

SEPTEMBER 3, 2013

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, SEPTEMBER 3, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 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  
James Bryson, Accounting Manager  
Charlie Cardenas, Public Works Director/Engineer  
Mark Rushing, Finance Director  
Emilio Garcia, Health Director  
Ruthie Valdez, Interim Library Director  
Diana Gonzales, Human Resources Director  
Courtney Alvarez, City Attorney  
Ken Starrs, Assistant Task Force Commander  
Tony Verdin, Information Systems Technician  
Robert Isassi, Planning & Development Services Director  
Jessica Storck, Administrative Assistant II  
Melissa Perez, Risk Manager  
David Mason, Purchasing/IT Director  
Stacie Pena, Accounting Supervisor  
Bob Trescott, Tourism Director  
Jennifer Bernal, Code Enforcement Supervisor  
Ricardo Torres, Chief of Police  
Rose Morrow, Municipal Court Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:00 P.M. and announced quorum as present. Mayor Fugate announced that he would like to waive the preliminary proceedings, and go right into the workshop.

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

**MINUTES OF PREVIOUS MEETING(S) – Required by Law  
NONE**

**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, 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, Chapter 59 project. No formal action can be taken on these items at this time.”*

Commissioner Leubert reported that she attended the Kleberg County 100<sup>th</sup> Centennial Celebration which had a great turnout.

**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)*

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 Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR". Pecos "ABSENT" during this motion.**

1. **Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.43 acres of Lot 1-10, Block 1 of the Escondido Park 4 Subdivision known as 800 Escondido Road from R3-Multi-Family District to R1-Single-Family District. (Director of Planning & Development Services).**
2. **Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2.0 acres of Lot 10, Block 2 of the Kleberg Town & Improvement Co. Subdivision known as 102 W. Sage Road from AG-Agricultural to R1-Single-Family District. (Director of Planning & Development Services).**
3. **Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lot 1, Block 7, Retama Park Subdivision known as 808 S. 13th from R2Two-Family District to C2Retail District. (Director of Planning & Development Services).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for Fund 067 CO Series 2013 GF Streets and Fund 068 CO Series 2013 Drainage for the CO2013 debt issuance costs net of refund. (Director of Finance).**
5. **Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the transfer of fund balance from Fund 001 General Fund to the Solid Waste Capital Projects Fund 087. (Director of Finance).**
6. **Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the reallocation of funds initially budgeted for a drainage project to be used for a water line project along Seale Street. (Director of Finance).**

**REGULAR AGENDA****CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:****VI. Items for consideration by Commissioners.<sup>4</sup>**

7. **Review and discuss proposed fiscal year 2013-2014 budget for departments of the City of Kingsville. (City Manager).**

Mr. Capell reported that during tonight's meeting, the City Commission will here from administrative departments located at City Hall.

**City Commission – Vince Capell, City Manager**

Mr. Capell reported that the entire budget for the City Commission has changed by only \$2,000 from current budget. The changes come down to two line items, one being unemployment compensation, down by \$1,100 and the other change is in training and training & travel budget increased by \$3,000. He further reported on the Commission's travel budget. It is proposed to budget \$25,000 in training & travel for the Commission. Each Commission member will be allocated \$5,000 each.

Commissioner Leubert asked if the full \$5,000 isn't spent during FY 2014, can it be reallocated to a different department within the City. Mr. Capell stated that can be done, or it may be allocated to a different Commissioner. He further stated that if the money is allocated to a different department, it will require a budget amendment which requires Commission approval.

Commissioner Pena stated that he has surveyed several cities such as Corpus Christi and Alice. Corpus Christi allocates \$4,000 per Commissioner and they are a much larger city than Kingsville. He further stated that he feels that \$4,000 per Commissioner is more appropriate than the proposed \$5,000. He further stated that Corpus Christi has a policy stating that money cannot be transferred to any other Commissioner but can be transferred to any other fund/project they may see fit.

Mr. Capell stated that this is up to the Commission's discretion as to how they would like to control these funds. He further stated that any transfers of these funds would have to be allocated during tonight's meeting or if done after the budget is approved, it would require a budget amendment and Commission approval.

Mayor Fugate asked if the Commission had a policy in place, would it still require a budget amendment. Mr. Capell stated that if the Commission wanted to move the money into another department, it would require a budget amendment and require Commission approval. Mrs. Alvarez stated that once the budget is adopted, it gets filed with the County Clerk's Office. Once funds are taken from one department and transferred to a different department, it will require a budget amendment which at the end of the year it gets filed with the County Clerk's Office so that anyone can see how the funds were expended that year.

Mr. Capell stated that any money transferred within a department, does not require a budget amendment.

Commissioner Garcia stated that even though the City of Corpus Christi has a cap of \$4,000, that City has no representation during any conferences. He further stated that he strongly believes in attending conferences, There is information exchanged and networking done with other cities which makes a huge difference for our City. He further stated that by attending these conferences, one learns ideas to bring back to their community.

Commissioner Pecos stated that a budget can always be amended if needed.

**City Manager/City Secretary – Vince Capell, City Manager**

Mr. Capell stated that the proposed budget has changed from the current year's budget. He further stated that some changes were made in the salary and benefit line items due to the renewal contract for the City Manager. He further stated that in the supplies line item, there was a reduction from current year's budget and a slight increase in memberships and dues.

Commissioner Garcia asked if Mr. Capell would be attending any conferences this fiscal year. Mr. Capell responded yes, he would be attending one this week.

Commissioner Pena asked Mr. Capell if he is required to have any certifications. Mr. Capell stated that there isn't any that are required. Commissioner Pena further asked if there are any required hours that Mr. Capell would have to maintain. Mr. Capell stated that for the Public Investment Act, there are hours that are required by the state. He further stated that he would like to maintain his CPA certification as well. Commissioner Pena further asked if the Commission had any required hours to complete. Mrs. Alvarez stated that the only thing required is the Open Meetings Act which is usually completed when Commission attends their orientation.

**Human Resources – Diana Gonzales, Human Resources Director**

Ms. Gonzales reported that under supplies and services, there was a decrease of \$122. She further touched on some projects that the department has worked on and hopes to continue these projects in the future. She stated that a professional development program was initiated in conjunction with Risk Management which brings training to staff. Diverse speakers were brought in to discuss topics such as Management Skills for first time Supervisors, Legal Compliance training, how to Handle Employee Performance Problems, and The Manager's Role in Developing People. She further reported that approximately there has been 35-40 staff members attend these trainings. In addition, the department has also coordinated and setup free trainings with Texas Municipal League Intergovernmental Risk Pool. She further stated that all employees have training access by logging in with their personal individual identification. She further discussed that with the changes in the compensation plan at the beginning of the year, the City's turnover rate decreased. At this time last year, the City was at 25% turnover rate, which translated to 69 employees lost by the City by 11 months. This year 15.8%, which are roughly around 43 employees. She further stated that the Human Resources Office conduct new

hire orientation which includes the overview of the employee handbook. This year the Human Resources Office has coordinated with the office of Risk Management for new hires to receive their new safety training. She further stated that her office also coordinates the open enrollments, supplemental insurances and the annual Health Fair. She further stated that with conjunction with the Risk Manager's Office they have initiated the Employee Recognition Program which allows recognition of employees with certain milestone years to be recognized and given awards. During this first year of the implementation of this program, there were 122 employees receive awards. She reported that the HR office continues to administer the Retirement Program of a watch and frame certificate for employees and also administer the employee of the year award. The office also assists with evaluations which are distributed monthly to departments. Once distributed, the supervisor has 60 days to complete these evaluations. She further discussed the employee and family appreciation event which involves food and entertainment. This year the HR office will be hosting a game night at the Javelina's Kingsville Community Appreciation Game on November 2, 2013.

Commissioner Garcia asked if all supervisors are turning in their evaluations on a timely basis. Ms. Gonzales stated that the majority of them are turning in on a timely basis, depending on how many they have in one month.

**Legal Department – Courtney Alvarez, City Attorney**

Mrs. Alvarez stated that overall there is a \$10,000 change with \$1,000 for a new laptop and \$9,000 for professional services. She further stated that the work load continues to expand within her office. Mrs. Alvarez reported that in open records for 2011 there were 395 requests, 2012 there were 471 requests and this year at 434. She further reported on the number of resolutions, 2011 there were 74 resolutions, 2012 there were 85 with this year at 52. Ordinances, 2011 there were 35, 2012 having 63 and this year 50 and counting. There are less open records sent to the Texas Attorney General for an opinion.

Commissioner Garcia asked if there was a full-time or part-time secretary. Mrs. Alvarez stated that currently she has a temporary from 8:00 a.m. to 5:00 p.m. but will be advertising sometime this month for a full-time paralegal. Commissioner Pena asked if this was in lieu of a secretary. Mrs. Alvarez stated that it was already budgeted for a paralegal position this year, but with examining how things would turn out this year, a temporary secretary was hired which allowed some savings that was used for professional services, therefore making the budget amendment requested for an increase in professional services a lesser amount. Commissioner Garcia asked how things were working out for Mrs. Alvarez's with regards to Municipal Court. Mrs. Alvarez stated that just recently there was a new program implemented which seemed to be fairly successful. She further stated that Municipal Court scheduled 50 defendants to meet with Mrs. Alvarez of which 38 defendants contacted her the day before or the day of and had 3-4 more contact her Friday that had failed to show up. These were defendants that pled not guilty and so there were 12 that did not show up and some of those come in subsequently so there maybe 9 still out of the 50 that took her 4 ½ hours of face to face talks with defendants. She further stated that of the 9 that didn't show up along with a couple of others that want to go forward with a trial. These will be scheduled in sometime this month. Commissioner Garcia asked if Mrs. Alvarez if she is getting overwhelmed with work from Municipal Court and takes her away from her everyday duties. Mrs. Alvarez responded that it's all in a matter of prioritizing and yes there is more than enough work for one person. She further stated that with open records taking up the majority of the day which have mandatory deadlines, it's harder to focus on other issues coming into the office.

Commissioner Pena stated year Mrs. Alvarez had submitted a synopsis of the needs to her office and this year one was not submitted. Does that diminish the significance of any need in her office. Mrs. Alvarez stated that this year she simply ran out of time to submit a synopsis. Mr. Capell thanked Mrs. Alvarez for all her work.

Commissioner Garcia voiced his concerns with the overload of this office and feels that the Commission should look into a part-time attorney to assist with some of the work when the need arises.

**Planning/Building Services/Code Enforcement – Robert Isassi, Planning & Development Director**

Mr. Capell stated that for the first in a long time, the City is beginning to receive some reimbursements from cleaning up properties. This is when the City goes out and cleans up or demolishes a property. There also is an increase in permits and licenses that are being purchased.

Mr. Isassi reported that with Western Sky Apartments and Wildwood Trails Subdivision, permits will increase in the new fiscal year. He further discussed the Planning Department budget stating that the only increase is in under the supplies line item of

\$500 for educational materials to obtain his American Institute Certified Planners Certification. He further stated that his major increase is in professional services and training travel. This will allow him to do more surveying and would like to maintain his Engineering License which requires credit hours. He further stated that the Planning Department handles the Planning & Zoning Commission and Zoning Board of Adjustments. Also Economic Development is something new that is handled by the department. This allows for request on economic incentives for new developers. He further discussed the budget for the building services and permits office. Mr. Isassi stated that there are three employees within this department. He is requesting for an increase in motor gas & oil of \$200 and in training and travel an additional \$2,000 for inspectors training. Under the operating lease he would like to request an additional \$400. Mr. Isassi further discussed the proposed budget for Community Appearance. Mr. Isassi stated that there is an increase request under motor gas & oil for \$3,000 due to adding a second mower and one skeet loader to assist in noxious matter cleanups. He further stated that also increased is the demolition budget. Mr. Isassi stated that under Capital Projects, Professional Services are supplemental one time expenditures for \$35,000.

Mr. Capell explained that these capital projects are for any changes to our code, adoption to the International Maintenance Code, and the Master Plan.

Mr. Isassi further explained the Capital Outlay for building services under vehicle line item. He stated that at this time there are only one vehicle and a borrowed Task Force vehicle being used by the inspectors. This capital outlay will allow the purchase of a new vehicle to replace the vehicle borrowed by the Task Force. This request is for \$25,000. Commissioner Pecos asked if most city vehicles have a City of Kingsville decal on their doors. Mr. Capell stated yes. Mr. Isassi continued with his last item on the budget, capital projects under Community Appearance. He stated that the asbestos remediation for the old hospital, received bids for around \$200,190.

Commissioner Garcia asked for the square footage to the old hospital. Mr. Isassi stated around 44,000sqft. Mayor Fugate stated that when they did the mold and asbestos remediation to the old high school which around 22,000sqft, it cost \$104,000.

Mr. Capell stated that the reasoning for these items to be listed under fund 91 is that these are expenses that have been paid by prior year budget savings which will not recur.

Commissioner Pecos asked if the City will be demolishing the old hospital. Mr. Capell stated that more than likely the City will demolish the building but will access a bill for all work done and submit to property owner. Mayor Fugate stated that citizens have so much money invested in this piece of property that he feels that the City should have complete control.

Mr. Isassi stated that another aspect that his department handles is the city website in which they were tasked in selecting a mobile app that will allow the citizens and employees can use to address their concerns on a quicker type basis. He stated that there is a way to integrate citizen's request along with permits and code enforcement. Staff has been in contact with a provider that has submitted a quote of \$10,000 to start and \$1,000 per month for the monthly service. This will incorporate code enforcement, citizen request and permits into one package. The one thing that can offset the cost is to get rid of the module in Incode and iWorks. This will allow for one system instead of four. This app will be adaptive to any cellphone/tablet electronic device.

#### **Finance Administration – Mark Rushing, Finance Director**

Mr. Rushing reported on the budget for the Finance Administration. Mr. Rushing briefed the Commissioner on the overview of the Finance Administration. The Finance Department assisted in the following projects; city travel policy, issued a new Certificate of Obligation and refinanced existing debt, started project accounting; for better planning of street and drainage projects, landfill closure/post closure reassessment, and the implementation of the stormwater drainage fee.. He further discussed the agreement with AEP in which an audit was done that allowed the recovery of \$108,000. In further stated that in Accounts Payable, 6,071 invoices were processed for a total of \$17.8 million dollars. Mr. Rushing also stated that they processed 26 payrolls for an average of 265 employees. Time clock plus was implemented this current fiscal year, although it is lacking participation of the Fire Department. One of the goals for next fiscal year in the payroll department is set all employees on direct deposit and eliminates paper checks. Mr. Rushing moved forward in discussing the Finance Department budget. He stated that in this department they have decreased their core by \$1,600. Municipal Court reduced their cored by \$21 and in Warrant Officer increased \$1,167, so overall in the Finance Department and Municipal Court, they have increase their core by \$454 over the previous year. In the Collections Department core there was an increase of \$3,452 and the Meter Readers decreased their cored by \$6,441 for an overall decrease of \$2,998 in Collections.

Mr. Capell discussed the increases and decreases over the past few years for the Finance Department.

Commissioner Pena asked if there was any comparison to past years outstanding warrants. Mr. Rushing stated that he can provide Commissioner Pena with a recap at a later time. Mr. Rushing further discussed the files of Municipal Court Warrants.

Commissioner Garcia stated that he has an issue with the sign posted near the Collections Department stating if the customer becomes belligerent, staff has the right to call the Police Department. Mr. Capell responded that he will take full responsibility for that sign being posted due as to how some customer coming into City Hall and threatening staff. Commissioner Garcia stated that his point to this matter is that we are trying to make our service friendly and when you have a new customer coming in to begin water service and they see this sign, what kind of message are we sending to them. Mr. Capell stated that unless the Commission directs him otherwise, he will keep these signs posted.

Mayor Fugate called for a break at 5:40 p.m.

Mayor Fugate called the meeting back into session at 6:10 p.m.

#### **Purchasing/Technology – David Mason, Purchasing/IT Director**

Mr. Mason discussed the propose budget for the Purchasing Department. He stated that in this department there is a net increase of \$3,000. The money was taken from minor equipment which would cover the increase in salary and group health.

Commissioner Leubert asked about the dollar amount in training and travel line item. Mr. Mason stated that this increase is to allow his Administrative Assistant to attend training in the State Purchasing Program. He further stated that this amount in training and travel will suffice for both himself and his assistant.

Commissioner Pecos stated that with the current year budget, only \$2,000 was encumbered. Mr. Mason responded by saying that there are times he does not have the time to attend the trainings as he is supposed to.

#### **Computer Operations**

Mr. Mason reported that there is a decrease in this proposed budget. There aren't any major purchases foreseen in the future. He further stated that this year Public Works was rewired costing \$30,000. Computer Operations assisted on the combination of the four programs along with the mobile app. Worked with Engineering on the GIS Server and assisting with the new Incode. Mr. Mason further stated that there is money budgeted for new document management software.

Commissioner Garcia asked about icloud storage. Mr. Verdin stated that he is looking into this, but there is a problem with speed factor.

#### **City Special – Mark Rushing, Finance Director**

Mr. Rushing reported that the OPEB Commitment is less by \$5,600. The postage is budgeted by \$21,000 less and the Appraisal District increased by \$4,000. He further stated that the Call Center utilities have been budgeted at \$2,555 more. In Professional Services line item, it has decreased by \$7,500 because it's an off year due to GASB 45 only doing a study every other year. He further stated that the due to an election year in the new fiscal year \$29,000 has been budgeted. He further stated that with regards to line items on claims against city, it has defaulted out to \$30,000 which is a standard. He stated that the net difference between current year and new fiscal year is \$34,000

Mayor Fugate asked why there wasn't any money allocated for the Air Show. He further stated that due to sequestration cut it last year, but the Blue Angels are still intact and training and there is a possibility that they will come to Kingsville in 2014. He further stated that he would like to see \$2,400 budgeted for the air show. He further asked if the City's portion to assist with the reroofing of the barn at the Golf Course is included in this budget. Mr. Rushing stated that the City's portion for the reroofing is included.

#### **Municipal Building – Charlie Cardenas, Engineer/Public Works Director**

Mr. Cardenas reported that there are no changes to this budget. Staff does not want to invest too much money in this building due to the move to the new city hall in the next year or so. There was an increase in communications and utilities. He further stated that that there has been an increase in minor equipment and office furniture line item. This will allow staff to install television that will stream important information to citizens.

Commissioner Garcia asked about installing Smart Boards. Mr. Cardenas stated that Smart Boards will be installed at the new city hall.

Mayor Fugate stated that he anticipates making the move to the new city hall in January 2015. He further asked what the City will do with the building it's currently occupying. He

further stated that he would like to see lofts/apartments in the downtown area. Mr. Capell stated that many cities have lofts/apartments in their downtown areas. Mayor Fugate stated that this is something to think about.

**Risk Manager – Melissa Perez**

Mrs. Perez stated that it's been a year this month since she took over the Risk Management Department. The department is doing extremely well, but there is much more to do and accomplish. She further stated that she would like to thank the Commission for allowing her to be here working as the City's Risk Manager. Mrs. Perez stated that the funds in which she received last budget year was sufficient enough for the year and there aren't any major changes that are being requested to the next year's budget. She stated that within her catering and training and travel budget has stayed the same as current year. The only increase is for \$2,000 in uniforms to assist with the Professional and Development Program. She stated that the proposed budget for the new fiscal year is less than the current year. Mrs. Perez stated that she also implements the initial safety and health orientation to all new employees. New employees are given a copy of the city's health and safety manual and sign off training roster before they leave. She further stated that she also trains in workers compensation policy, ombudsman program. Mrs. Perez reported that the Risk Manager conducts monthly training to all public works employees and supervisors as well as to all other city departments. Mrs. Perez recently started conducted public safety meetings with city staff, Police, Fire and Task Force. She also conducts public safety meetings with the Border Patrol, KISD, Spohn Hospital, Texas A&M University-Kingsville and Naval Air Station Kingsville. During these meetings Emergency Plans are reviewed and discussed to include any recent hurricane activity. The last meeting was conducted on August 12, 2013, where the American Red Cross attended and gave a presentation on volunteers and emergency services they can provide to the city.

Mayor Fugate asked if supervisor conduct any type of safety training meetings with their employees before going out into the field. Mrs. Perez stated that supervisors do conduct 10-15 minute safety training with their employees.

Commissioner Pecos asked if employees who work at public works and landfill are first aid certified. Mrs. Perez stated that some may be certified as well as CPR certified. She further stated that she could make contact with the American Red Cross to get some employees certified.

Mrs. Perez further stated that the City Manager has appointed herself and Diana Gonzales as Training Generals for the city which extends the training resources with the Professional Development Program. She further stated that all training completed by city staff, it is documented and filed in the Risk Management office. Mrs. Perez reported that injuries are down and claims have lowered dramatically, which decrease the City's loss overall. She further stated that she responds to all incidents, accidents and injuries at worksites.

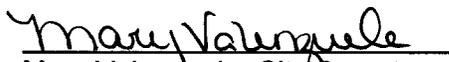
Commissioner Garcia asked if Mrs. Perez needs any assistance. Mrs. Perez stated that the work load is manageable and at this moment she doesn't see a need for any additional assistance within her department.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:55 P.M.

  
Sam R. Fugate, Mayor

ATTEST:

  
Mary Valenzuela, City Secretary