

SEPTEMBER 8, 2014

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 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  
Al Garcia, Commissioner

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Willie Vera, Task Force Commander  
David Mason, Purchasing/IT Director  
Ken Starrs, Asst. Task Force Commander  
Diana Gonzales, Human Resources Director  
Rose Morrow, Municipal Court Manager  
Melissa Perez, Risk Manager  
Leo Alarcon, Tourism Director  
Joey Reed, Fire Chief  
Tony Verdin, Information Systems Technician  
Charlie Cardenas, Public Works Director/Engineer  
Ricardo Torres, Police Chief  
Bill Donnell, Assistant Public Works Director  
James Creek, Fire Department

**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 four Commission members present. Commissioner Pecos absent.

**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**

NONE

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

Mrs. Courtney Alvarez, City Attorney, updated the Commission on a meeting she and Mr. Mason had with Mr. Colston representative of Gulf Coast Broadband who is currently

working with staff on the longer term lease, and stated that during tonight's meeting there is a temporary three month WiFi site lease. Mrs. Alvarez further reported that staff has received the sewer line contract from the Navy which will be on the next agenda.

Mayor Fugate reported that the Mayor of Killeen, TX has formed a committee called Mayors of Texas Communities which is a group made up of Mayor's with military installations within their city. The committee works together on economic development issue through the legislature which will begin to meet January, 2015.

James Creek, Fire Department, presented the City Commission with Cancer Awareness t-shirts on behalf of the Kingsville Fire Department.

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

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

No public comments were made.

#### 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)*

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

**1. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Douglass Youth Center. (Task Force Commander).**

**2. Motion to consider resolution authorizing the City Manager to enter into a second Temporary Commercial Wifi Site Lease Agreement between the City of Kingsville and Riviera Telecommunications. (Director of Purchasing & IT).**

##### REGULAR AGENDA

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

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

**3. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the Parks within the city limits. (City Manager).**

**Motion made by Commissioner Leubert to approve this agreement, seconded by Commissioner Pena and Commissioner Garcia.**

Mayor Fugate stated that after reviewing this contract, he did not see a bailout provision for the County stating that they want the Parks back within a time frame.

Mrs. Alvarez stated that there is not an early termination explicitly stated, but there is a provision that states that either party feels that the other party is not living up to their part of the agreement, they are to notify the other party in writing and try to get the issue resolved within 30 days. If not, then they hold a joint meeting on the issue.

Mayor Fugate stated that his point is that he does not want to spend a lot of money and time in getting them built back up and then all of a sudden the City receives a notice in 90 days stating that they want it back. Fugate further asked if this was a 10 year lease.

Mrs. Alvarez responded that the initial term is 20 years and in those documents there are two 10 year renewals so they would automatically renew unless the City provides notice within 180 days prior to current period.

Mr. Capell state that staff wanted a long term lease to have control since it is a large financial investment.

Motion was passed and approved by the following vote: Leubert, Pena, Garcia, Fugate voting "FOR".

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

Mr. Capell stated that that the County did not put it on their agenda for today's meeting. Capell feels that the County is waiting for word from the federal government regarding the land of the Golf Course. Mr. Capell further state that after speaking to the County Judge with regards to equipment at the Parks Department, Capell suggested to the Judge larger equipment they want rather than charging the City a user fee for the use of their equipment.

**Motion made by Commissioner Pena to approve the resolution authorizing the Mayor to enter into an interlocal agreement with Kleberg County for the L.E. Ramey Golf Course, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Fugate voting "FOR".**

**5. Consider introduction of an ordinance adopting the City Manager's Budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2014 and ending September 30, 2015 in the particulars hereinafter stated. (Director of Finance).**

Mrs. Deborah Balli reported that proposed budget that was submitted to the City Commission is for \$52,515,032.

Introduction item.

**6. Consider introduction 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, 2014 and ending September 30, 2015, 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. (Director of Finance).**

Mrs. Balli reported that the tax rate that is included in the budget is the same tax rate of 0.84220. This tax rate will raise more taxes for maintenance & operations than last year tax rate. The tax rate will effectively be raised by 2.67% and will raise taxes for maintenance & operations on a \$100,000 home by approximately \$1.54. The allocation of the tax rate is .65558 for maintenance & operations and .18662 for general obligation debt service for a total of .84220.

Introduction item.

**7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Director of Human Resources).**

Mrs. Diana Gonzales, Human Resources Director, reported that during the budget workshop City Manager has included the proposed changes in the fiscal year 2014-2015 proposed budget. She further stated that in the compensation plan there are three different types of changes, new positions, renaming positions, and classifications. Under the non-exempt section, there are some new positions for the golf course which are Golf Pro-attendant, Pro-shop attendant. For some of the new positions there is the Tourism Service Technician, Municipal Court Specialist, Fire Telecommunications Operator, Help Desk, Lead Maintenance Technician, and the addition of seasonal and temporary employees that will assist with the transition of the Golf Course and Parks Departments. Mrs. Gonzales reported that there are some positions that are being renamed which are the Animal Control Officer Kennel Attendant is to be divided into to two different job titles and renamed. The Animal Control Officer will be Animal Control Specialist and the Kennel Attendant to Animal Care Attendant. She further mentioned that to differentiate between the Fire and Police Telecommunications is just adding the word Police to the telecommunication operator position. Under Finance, the two accounting II positions will be AP Specialist, Payroll Specialist, and Accounting Assistant. The Code Enforcement Officers positions will be change to Community Appearance Inspector. She further mentioned that there are also some reclassification and renaming of titles within the compensation plan.

Commissioner Garcia asked that with the title changes and renaming of positions, is there any increases in salaries or hourly rates.

Mrs. Gonzales responded that some of the title changes do not have an increase. The renaming of positions and changes to the City Marshal, Task Force Commander, and the Assistant Task Force Commander do result in additional compensation which was included in the proposed budget.

Commissioner Garcia asked for the amounts of increase for these positions. Mrs. Gonzales responded that for the Task Force Commander it is an increase \$5,400 and the Assistant Task Force Commander increased by \$3,000. Mrs. Gonzales stated that the positions and the duties assigned to the positions were re-evaluated and therefore readjusted the pay.

Mrs. Gonzales stated that the hourly chart has been updated with proposed class 7 to 11 adjustments and the proposed COLA's. The process was started at maxing out at 20 years of the compensation on certain positions. In class 21 and 22, starting to max out those positions at 15 years. Staff will be working on proposals for some of the other positions next fiscal year to have the positions maxed out at 15 years then the percentage between the classes and steps we can start working to address those inconsistencies in the chart. It is being proposed to eliminate step A which is the first step on the compensation chart. This step is being used for temporary position. In review, those individuals that the city is hiring are conducting the duties of the position and should be compensated at the rate of regular employees who are being hired for those positions. Mrs. Gonzales further stated that part-time and temporary employees do not receive benefits such as insurance, sick, vacation, or retirement. She further commented about the certification pay on the compensation plan. She further stated that within the ordinance being proposed, a new paragraph is added which can answer the Commission question, Can we do better with the position in the \$9.00 range. The new paragraph states that new hires shall be placed at the compensation Class for the designated positions. New hires may be placed in the Step within the designated Class corresponding to the years of experience the new employee brings to the City correlating to the designated duties of the position not to exceed the Ten (10) Year Step unless approve by City Commission.

Introduction item.

**8. Consider introduction of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department by removing one new officer position due to end of grant requirements. (Director of Human Resources).**

Mrs. Alvarez stated that the three year grant and one year carry-on period of the police officer position has concluded so that extra position can be removed from the number of Police Officer positions.

Introduction item.

**9. Consider introduction of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Article IX "General Regulations", Chapter 9 "Smoking Regulations" by adding Sections 40-43, "E-Cigarette, Electronic Cigarette, and Liquid Nicotine Regulations", for the purpose of prohibiting the sale and distribution of electronic cigarettes and liquid nicotine to minors and prohibiting the use and possession of electronic cigarettes and liquid nicotine by minors; providing a severability clause; providing for a penalty fine not to exceed the sum of five hundred (\$500.00) dollars for each offence. (Chief of Police).**

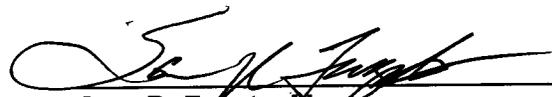
Rick Torres, Chief of Police, stated that protecting the younger citizens of the City against an untested nicotine product like electronic cigarettes and liquid nicotine represents sound public health and fiscal policy. A ban on the sale of electronic cigarettes, liquid nicotine and associated paraphernalia in the City to persons under the age of 18, a prohibition on self-service merchandising in order to minimize their physical accessibility to minors, and the prohibition of the use and possession of such products by minors, serves an important public interest in furtherance of the health, safety, and general welfare of the citizens of Kingsville.

Mayor Fugate asked how the merchants will be notified of this ordinance and is there any kind of penalty for the merchant.

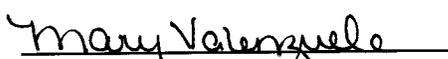
Chief Torres stated that if the merchant sells it to an underage individual, they will be in violation. He further stated that letters could be drafted and sent to merchants making them aware of this ordinance.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:35 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary