

DECEMBER 12, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 12, 2005 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Al Garcia, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Charles E Wilson, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Dianne Leubert, Solid Waste Superintendent
Dora Byington, Director of Purchasing
Frank Garcia, Field Supervisor
Stanley Fees, City Engineer
Ricardo Torres, Chief of Police
Diana Gonzales, Human Resource Director
Jennifer Cantu, Director of Development Services
Macario Mayorga, Water Supervisor
John Garcia, Garage Superintendent

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms Dora Byington, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes of the regular meeting of November 28, 2005. Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSENT".

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

1. Public Hearing for request for a Special Use Permit for a Daycare to be located at 327 East Hoffman, Lots 13-16, Block 11, Hoffman Addition, applicants Marla and Eloy Salinas. (Director of Development Services).

The public hearing was opened at 6:04 P.M.

Ms Jennifer Cantu, Director of Development Service explained the property in question is to be used as a day care. The Planning and Zoning Commission reviewed the case in November, at that time, no one commented in support or denial. The applicant has done a canvassing of the neighborhood; most people were not opposed to a day care. Only one person was concerned. The Planning and Zoning Commission voted to recommend approval of the day care.

Mayor Fugate opened the public hearing for comments. No one commented regarding the Special Use Permit.

The public hearing was closed at 6:05 P.M.

III. Petitions, Grievances, and Presentations.²

1. Proclamation designating December 12, 2005 as "Raul Garza Day".

Mayor Fugate read the proclamation and presented it to Mr. Raul Garza.

2. Presentation to Filemon "Phil" Esquivel, Jr.

Mayor Fugate presented a plaque to Mr. Filemon "Phil" Esquivel, Jr. for his years of service as Mayor.

3. Presentation designating Dr. Peir Felice Degli Uberti an "Honorary Citizen of the City of Kingsville".

Mayor Fugate requested this presentation be tabled for some follow ups. **Mayor Fugate made a motion to table this item, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos voting "FOR". Wilson "ABSENT".**

4. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the proposed schedule for garbage pickup services for the 2006 Holidays; on the canceling the last Commission meeting for December; and on the Safety Award Christmas Party.

5. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on Municipal Court fines increasing in January; on the final Charter Review meeting; on the Charter Review proposals to be presented in January; on the next TML Regional meeting in Corpus Christi in January which will feature the new State mandated "Open Government Training"; and on a notice from the KCVB with regard to their annual "Ride on the Wild Side" in April.

6. City Commission's Reports. (City Commission).

Mayor Fugate called for the City Commission's report. Commissioner Pecos reported on attending the BRAC and the Emergency Management workshops during his recent trip to the National League of Conference (NLC). Commissioner Garcia reported on attending an Immigrant and AIDS workshops at NLC. Commissioner Laskowski reported on the Cactus Bowl. Mayor Fugate reported on a community choir concert to be held at the First Baptist Church on Tuesday, December 13th, at 7:00 PM; and wished everyone a Merry Christmas and Happy New Year. He announced the next Commission meeting will be held on January 9th, 2006.

IV. Public Comment on Agenda Items³

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

NONE

V. Consent Agenda

1. Motion to approve a resolution authorizing the Board of Directors of the Kleberg County Appraisal District to amend the Board's (Fiscal Year 2005) Budget for Legal fees due to arbitration expenses. (City Attorney).
2. Motion to approve out-of-state travel for Ms Dianne Leubert to visit Commercial Truck & Equipment, LLC of Phoenix, Arizona for the purpose of inspecting some used roll-outs proposed to be purchased. (City Manager).

Mayor Fugate called for consideration of the consent agenda (Items 1 & 2). Commissioner Laskowski made a motion to accept the consent agenda as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSENT".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Discuss and consider the purchase of used roll-out containers from Commercial Truck & Equipment, LLC of Phoenix, Arizona. (Solid Waste Superintendent).

Ms Dianne Leubert, Solid Waste Superintendent stated there are 700 used roll-out containers that can be purchased for \$17,465.00, delivery charge \$4,830.00, for a total of \$22,295.00. She stated these roll-out containers should last the life of the City's trucks. She added that this type of roll-out container is no longer being produced. Monies are allocated from line item 170.2-220.

Regarding the price quote, Commissioner Laskowski asked if this price was for all or none. Ms Leubert replied it was not, but the City should try to purchase as many as possible. Commissioner Laskowski recommended not paying freight on something that is not salvageable or useable.

There was discussion regarding a proposed amnesty letter that will be mailed out to the citizens of Kingsville.

Commissioner Laskowski made a motion to approve the purchase of the used roll-out containers from Commercial Truck & Equipment, LLC of Phoenix, Arizona, seconded by Commissioner Garcia. The motion was passed approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSENT".

4. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances, Chapter VII, Article 6, Traffic Control Devices; providing for the authority to replace yield signs with stop signs at 4th Street and Lott Street and at 4th Street and Huisache Avenue and for the installation of stop signs in the Carriage Park Subdivision. (City Engineer).

Mr. Stanley Fees, City Engineer stated this was a request from a private citizen. He provided information from the Engineering Department regarding evaluation results of the intersections in question.

Commissioner Laskowski requested that the location at 11th and Shelton be looked at due to an accident he almost had with a school bus.

INTRODUCTION ONLY

5. Consider introduction of an ordinance to amend the zoning ordinance by granting a Special Use Permit for Lots 13-16, Block 11, Hoffman Addition for a Daycare Facility. (Director of Development Services).

Ms Jennifer Cantu stated that a public hearing was held earlier tonight, no one commented. The first step in the application process of a daycare is to secure a site for the State to review. She provided information from her research of the Texas Department of Family and Protective Services website. She stated that notification was sent to surrounding properties within 200 feet. There was only one comment made in opposition.

Mayor Fugate asked about traffic congestion. Ms Cantu stated this location will have parking for ten vehicles due to the location being at a corner.

INTRODUCTION ONLY

6. Consider resolution casting the City of Kingsville's votes to candidate Melissa De La Garza for election to the Board of Directors for the Kleberg County Appraisal District. (Mayor Fugate).

City Manager Yerena explained the procedure for casting the City of Kingsville's votes (681). He stated the City had received notice of the election from the Kleberg County Appraisal District.

Commissioner Garcia stated that it is unfortunate that the City can't get anyone on the Board because of how the system works.

Commissioner Laskowski made a motion to give all 681 votes to Melissa DeLaGarza, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSENT".

7. Consider resolution providing for the amendment of Human Resource Initiatives for the City of Kingsville regarding Policy 620.4 Overtime Policy. (Commissioner Laskowski).

City Manager Yerena stated that at Commissioner Laskowski's request, this item was put on the agenda. He stated the change to this policy deals with the call-out pay. He provided an explanation of the change to the policy, adding that this will be available to everyone.

Commissioner Laskowski provided information on his understanding of the policy. He stated that all that is being done is that the philosophy is changing. Regardless, an employee will be paid time-and-a-half, whether the employee actually worked a full 40 hour week.

Commissioner Pecos asked if this was contradicting to what the Commission had recently approved. City Manager Yerena responded that basically the previous policy states that leave time can not be used to calculate overtime. He added that this policy would extend the call-out pay from 2 hours to time-and-a-half.

Mayor Fugate stated the reason for this change is that it is very difficult for a City employee to make the sacrifice when responding to a call and employees should be compensated.

City Manager Yerena stated this change will create additional expenses that were unbudgeted and provided information on the cost for making this change.

Commissioner Pecos made a motion to approve the resolution, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia, Pecos voting "FOR". Wilson "ABSENT".

8. Consider resolution providing for the adoption of Human Resource Initiatives for the City of Kingsville Compensation for Holidays: Policy 720.1. (Commissioner Laskowski).

City Manager Yerena stated this particular policy would allow people who work on holidays compensation pay for their shift time at time-and-a-half, plus a vacation day equal to their shift hours. As opposed to the way it is now, there are two options; getting their work hours at overtime or getting their work hours at straight time plus a holiday at a later time.

For clarification, Ms Alvarez stated this applies to all non-civil service employees. Mayor Fugate asked what is done for civil service employees. Ms Alvarez replied that they receive time-and-a-half plus a day off.

Mayor Fugate asked Ms Mary Lou Alfaro, Telecommunication Supervisor, if she would like to speak. Ms Alfaro stated that dispatchers work on holidays and they deserve to get paid.

City Manager Yerena stated that he wanted to make sure of the direction that staff is working under and the fiscal circumstances that brought this forward. Mayor Fugate stated he did not fault administration at all. He then asked what this would cost. City Manager Yerena replied that because this would apply to only dispatchers, for this particular year, monies have been included in the budget and would not require out of pocket expenses.

Commissioner Laskowski asked about banking holidays for future use. Ms Alvarez stated that if the holiday falls on a regular day off they would be eligible for time off and the time off is equivalent to a normal shift and must be used prior to the end of the existing fiscal. She added that if the holiday falls on the employees regularly scheduled work day the employee would receive one-a-half times the regular rate of pay for actual hours worked and be eligible for time off with time off being taken prior to the end of the existing fiscal year. Finally, she stated it would appear that while that was included during discussion that was struck so that they would be compensated for actual time worked and given time off equivalent to their normal shift.

Ms Alfaro explained the situation that would occur if an employee is allowed to take the holiday at a later time. City Manager Yerena stated the idea is to encourage employees take their holiday so that the City does not have to pay because this is not something that is budgeted. Ms Gonzales explained that a dispatcher's job is stressful and taking time off to be with their families is necessary. Under current policy they have a choice of receiving overtime for the day, or receive it at straight pay and receive a day off to use later. She stated that with this policy would give them both.

Mayor Fugate stated that the issue at hand is to change the policy, give employees time-and-a-half plus vacation. There is an issue of giving them an option of either taking a vacation day or getting paid straight time for the day. He then asked about funds available to implement this policy.

Chief Ricardo Torres stated the department has enough funds to cover because the budget was adopted with the old policy in place.

City Manager Yerena stated he had no problem providing benefit to employees, but he would like to make sure the Commission understands the circumstances that the City is operating. He stated that during budget hearings there was insufficient funding for the Police department and that was part of the reason for changing the policy. He stated the outcome will provide some consequences.

Mayor Fugate voiced his concern stating that the consequences seemed to be covered. But what is so disconcerting, is that we are in the budget process, and our policy has changed but budget numbers do not.

Commissioner Garcia asked what the difference was on the dispatchers pay checks. Ms Alfaro replied it was about 20 hours less for each employee.

Mayor Fugate asked the City Manager if there was anyway to predict the cost to the City. City Manager Yerena responded it would only be an estimate. Ms Alvarez stated that under this policy it would be minimal because normally you

don't have non-civil service or somebody other than dispatchers working on a holiday, and if they were working on a holiday that would be covered under the overtime policy.

Commissioner Pecos commented that this policy will primarily affect the dispatchers.

City Manager Yerena stated that if the Commission chooses to implement this policy, he would give a directive to the Chief that he would control or make due with whatever budget he has and not ask for additional funding.

Commissioner Pecos made a motion to consider the resolution providing for the adoption of Human Resources Initiatives for the City of Kingsville Compensation for Holidays: Policy 720.1. Mayor Fugate asked if the motion included amending the policy that is before them. He explained that his understanding is that these employees not only receive time-and-a-half when they work a holiday, but they also have an option either to receive a holiday day or straight pay for that day.

Commissioner Laskowski stated that was not what the resolution stated, but that has been the discussion.

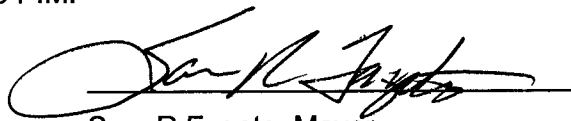
Mayor Fugate asked Commissioner Pecos if he was making that amendment. Commissioner Pecos stated he was leaving it as is. **Mayor Fugate called for a second to Commissioner Pecos' motion. Commissioner Laskowski seconded to the motion, but offered an amendment. Commissioner Laskowski's amendment was to allow them to take the pay or take the holiday by the end of the fiscal year as stated in the policy. Mayor Fugate called for a second to Commissioner Laskowski's amendment. Commissioner Pecos offered a second.**

Mayor Fugate asked for discussion. Commissioner Pecos stated that for discussion on the second amendment he understands that they either take the pay or take the holiday, and this will cost more money. Mayor Fugate explained that Commissioner Laskowski's amendment provides that when there is a holiday, they get time-and-a-half, plus the employee has an option of either taking regular straight time or a holiday. He added that under Commissioner Pecos' motion, they take time-and-a-half and a holiday; they don't get the straight pay option.

Mayor Fugate called for a vote on (Commissioner Laskowski's) amendment. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos voting "FOR". Wilson "ABSENT".

VI. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:45 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, City Secretary