attendance.

4. On a motion by Matt Miller, seconded by Cody Harris; Approve minutes for April 4, 2023. All in favor, motion carried.

5. On a motion by Cody Harris, seconded by Matt Miller; Approve bills for April 2023. All in favor, motion carried.

6. On a motion by Matt Miller, seconded by Joe Pustejovsky; Approve monthly departmental reports. All in favor, motion carried.

7. There were four citizens that spoke during citizen comments. Jessica Kapavik who owns Kona Ice wanted to speak in regard to agenda item #12, establishment of a mobile food park. She is against the proposed food trailer park. She said there are several vacant retail properties in the city that are for sale/lease and those spaces need to be filled, they pay city sales tax. Other concerns: graywater was not mentioned, and will the city be requiring sand/grease traps also, food trucks must be mobile, they must be hooked up and moved regularly. What kind of fee will you propose that they pay and what about sales tax? She is also concerned about safety. The proposed location could potentially be a place for kids to hang out late at night with no supervision. Mr. James Jackson and Crystal Anthony both spoke regarding agenda item #13, rezoning of 501 N. College (lot 1, lot 2, and lot 3) from residential to commercial (C2). James lives in that area and Crystal has family that lives on that street, and both are against the rezoning and propose to keep it residential. Juanita Rogers also lives across the street from these three lots and would like to keep it residential, she doesn't want to see her property value go down, she wants to preserve the homes and the values in that area.

8. Trent Krineke from the QIPP program was present and explained that this is a quality incentive payment program for nursing facilities which is starting its seventh year. It encourages nursing facilities to improve the quality and innovation of services. The program uses Medicare and Medicaid 5-star rating system to measure success. The City of West has acquired two facilities: West Rest Haven and St. Anthony's in Waco. The initial IGT in June for West Rest Haven is \$396,052.82. The annual IGT will be \$792,105.64 (the second half due in December). The initial IGT in June for St. Anthony's is \$160,588.28. The annual IGT will be \$321,176.56 (the second half due in December). No action was taken.

9. Trent Krineke said that the council needs to agree on the percentage. St. Anthony's would like to do a 40/60 split which the city could receive \$120,000 annually and West Rest Haven would like to have a 30/70 split where the city could receive \$240,000 annually. On a motion by David Pratka, seconded by Matt Miller; Approve West Rest Haven QIPP split of 70% to West Rest Haven and 30% to City of West. Approve St. Anthony's QIPP split of 60% to St. Anthony's and 40% to City of West. All in favor, motion carried.

10. On a motion by Matt Miller, seconded by David Pratka; Approve third-party consultant (Ecker Health Service) to assist City with the QIPP program for \$3,000 per facility per month (\$72,000 annually). All in favor, motion carried.

11. On a motion by Joe Pustejovsky, seconded by Cody Harris; Approve base bid (\$2,649,035.06) and overlay of Davis Street (\$195,499.00) to Holy Contractors, LLC for a total of \$2,844,534.06. All in favor, motion carried.

12. Jacob Polansky was present and said that he has met with our planning and zoning board and has been working with Bill regarding his proposed mobile food establishment park. Bill said that we would need to do an amendment to our ordinance, it is currently a commercially zoned area, but we would need to add a mobile food court to our ordinance. The committee proposed charging a \$250 yearly fee and another requirement is that water/sewer/electrical must be included in that ordinance. Jessica Kapavik brought up some other things to consider during citizens' comments concerning this subject. On a motion by Matt Miller, seconded by Cody Harris; Table this item until other considerations can be looked at. All in favor, motion carried.

13. David Pratka stated that he is not in favor of the rezoning of 501 N. College Street after hearing from several concerned citizens during the citizens comments portion of this meeting. On a motion by David Pratka, seconded by Matt Miller; Denied the commercial rezoning request of 501 N. College Street, legal description Shook Lot 1 Block 25 Acres .1894, 503 N College Street, legal description Shook Lot 2 Block 25 Acres .1894, and 505 N College Street, legal description Shook Lot 3 Block 25 Acres .1894 to Commercial (C2). All in favor, motion carried.

14. Fire truck temporary replacement – Harold Pfleiderer. No action was taken.

15. Matt Miller read the letter that was sent to West EMS from our city attorney. The letter served as notice of default in performance of promises and agreements contained in the Contract for Emergency Medical Ambulance Services dates November 1, 2022, between West Ambulance Association and the City of West. It is the intention of the city council to terminate this Agreement pursuant to Section 8 of the Agreement. First, it has come to our attention that representatives of the Association have made materially false representations to the West City Council. The monthly reports submitted by the Association, required pursuant to Section 3.11 of the Agreement, have been evaluated and contain false or misleading information which may constitute fraud. Second, Association representatives have made untruthful statements to the West City Council concerning the operability of LOGIS devices. On more than one occasion there appears to have been a knowing material misrepresentation of fact related to these devices. Third, the

Association has failed to perform administrative functions related to Section 3.12 of the agreement. As of the date of this letter (April 17, 2023) the Association has not provided required documentation pursuant to this paragraph. The Association is in breach of this term. The above is not all inclusive. There is other evidence indicating the Association has attempted to restrict or block the City's access to pertinent information and has failed to provide the level of service anticipated by the Agreement. Importantly, the actions of the Association, or lack thereof, have frustrated the essential purpose of the Agreement and substantially impaired the value of the contract to the City of West. Matt Miller created a spreadsheet showing cancels (canceled calls, ambulance never arrived at scene), refusal (ambulance on scene, did not transport), and transports (ambulance went to hospital) totals from: 1). West EMS supplied data, 2). AMR supplied data, 3). Data comparison – match or no match. There were large discrepancies, for example there were 30 inaccuracies just in November 2022. December 2022 – 27 inaccuracies, January 2023 – 54 inaccuracies, February 2023 – 38 inaccuracies, March 2023 – 55 inaccuracies, and April 2023 – 38 inaccuracies. The data from West EMS showed canceled calls were lower and the transports were higher than the actual AMR data. Another issue is that West EMS sent an email to the city asking to take Harold Pfleiderer off the LOGIS devices. Harold was the city representative assigned per our contract. Why would EMS deny access to the city? Matt Miller stated that it was an extremely difficult decision, one that the council did not take lightly. It isn't personal. When you operate in good faith, there can be a discussion to talk through disagreements, but the City of West has lost trust in the Association. The council agonized over this, it's simply business. Going forward, we understand the need for emergency medical services and right now we have AMR to cover the city. The average response time for AMR to arrive in West (January 2022 – April 2023) was 19 minutes 47 seconds. The average response time for West EMS (January 2022 – April 2023) was 23 minutes and 52 seconds. We are not going to subsidize West Ambulance Association anymore, due to the Association not acting in good faith. We are looking at other options. No action was taken on this item.

16. Executive Session: Pursuant to the Texas Open Meetings Act, codified as Chapter 551 of the Texas Government Code, the City Council may adjourn into Executive Session and conduct a closed meeting to discuss or deliberate regarding any of the following:

(1) an offer of a financial or other incentive to a business prospect related to economic development negotiations as permitted by Section 551.087.

(2) to receive legal advice and discuss pending or contemplated litigation, or a settlement offer, as permitted by Section 551.071.

(3) the purchase, exchange, lease, or value of real property, as permitted by Section 551.072.


The City Council may also meet in open meeting to take action on matters considered in the closed meeting as required by Section 551.102.

**Council went into executive session at 6:55 pm*

**Council adjourned out of executive session at 7:22 pm.*

17. There were no council member comments or requests for items to be placed on future agendas.

18. Council adjourned at 7:24 pm.



Shelly Nors, City Secretary



Tommy Muska, Mayor