

NOVEMBER 18, 2013

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 18, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Charlie Cardenas, Public Works Director/Engineer
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Melissa Perez, Risk Manager
Cynthia Martin, Downtown & Volunteer Manager
Ken Starrs, Assistant Task Force Commander
Robert Isassi, Planning & Development Services Director
David Mason, Purchasing/IT Director
Bob Trescott, Tourism Director
James Creek, Fire Department
Steve Palacios, Fire Department
Joey Reed, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 5:00 P.M. with four members of the City Commission present. Pecos to arrive late.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate stated that if there weren't any objections from the Commission, he would like to forego these proceedings and go straight to the agenda items. No objections were made.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – October 22, 2013

Mayor Fugate asked for a motion to approve the minutes of October 22, 2013.

Motion made by Commissioner Leubert to approve the minutes for October 22, 2013, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR".

Regular Meeting – October 28, 2013

Mayor Fugate asked for a motion to approve the minutes of October 28, 2013.

Motion made by Commissioner Pena to approve the minutes for October 28, 2013, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Garcia voting "FOR". Fugate "ABSTAIN".

Commissioner Pecos arrives at the meeting. 5:06 P.M.

II. Public Hearing - (Required by Law).¹

1. None.

III. Reports from Commission & Staff.² (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, 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, 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."

Mr. Capell, City Manager reported that the Employee Recognition & Safety Week is scheduled for December 2nd – December 6th, 2013. A list of activities has been given to the City Commission. The safety banquet is scheduled for December 6, 2013 at the TAMUK Ballroom. Capell further thanked staff for all their hard work in the preparation for this event.

Mrs. Alvarez, City Attorney reported that the next Commission meeting is scheduled for November 25th. City Hall departments will be closed on November 28th & 29th for the Thanksgiving Holiday. The agenda for the December 9th meeting will need to be posted on December 2nd due to the City Secretary attending the Secretary of State Election Seminar on the same week, therefore the deadline for agenda items will be due earlier than normal.

Mayor Fugate asked if staff will be able to have the old high school property swap on the next agenda. Mr. Capell responded that the all information has been given to the school district and staff is waiting on their decision. Mrs. Alvarez stated that the school district discussed some items during one of their workshops that were not included in the agreement. Also forwarded to the school district was a Joint Election agreement for the May 2014 Election.

IV. Public Comment on Agenda Items ³

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 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)

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Fund 001 General Fund budget to provide for adjustments due to the City of Kingsville and Kingsville Law Enforcement Association Collective Bargaining Agreement. (Director of Finance).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners. ⁴

2. Presentation by Captain Christopher Misner and CPO Glenn Jones on the new Air Installation Compatible Use Zones (AICUZ) study at NAS-Kingsville. (Director of Planning and Development Services).

Captain Christopher Misner reported that the AICUZ has been completed and at the convenience of the Commission, he would like to make a presentation to the Commission with the full details of the AICUZ. The AICUZ will be presented to the Chamber of Commerce during its Eggs & Issues breakfast scheduled for December 5th.

Mayor Fugate asked how the City of Kingsville looks as far as the AICUZ goes. Mr. Glenn Jones reported that the noise zones have decreased. This is from a result of a quieter aircraft which has better noise modeling compare to the aircraft from back in 1998.

Mayor Fugate asked if there were any encroachment issues at this time. Mr. Jones there are no encroachment issues at this time.

3. Consider authorizing participation in and waiver of certain vendor fees for the 2nd Annual Ranch Hand Festival to be held November 22-24, 2013. (Director of Tourism).

Mr. Trescott, Tourism Director reported that this is the second annual Ranch Hand Festival from November 22-24, 2013. The City traditionally has offered in-kind services in exchange for sponsorship acknowledgement for large community events. These services come in the form of street closing, solid waste pickup, police and EMS support, marketing and other services. The departments have been working together to reduce overtime costs for these services while still providing city support.

Motion made by Commissioner Garcia to authorize participation in and waiver of certain vendor fees for the 2nd Annual Ranch Hand Festival, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

4. Consider authorizing the purchase of goods and services from Texas Correctional Industries for installation of fencing at the City of Kingsville Law Enforcement Center, as per staff recommendation. (Purchasing/IT Director).

Mr. Mason, Purchasing/IT Director stated that this item is for the approval of goods and services from Texas Correctional Industries for fencing at the City of Kingsville Law Enforcement Center. It is recommended that the second quote with two gate controllers for \$46,094.49 and the rear chain link with slats for \$26,403.53 be accepted and authorized by the Commission. This purchase will expend a total of \$72,498.02 from Chapter 59 Funds.

Motion made by Commissioner Leubert to authorize the purchase of goods and services from Texas Correctional Industries, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

5. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-10-7 providing for a change to the height of vegetation overhanging streets and public parkways and prohibiting planting in the right-of-way. (Director of Planning and Development Services).

Mr. Isassi reported that this request is being made by city staff which was presented during the meeting of October 28th. This request is to raise the minimum height of trees that overhang into the streets causing damage to sanitation trucks, limit the accessibility of emergency vehicles, and present a nuisance to pedestrians walking along the sidewalk. Staff is requesting to change the height from 13ft. to 15ft.. This ordinance will also prohibit the planting of plants, trees, hedges, shrubs or related things in the city right-of-ways.

Fire Chief Reed stated that he is proposing to allow the height of tree limbs to be 13' at the curb graduating up to 15' when 7' from the curb, the width of a car. This would give an arched appearance and give the fire apparatus a little more room in which to work on narrow streets if a car is not parked along the side.

Commissioner Garcia stated that on Henrietta Street, Spur 69 belongs to the state. Does the city have any jurisdiction in this area? Mrs. Alvarez stated that over the tree in the air, yes, on the ground no.

Mayor Fugate asked staff to re-write the ordinance and bring back to Commission at a later meeting.

No action taken on this item.

6. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, IAFF Local #2390 for Fiscal Years 2013-2016. (Human Resources Director).

Mrs. Gonzales, Human Resources Director reported that the City of Kingsville and association members commenced collective bargaining on May 22, 2013. Several meetings were held to discuss the current agreement and proposed changes. On November 13, 2013, the City of Kingsville received notification indicating the Kingsville Professional Firefighter's Association met and held a vote to ratify the proposed agreement. During the negotiation meetings the existing agreement was revised for substantive changes and to be more user-friendly. Most articles received some revision or were rewritten. The proposed document has thirty-eight (38) articles which more accurately reflect the information contained within each of the articles.

Mayor Fugate thanked staff and the association for all their hard work in preparing this agreement.

Motion made by Commissioner Leubert to authorized the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville and the Kingsville Professional Firefighter's Association, IAFF Local #2390, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Fund 001 General Fund budget to provide for adjustments due to the City of Kingsville and the Kingsville Professional Firefighter's Association (IAFF Local #2390) Collective Bargaining Agreement. (Director of Finance).

Mrs. Deborah Balli, Finance Director stated that as a result of the negotiations that took place on the firefighter's contract, an increase of \$11,711 which will be taken from fund balance.

Introduction item only.

8. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the Utility Fund for Water Treatment Operations to satisfy SEP agreed to by TCEQ. (Director of Finance.)

Mrs. Balli reported that this item was approved by the City Commission on April 8, 2013 for \$30,533. With subsequent negotiations, TCEQ lowered the penalty amount to \$10,318. This was not expended last year. Therefore staff is bringing to Commission for approval with the new dollar amount to be paid from fund balance.

Introduction item only.

9. 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 contemplated compromise and settlement for cause no. 11-058-D pending in the 105th District Court, Kleberg County, Texas. (City Attorney).

Mayor Fugate announced the executive session. The Commission convened into executive session at 5:30 P.M.

The Commission reconvened into regular session at 6:02 P.M.

10. Consider a resolution authorizing the City Manager to execute a Compromise and Settlement Agreement in Cause No. 11-058-D pending in the 105th District Court. (City Attorney).

Mrs. Alvarez stated that staff is recommending for Commission to approve the modified resolution which was given to them at the beginning of this meeting.

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

11. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget from the General Fund 001 Fund Balance for City Special to Cover Attorney Fees. (Director of Finance).

Mrs. Balli stated that this ordinance is for \$10,000 for attorney fees due to Cause No. 11-058-D. This will be paid out of fund balance.

Introduction item only.

At this time Commission went back to hear agenda item #3 and take action.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:10 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary