

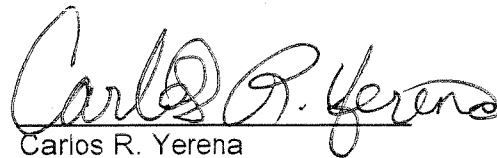
# City of Kingsville, Texas

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## AGENDA CITY COMMISSION

FRIDAY, NOVEMBER 21, 2008  
SPECIAL MEETING

HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS  
CITY HALL / 200 EAST KLEBERG AVENUE  
12:00 P.M.



Carlos R. Yerena  
City Manager

**I. Preliminary Proceedings.**

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

**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, 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. No formal action can be taken on these items at this time.”*

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

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

**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separately unless requested by a Commission Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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)*

NONE

**REGULAR AGENDA**

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

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

1. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to seek legal advice from the City Attorney regarding threatened/contemplated litigation concerning anticipatory breach of jail contract by Kleberg County. (City Attorney).
2. Discuss and consider enacting Article IX of the Contract between the City of Kingsville and Kleberg County relating to the jail. (City Attorney).

**VII. Adjournment.**


1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [citysec@cityofkingsville.com](mailto:citysec@cityofkingsville.com) for further information. Braille Is Not Available. The City of Kingsville reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086 regarding any item on this agenda.

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

November 18, 2008 at 11:00 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
\_\_\_\_\_  
Edna S Lopez, TRMC  
City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time:

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

**MINUTES OF PREVIOUS  
MEETING(S)**

# **PUBLIC HEARING(S)**

**PETITIONS,  
GRIEVANCES, &  
PRESENTATIONS**

# **CONSENT AGENDA**

# **REGULAR AGENDA**

# **AGENDA ITEM #1**

# **AGENDA ITEM #2**

THAT executory provisions as used herein shall mean any mandatory provision, such as transferral of land and care and provisions of City prisoners, which is not a continuing obligation. That any permissible act such as a supplemental communications agreement as opposed to a mandatory act such as transfer of land from County to City shall no longer be construed as an executory act, whether or not such agreement is reached, ninety days after the execution of this agreement.

land

IX.

THAT any dispute or question under this contract shall be resolved by an Arbitration Committee (comprised of County Judge, City Mayor, City Manager, County Sheriff, City Chief of Police, and County Court at Law Judge.) If a vacancy occurs in any of these official positions, the person actually performing the duties of that position shall fill the appropriate seat on the Committee until the vacancy is filled in accordance with law. By way of illustration only if the Office of Mayor of City should become vacant for any reason the Mayor pro tempore under the City Charter shall assume the duties of Mayor and shall perform the duties of Mayor on the Arbitration Committee. When the Office of Mayor of City is no longer vacant, then the Mayor shall resume his seat on the Arbitration Committee without further action being necessary.

Arbitration  
Comm.



X.

THAT any grievance or dispute which cannot be resolved by the Arbitration Committee within sixty days shall be deemed an issue at impasse.

Appellate  
Proc.

An issue at impasse shall be submitted to final, binding, mandatory arbitration before a member of the American Arbitration Association.

The only appeal from the decision of the Arbitrator will be to a court of competent jurisdiction on the following grounds, to wit: fraud, accident, mutual mistake, constitutional invalidity, or void or ultra vires acts.

Appellate  
Proc.

XI.

THAT all expenses both of the Arbitration Committee and determination by the Arbitrator will be borne equally by the parties.

share  
expenses  
of  
dispute

XII.

(A) THAT this agreement shall be effective from the date it is executed by both the City and County.