

DECEMBER 8, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 8, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Tom Ginter, Director of Planning & Development Services
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Susan Ivy, Parks & Recreation Manager
Charlie Cardenas, Public Works Director/City Engineer
Ricardo Torres, Chief of Police
Bill Donnell, Assistant Public Works Director
Willie Vera, Task Force Commander
Cynthia Martin, Downtown Manager
Rose Morrow, Municipal Court Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – December 1, 2014

Motion made by Commissioner Pena to approve the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.

Public Hearing - (Required by Law).¹

1. NONE.

II. 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. Vince Capell, City Manager, thanked the City Commission for attending the Employee Recognition & Safety Banquet on December 5th. He further thanked all those who participated in making this banquet a big success. Capell further congratulated those individuals and departments who received awards during the banquet.

Mrs. Courtney Alvarez, City Attorney, reported that the next regular Commission meeting is scheduled for Monday, January 12, 2015. Agenda items for this meeting are due Friday, January 2, 2015.

Commissioner Garcia stated that he has a comment that isn't positive or negative but informative issue that he would like information on. On the transition from the County employees to the City positions, he would like to have information as to if they lost any vacation days or sick leave or anything like that, made available to the Commission. He understands that some of the members or some of the employees were shorted on vacation time with the transition.

Mr. Capell responded by stating that their expectation was as far as any accrued balances, they would need to be settled out with the County. When starting with the City they would begin as a new employee. Capell further stated that it is pretty simple in context, that if they had any vacation accrued with the County, it would need to be settled. These employees were to start as new hires with the City.

Commissioner Pena commented that the County does not pay any sick leave when you leave your position with the County.

Mr. Capell commented that our benefits, the city's benefits package is different probably from the County's, but he isn't sure about everything they offer, but when the new employees came to the City, the City's benefits were offered to them, and expected them to settle out with the County when they left. This was the simplest and easiest solution for them.

Commissioner Pecos commented that the County owed them their vacation. Mr. Capell agreed with this comment and further stated that generally vacation is an obligation that needs to be paid for you unlike sick leave. The City's approach to this whole thing is to expect them to settle out with the County and come on with the City as a new hire.

Commissioner Garcia asked if there was any particular special consideration given to any of the employees that made the transition for sick leave or any leave.

Mr. Capell responded that there was, for one employee. Commissioner Garcia responded that this was bothersome. Mr. Capell stated that it was accommodation and expectation. Commissioner Garcia stated that there is a concern among other employees that this happened, but anyway if he could still receive the information he requested.

Mr. Capell responded that he would have to say since Commissioner Garcia has raised the issue, that other employees felt that they had very little to complain about. At this point, Mr. Capell's voice fades out on the audio.

Commissioner Garcia commented that in his view, he doesn't know what the circumstances are and he has yet to discover that but in his view, if they are going to give consideration to one employee in that circumstance, why not the others.

Mr. Capell commented that this saved the City money and further commented that if employees have questions they can always come to him or they can go to the Human Resources. Capell commented that this is the first time that he has ever become informed that our employees have any questions whatsoever and he has to hear it from Commissioner Garcia. Capell further commented that as City Manager he doesn't appreciate it. He further commented that employees come to me because he runs the City operation and if they go to a Commissioner and he finds out who they are, it's not going to go down well for them, I'll tell you that already.

Commissioner Garcia commented that he is only approaching this in a sense of fairness. Mr. Capell commented back that he is approaching this in a sense of fairness. It's not fair to him, running the City, that they go around the City Manager and go to a Commissioner to express their concerns.

Mayor Fugate commented that it would be best for Commissioner Garcia to get with the City Manager about this issue and discuss this with him. Fugate stated that he agrees that the City Manager runs the City and there is proper protocol and employees need to be directed in that direction, but be that as it may, you all work this out in another time.

Commissioner Leubert commented that the La Posada parade was well attended and thanked all those involved for putting this parade together. Commissioner Leubert further commented that she is concerned with approving agenda item #7 during tonight's meeting. She further stated that request were made by the Commission at a previous meeting that have not been met. She would like to hold off on taking action on this item at this time.

Commissioner Pena thanked the citizens for attending the La Posada parade.

III. Public Comment on Agenda Items.³

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

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)

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 2014-2015 General Fund Budget for membership into the Texas Mayors of Military Communities. (Director of Finance).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Municipal Court Technology Fund Budget for technology purchases in FY 14-15. (Director of Finance).**
3. **Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for a drug and alcohol prevention program. (Chief of Police).**
4. **Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Communities in Schools for a drug and alcohol prevention program. (Chief of Police).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. **Consider a resolution authorizing the City Manager to enter into a Golf Course Effluent Water Agreement between the City of Kingsville and Kleberg County. (City Attorney).**

Mrs. Alvarez reported that the City of Kingsville and Kleberg County previously entered into a Golf Course Effluent Water Agreement with the prior golf course managers. Since a change in golf course managers has occurred a necessitation of a new agreement is required. Mrs. Alvarez further commented that she attended the Kleberg County Commissioners meeting today where they have approved this agreement unanimously.

Motion made by Commissioner Pena to authorize the City Manager to enter into a Golf Course Effluent Water Agreement between the City of Kingsville and Kleberg

County, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

6. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville- Kingsville Specialized Crimes and Narcotics Task Force and the Cameron County Sheriff's Office for Law Enforcement Services. (Task Force Commander).

Mr. Willie Vera, Task Force Commander, reported that this is a request from the Cameron County Sheriff's Office to enter into an Interlocal Cooperation Agreement for the purpose of sharing intelligence and asset sharing. This will enable both agencies to form a mutual interlocal agency agreement to assist in criminal and narcotic investigations and law enforcement. This agreement will also enhance the opportunity for both entities to increase the forfeiture of contraband traveling through both jurisdictions. Vera stated that asset sharing is another critical avenue for the Kingsville Task Force to continue fulfilling their mission and future financial sustainability.

Commissioner Garcia asked at what percentage is the sharing. Commander Vera responded that it will be shared equally.

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

7. Consider approval of new City seal/logo. (Director of Tourism).

Mr. Leo Alarcon, Tourism Director, reported that when he was asked to incorporate the proposed new city hall into the new city logo, he thought about implementing the dome tower into the logo. He further reported that he made the changes that were requested by the City Commission at a previous meeting, but didn't think the changes fit nicely. Mr. Alarcon further discussed handouts that were passed out to the City Commission during this meeting.

Commissioner Leubert commented that she would still like to see a sample of the logo with a prickly pear cactus which has not been provided to the City Commission. Leubert feels that she is not ready to take action on this item today. Leubert further requested to see a sample picture of the city logo with prickly pear cactus on of the logo.

Mayor Fugate stated that it would best if this item was to be placed on the agenda for final approval on Monday, December 15, 2014. This would allow time for staff to make the requested changes and provide the Commission with copies for their review.

No action taken.

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-1-172, providing for collection of attorney's fees and court costs with lien foreclosure suits. (City Attorney).

Mrs. Alvarez reported that agenda items 8 through 11 have the same language included. The language added reads "Should the City file suit to foreclosure on any liens to recover unpaid expenditures, fees, interest, and expenses it shall also be entitled to collect the maximum interest rate allowed, reasonable attorney's fees and other court cost and fees allowable under the law".

Introduction item.

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-7-5, providing for collection of attorney's fees and court costs with lien foreclosure suits. (City Attorney).

Introduction item.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 3-10-37, providing for collection of attorney's fees and court costs with lien foreclosure suits and updating who receives payments. (City Attorney).

Mrs. Alvarez reported that this was a pre-62 reference where the City Secretary receives payments. Staff recommends that be changed to Director of Finance.

Introduction item.

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by adopting Section 3-10-60, providing for collection fees on delinquent debts to City, including attorney's fees and court costs. (City Attorney).

Introduction item.

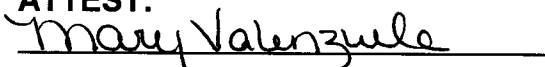
Mayor Fugate further commented that if any of the City Commissioners have any questions with regards to the ordinances being introduced at tonight's meeting, they should direct them to city staff.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.


Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, City Secretary