

**JUNE 11 2012**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 11, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE 5:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Vincent J Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Willie Vera, Task Force Commander  
Yolanda Cadena, Health Director  
Frank Garcia, Wastewater Supervisor  
David Mason, Purchasing Director  
Gary Fuselier, Landfill Supervisor  
Bob Trescott, Downtown Manager  
Luke Stevens, Sanitation Supervisor  
Diana Gonzales, Human Resource Director  
Jennifer Bernal, Community Appearance Supervisor  
Java Valadez, Street Supervisor  
Bill Donnell, Asst. Public Works Director  
Naim Khan, City Engineer/Public Works Director  
Diana Medina, Collections Supervisor  
Caron Vela, Accounting Manager  
Roel Carrion, Interim Fire Chief  
Marco Jimenez, Water Supervisor  
Ricardo Torres, Police Chief  
Rose Morrow, Municipal Court Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 5:10 P.M. and announced three Commission members are present, with Commissioners Garcia and Pecos absent.

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

Mayor Fugate called to forego the preliminary procedures.

**CONVENE INTO REPORTS FROM COMMISSION & STAFF – ITEM III- REGARDING BUDGET WORKSHOP FOR COMMISSION DIRECTION ON BUDGET.**

City Manager Capell stated this workshop was to discuss the areas Staff should focus on when planning for the upcoming budget. City Manager Capell called for Ms Alvarez's presentation to the Commission regarding procedural information.

Ms Alvarez provided information on an orientation notebook that her office had prepared. She explained that Article V of the City Charter enumerates a lot of their responsibilities and obligations more so than the other sections. She stated in Article 1 of Chapter 3 of the Code of Ordinances with regard to the City Commission, there's a memo on nepotism, conflicts of interest, and on dual office holding which have been prepared and used in the past. With regard to Open Meetings and Open Records, she stated she had provided a handout from the AG's office, a phone list and the list of suits. She added she's the City's Attorney and she represents the City, the entity, the municipal corporation, and she looks out for the municipal corporation's interest, as a whole. She provided information on the top 10 points with regard to Open Meetings: We post 72 hours from the time we post is when the meeting starts, you can't start any sooner than that unless it's an emergency, which you need only 2 hours to post for an emergency but there's certain requirements for that. The wording matters with regard to agenda items. If it's not posted on the meeting, it's not discussed. She advised them to be careful with quorum issues, if three or more Commission members are meeting and discussing

City issues, than you have a quorum and can be in violation of the meeting if not posted. She stated that emails, text messages, phone calls which also include the daisy chain can include a quorum. As for Open Records, if they receive a written request for public records they should forward request to her office with date received. If they get served with a lawsuit they should immediately contact her office and provide whatever they received. With regard to travel on City business, the City Secretary will assist them in preparing their travel in accordance with Commission approved policy.

Commissioner Pecos arrived at 5:14 P.M.

City Manager Capell called for Ms Lopez's presentation. Ms Lopez stated that Ms Alvarez had touched on some of the subjects she was prepared to present. She reminded the Commission that if they have to abstain from an agenda item(s) to notify the City Manager's office before the meeting. She explained the importance for Commission members to remove themselves from the dais before the agenda item that they are abstaining from is heard. She provided information on parliamentary procedure. Ms Lopez provided a scenario of someone making a motion, there's no second, but someone speaks up that is a second to the motion. Ms Lopez provided some history on the City Secretary's office which is one of the oldest public servant roles in local government. The role which has had many different titles, existed in Biblical times as the "Keeper of the Archives". She stated that in ancient Greece, each meeting of the governing body began with the City Secretary reading aloud the documents to be considered, and pronouncing a curse on any who would seek to deceive the people. Regarding the City Secretary's office, Ms Lopez shared a colleague's quote: "There isn't anything that occurs within our municipal organizations that we are not a part of- we either record it, archive it, prepare it, post it, publish it, engross it, enroll it, report it, facilitate it, organize it, handle it manage it or lead it." Ms Lopez reminded the Commission if their travel is for out-of-state, policy states it has to be approved by the Commission. She asked the Commission if they had any questions and added if they need any help she is available.

City Manager Capell stated the Ms Alvarez and Ms Lopez are a tremendous resource and he encouraged the Commission to contact them.

Commissioner Garcia arrived 5:23 P.M.

City Manager Capell stated he would like to get the Commissions' thoughts on the budget, and advised that the budget planning process is already underway. The process of putting the budget together has changed but he wants to give the Commission a good product and something that makes sense to them. He asked the Commission for some guidance on the areas on which the City should focus. If there are things or questions about the budget, he would like to know in order to explain or incorporate them into the budget. City Manager Capell called for Commissions' comments.

Commissioner Pecos stated the traffic lights at 14<sup>th</sup> & Yoakum, and 6<sup>th</sup> & King need to be synchronized. Ms Alvarez stated these are State maintained lights. Commissioner Pecos stated he did not want to see an increase on taxes. Mayor Fugate asked when was the last time anyone got a raise, a cost of living raise. City Manager Capell replied employees have gotten regular scheduled raises in terms of seniority. He added he did not know when the last cost of living raise was given. Mayor Fugate stated, particularly, the departments that are losing all these employees and added he knew the City couldn't get competitive with the oilfields. Commissioner Leubert agreed with the Mayor's comments in reference to particularly the hourly employees. Mayor Fugate stated compensation is a big issue this year. City Manager Capell stated that is on his list.

Commissioner Leubert stated she didn't know how much money was being allocated for the Halloween Party, but a Veteran questioned why the City isn't doing anything on the City's birthday, which is on the 4<sup>th</sup> of July. She asked about the progress on property liens. City Manager Capell replied foreclosures are an option but he would like to institute the lien process first and added he did not know the last time this was done. City Manager Capell stated that before foreclosure the City has to make sure that its property that the city wants to own and have a plan to develop or use it constructively. Commissioner Leubert commented that anything would be an improvement. She stated she has received a lot of complaints about animal issues and she would like see improvements at the animal shelter. Commissioner Pecos stated he also has received complaints about stray cats.

Commissioner Garcia stated this would be a daring idea but wants to address City parks by doing more in the area where parks are located, and to try to take over the park system from the County. City Manager Capell agreed with Commissioner Garcia's comments and stated there are some options that can be presented to the County to see if they are interested and to see if the golf course could be added.

Mayor Fugate stated the KCVB contract is almost expired and understands everybody at the KCVB is retiring. He added the City needs to rethink that and relook at how it is handled. He stated that Hotel/Motel tax revenues on annual basis totals more than \$480,000. This money can be better spent than it has been. He voiced his concern that much of that money was unused by the KCVB in recent years and he doesn't understand why they have more than \$400,000 in excess revenues out there that just sits there. City Manager Capell replied they have some substantial fund balances, which is a good thing. Mayor Fugate replied he wasn't sure that was a good thing. City Manager Capell stated its money that could have been used for promoting the community and wasn't. Mayor Fugate stated some of those monies could be used in some of the issues that Commissioner Garcia spoke about. City Manager Capell stated he has actually started the transition process; his plan is to bring to the Commission some options for delivery of tourism services. Mr. Trescott has had discussion, in the last few days, with hotel owners that also want see some changes. One way or the other because the contract will expire or is extended on September 30<sup>th</sup>, the City has to give sixty (60) day advanced notice on what the City's intentions are. Mayor Fugate suggested putting this on the agenda in July. City Manager Capell stated he has assigned Mr. Trescott in charge of the transition, transitioning from people that are there, 100% of them, including the chairman of the board have indicated they are retiring and he can't allow this to just disintegrate for people to leave and just lock the door.

Commissioner Garcia commented on the Code Enforcement department which needed to be defined better. He stated he had an irate customer come by his business office and that customer will be in to see the City Manager. City Manager Capell stated the City has defined our mission and we are enforcing the codes, but sometimes mistakes are made in notifying properties owners. Commissioner Garcia stated the customer received a registered/certified letter before the regular letter was mailed out. City Manager Capell stated the City is being more aggressive and are going in to clean and file a lien. More people might get upset because we are enforcing the codes better but a lot of people are happy that the area is getting cleaned.

Mayor Fugate stated the streets are a problem that only money will solve, but Commissioner Pecos does not want to raise the tax rate. Commissioner Garcia suggested restructuring the debt structure and putting money into streets. Mayor Fugate agreed with Commissioner Garcia's comment and suggested the City do a study on the streets. City Manager Capell gave an example, the City has 120 miles of streets and the City spent over \$500,000 doing 2.5 miles. Those were significant street improvements. At the minimum, what is needed is about \$500,000 - \$700,000 each year from now on.

Commissioner Pena stated he would like to be more realistic, sure there's a five year plan but there should be other short-term plan in reference to potholes. There's more urgency from the citizens he has spoken to in repairing those kinds of items. Mr. Khan stated the City uses oil and rock for potholes but are looking for something different and much better. City Manager Capell stated Mr. Khan has stated that some of the City streets have started experiencing alligator cracks and once that happens its puts those streets on a high priority. Commissioner Garcia stated that people have stated the City is paying more attention to the better part of town and ignoring the barrios or colonias regarding streets. City Manager Capell replied the City has a system in place and are addressing streets which are in most need first. Commissioner Pena stated things are done by zone and the zones could be alternated to eliminate that kind of appearance.

Commissioner Pecos asked how many sweepers the city operates. Mr. Khan replied the City has two operating sweepers which are used by employees from several departments.

Commissioner Garcia stated the City should continue the beautification effort which is a good thing for the community.

City Manager Capell stated sometimes, one of the mistakes made is that we think we can do just this one thing and we are going to be successful. The fact is that we have to do everything, and community appearance is a good example. Staff is working hard and some people will be upset.

Commissioner Pena stated the enforcement of some codes is very important, those are the types of complaints he has received. He suggested evaluating or re-evaluating some of the ordinances depending on the number of complaints received.

When looking at the Staff Report, City Manager Capell stated it has some data in it, so the City is starting to track data, which the City is trying to do more of that, but sometimes it's your only ammunition and only defense to show this is what we are doing. We are off to a good start but we are not where we need to be.

Mayor Fugate called for a 5 minute break at 5:55 P.M.

**6:00 P.M. – Regular Session of the Agenda continues.**

**Mayor Fugate called the meeting to order at 6:04 P.M.**

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Mayor Fugate called for consideration of the minutes of the special meeting of Thursday, May 24<sup>th</sup>, 2012 and regular meeting of Tuesday, May 29<sup>th</sup>, 2012. **Commissioner Leubert made a motion to approve the minutes, as present, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Pecos, Leubert voting “FOR”.**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

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, 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, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time.”*

City Manager Capell stated he had no additional comments, only that the Staff Report is attached.

Ms Alvarez reported the next regularly scheduled Commission meeting is on Monday, June 25<sup>th</sup>, deadline for agenda items is Friday, June 15<sup>th</sup>, and she added that she is scheduled to be out of the office this Thursday and Friday.

Commissioner Garcia welcomed three Texas A&M University-Kingsville students.

Mayor Fugate presented a “Because You Care Award” to three members of Kappa Sigma Fraternity - TAMUK students who have been involved in every cleanup project of the City of Kingsville.

Mayor Fugate presented a Certificate of Appreciation and a City of Kingsville watch to Mr. John Garcia, former Risk Manager for his 31 years of service to the City.

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

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mr. Israel Mendolia, Commander for Post 99, spoke about the City of Kingsville celebrating the City’s birthday on the 4<sup>th</sup> of July.

Mr. Lance Hamm, 912 S Creek, spoke in reference to one year anniversary for the commercial rezoning for the RV Park near Dick Kleberg Park.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1 & 2. **Commissioner Garcia made a motion to accept the Consent Agenda, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pena, Leubert, Pecos, Garcia voting “FOR”.**

V. Consent Agenda

1. Motion to approve authorizing a donation of an old ambulance stretcher from the Fire Department to NAS-Kingsville. (Fire Chief).
2. Motion to approve reappointing Mr. Nick Harrel to the Civil Service Commission for another three (3) year term. (Human Resource Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

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

3. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for a water rate for Naval Air Station Kingsville. (Finance Director).

Mr. Kahn stated the new water contract was presented a couple of weeks ago on the agenda. At that time the contract stated, the current rate will be changed as soon as the study was done. Our consultant, HDR did the study and the rate has changed, as per the study, from \$1.39 per 1000 gallons to \$1.75 per 100 gallons. Mayor Fugate asked if the Navy was happy with the new cost. Mr. Khan replied it was discussed with the Navy and they knew the rate could change as soon as the study was completed. Upon a question from Commissioner Pecos, Mr. Khan replied that the contract was held due to some language which was removed. Mayor Fugate called for comments from Ms Alvarez. Ms Alvarez stated the contract is already approved and executed by both parties and the City has to continue to use the old rate that has been set for a couple of decades until this one is approved by the Commission. The rate study indicated that they actually looked at what parts of the City's distribution system was being used to determine an adequate rate for this particular wholesale customer.

**INTRODUCTION ONLY**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:25 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary