

SEPTEMBER 17, 2012

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 17, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Al Garcia, Commissioner  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Mark Rushing, Finance Director  
Diana Gonzalez, Personnel Director  
Yolanda Cadena, Health Director  
Frank Garcia, Wastewater Supervisor  
David Mason, Purchasing Director  
Roel Carrion, Interim Fire Chief  
Willie Vera, Task Force Commander  
Melissa Perez, Risk Manager  
Dionicio Perez, Building Official  
Arturo Moreno, Account II  
Mike Kellam, Director of Development Services  
Bob Trescott, Director of Tourism  
Tony Verdin, Computer Technician  
Naim Kahn, Public Works Director  
Diana Medina, Collections Manager  
Ricardo Torres, Chief of Police

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present.

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

Mayor Fugate asked if there was any objection from staff or public to waive the preliminary proceedings as he would like to go directly into the meeting. No objection was made by staff or the public.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Mayor Fugate called for consideration of the minutes for the special meeting on Tuesday, September 5, 2012 and regular meeting on Monday, September 10, 2012. **Commissioner Pecos made a motion to accept the minutes, as presented, second by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.**

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

1. None.

**III. Reports from Commission & Staff.<sup>2</sup> (City Manager’s Staff Report Attached).**

*“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing*

*Authority Board, Library Board, Health Board, Convention and Visitor's Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time.”*

Vince Capell, City Manager, stated that at the next Commission meeting there will be four presentations he will be bringing before the City Commission. He thanked all those who assisted at the Trash Off which was held on Saturday, September 15, 2012.

Courtney Alvarez, City Attorney, reminded staff that the next regular scheduled meeting will be Monday, September 24, 2012 at 5:00 p.m.

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

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

None

Mayor asked for a motion to approve the consent agenda as presented. **Commissioner Pecos made a motion to approve the consent agenda as presented, second by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.**

## **IV.**

### **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)*

1. Motion to approve final passage of an ordinance of the City Commission of the City of Kingsville, Texas amending the fiscal year 2011-2012 budget for donation of \$500 to the Kingsville Police Department. (Finance Director)
2. Motion to approve out-of-state travel for Task Force Special Agent Mike Tamez to attend the Commercial Motor Vehicle Criminal Interdiction course on September 26-28, 2012 in Denver, Colorado, with DIAP assuming travel expenses and per diem. (Task Force Commander).
3. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair (for employees and eligible dependents). (Human Resources Director).

4. Motion to approve out-of-state travel for City Commission and Staff to attend the National League of Cities Congress of Cities and Exposition on November 28-December 1, 2012, in Boston Massachusetts. (City Manager).

### REGULAR AGENDA

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

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

5. Consider resolution authorizing the City Manager to enter into a Second Amendment to Article VII of the Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County relating to Parks and Recreation Department. (City Manager).

Mr. Capell stated that as discussed during the budget workshops, City Commission preference is that the City of Kingsville provide \$25,000 water credit to the Kleberg County, so long as that the \$25,000 was spent in infrastructure in this case for the soccer field. The interlocal agreement was updated to reflect that and be in consistent to what Commission requested.

Mrs. Alvarez stated that she had spoken to Susan Ivy and the County has approved this item at their County meeting.

Mayor Fugate stated that he would like to have a workshop with the County regarding the Parks Department. He would like to get a comprehensive plan in action.

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

6. Consider resolution authorizing the Mayor to enter into a new Interlocal Agreement between the City of Kingsville, Texas and Kleberg County for the L.E. Ramey Golf Course. (City Manager).

Mr. Capell stated that this continues the payment for the last couple of years of \$35,000 that became annually.

Mayor Fugate asked if this was contingent on the County side as well.

Mrs. Alvarez stated yes it was contingent with the County.

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

7. Consider final passage of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by amending Article 6 entitled "Stormwater Utility System", as amended, by adding "Stormwater Utility Fees", to establish monthly stormwater utility fees for the purpose of funding the Stormwater Utility System; providing a cumulative clause; providing a severability clause; Providing a savings clause; and providing an effective date. (City Manager).

Commissioner Pecos asked if the City had a five year plan.

Mayor Fugate stated yes there is a five year plan.

Mr. Capell stated that it can be terminated after five years.

Commissioner Garcia asked, if it goes for five years and it's renewed, is it renewed in five year increments.

Mrs. Alvarez stated that once it's in place, like most ordinances, it stays until amended. If the Commission wanted to rescind it, you could not rescind it until five years had expired.

**Motion made by Commissioner Pecos to approve this ordinance as presented, second by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

8. Consider final passage of an ordinance adopting the City Manager's annual budget as amended of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2012 and ending September 30, 2013 in the particulars hereinafter stated. (City Manager).

Mr. Capell stated that there is one adjustment that was made to the annual budget, that being an increase of \$3,000 for the Municipal Court Judge.

Mr. Rushing stated that the adjustment was for \$3,000 increase for the Municipal Court Judge. This would increase the budget to \$37,909,525.

Mayor Fugate stated that after speaking to the Municipal Court Judge, the problem the Judge has is that Judge Hernandez has placed him in the rotation for magistrate and setting bonds. One week out of five weeks, he is on call and it's taking a lot of his time.

Commissioner Garcia asked how this compares with other Municipal Court Judges in the area.

Mayor Fugate stated that this judge is the lowest.

**Motion made by Commissioner Garcia to this ordinance as presented, second by Commissioner Pecos. The motion was passed and approved by a 4/1 vote: Pecos, Pena, Garcia, Fugate voting "FOR". Leubert voting "AGAINST".**

9. Discuss and consider ratifying the property tax increase reflected in the 2012-2013 Annual Budget of the City of Kingsville. (Finance Director).

Mr. Rushing stated that this rate comes to \$0.84220.

**Motion made by Commissioner Pecos to accept the property tax as ratified in the property tax increase reflected in the 2012-2013 Annual Budget of the City of Kingsville, second by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".**

10. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2012 and ending September 30, 2013, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).

**Motion made by Commissioner Pecos to approve the property tax rate be increased by the adoption of a tax rate of \$0.84220, which is effectively a 1.29% percent increase in the tax rate, second by Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

11. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III, Article 7, Personnel Policies (Comp Plan for FY2012-2013). (Human Resources Director).

Diana Gonzalez, Personnel Director, stated that an update was made to page 5 to accurately reflect information in the City Manager's Budget message. The position of Director of Development Services is changed to Planning & Development Services Director. It was in Management Level 2 and now moved to Management Level 1.

Commissioner Garcia asked a question regarding Management Level 4, Downtown and Volunteer Manager, are we going to have volunteers.

Mr. Capell stated that this position will coordinate volunteers for the Tourism Department. The Downtown Manager's job expanded to include coordinating volunteers. These positions are funded by Hotel/Motel money.

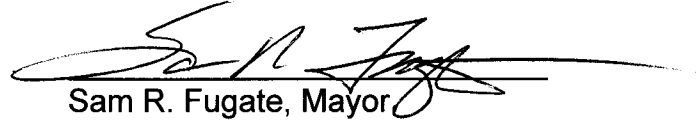
**Motion made by Commissioner Pecos to approve this ordinance as presented, second by Commissioner Garcia. Motion was passed and approved by a 4/1 vote: Garcia, Pecos, Pena, Fugate voting "FOR" Luebert voting "AGAINST".**

12. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the City of Kingsville for deficit accounts. (Finance Director).

**Introduction item only. No action needed.**

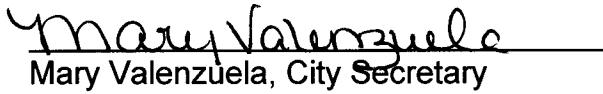
**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:30 p.m.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary