

APRIL 22, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 22, 2013 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
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Willie Vera, Task Force Commander
Mike Tamez, Task Force Agent
Jason MaGee, Task Force Agent
Ruben Villabos, Task Force Agent
Anita Stewart, Administrative Assistant II – Task Force
James Bryson, Accounting Manager
David Mason, Purchasing/IT Director
Mark Rushing, Finance Director
Mike Kellam, Director of Planning & Development Services
Bill Donnell, Assistant Public Works Director
Emilio Garcia, Health Director
Ruthie Valdez, Interim Library Director
Melissa Perez, Risk Manager
Joey Reed, Fire Chief
Ricardo Torres, Chief of Police
Bob Trescott, Tourism Director
Cynthia Martin, Downtown and Volunteer Manager
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/City Engineer
Joe Casillas, Water Production Supervisor
Rose Morrow, Municipal Court Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mark Rushing, Finance Director followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – March 25, 2013

Regular Meeting – April 8, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Commissioner Leubert made a motion to approved the minutes as presented, second by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena and Fugate voting: “FOR”.**

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

III. 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. Vincent Capell, City Manager, reported that staff will be attending a Professional Development Program Training on Thursday, April 25, 2013. This training will be an all day training and will be held at the Henrietta Memorial Center. On Friday, April 26, 2013 some staff members will also be attending the 2013 Student Design Conference to be held in the Engineering Complex located on the campus of Texas A&M University-Kingsville. Mr. Capell introduced Mr. Charlie Cardenas, Public Works Director/City Engineer.

Mr. Charlie Cardenas commented to the City Commission that he is ready to help move the City forward which is the direction that it is moving now.

Mrs. Courtney Alvarez, City Attorney, reported that the next City Commission meeting will be on Monday, May 13, 2013. Agenda items for this meeting are due on Friday, May 3, 2013.

Mayor Fugate reported that there is a Crickett Tournament to be held at the Dick Kleberg Park April 26-28, 2013. The Ride on the Wild Side Bike Ride will be held on Saturday, April 27, 2013. He asked for citizens of Kingsville to support both events. Mayor Fugate presented Ms. Anita Stewart, Administrative Assistant II a certificate of appreciation as well as a retirement watch with the City logo. Ms. Stewart has been employed with the City of Kingsville for 17 years.

IV. Public Comment on Agenda Items³

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 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.

Commission Leubert requested for item 2 to be removed from the consent agenda and be placed under the regular agenda for discussion.

Motion made by Commissioner Leubert to approve consent agenda item 1 only, second by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia and Fugate voting: “FOR”.

1. Consider final passage of an ordinance amending the Fiscal Year 2012-2013 Utility Fund Budget for water treatment operations and modified permit penalties imposed by TCEQ. (Director of Finance).

2. Motion to approve out-of-state travel for City Commission and Staff to attend the National League of Cities - Congress of Cities and Exposition 2013 Conference on November 13-16, 2013, in Seattle, WA. (Commissioner Pecos).

Commissioner Pecos stated that the reason he has requested for this item to be placed on the agenda so early in the year, is that in order for staff and Commission to save money on registration and to stay in the host hotel, registration fee would need to be paid as soon as possible. The deadline for the earlybird registration is May 15, 2013.

Commissioner Leubert stated that the reason she decided to pull this item from the consent agenda, is that she didn't understand as to why this item would need to be approved so early in the year. She further stated that the Commission is running out of travel money and is concerned that with having a few months left in this fiscal year, there may not be any funds left if a situation comes up with our Naval Base or any other situation.

Commissioner Pecos stated that the registration fee would not deplete all the funds for this fiscal year since all other expenses (hotel, travel per diem) will be expended from the new budget year 2013-2014.

Commissioner Garcia stated that by registering early, you also save on some of the registration fee.

Motion made by Commissioner Pecos to approve the out of state travel for City Commission and Staff to attend the National League of Cities - Congress of Cities and Exposition 2013 Conference on November 13-16, 2013, in Seattle, WA., second by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Garcia, and Fugate voting: "FOR". Pena voting: "AGAINST".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.**⁴

3. Consider resolution authorizing the City Manager to enter into a Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection Office of Border Patrol, Rio Grande Valley Sector. (Fire Chief).

Mr. Joey Reed, Fire Chief, stated that this memorandum of understanding would allow Border Patrol Agents to ride along with City ambulances to gain field experience in their EMT work. This is a program that the City and Border Patrol have done in the past and there is no cost to the City for this program.

Commissioner Pecos made a motion to authorize the City Manager to enter into a Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection Office of Border Patrol, second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, and Fugate voting: "FOR".

4. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget in Fund 065 Co 2011- General Fund for the Fire Department improvements to Fire Station #2. (Finance Director).

Mr. Mark Rushing, Finance Director, stated that this is money that was budgeted in CO 2011 general fund side for the purpose of remodeling Fire Station No. 2. Initially this was year marked \$202,283 and in fiscal year 2012 \$172,720 which left a balance of \$29,563.

Introduction item only.

5. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget for the Building Security Fund and Municipal Court Technology Fund to purchase security cameras for Municipal Court and Collections departments, to

update network load balancing, and to purchase a receipting machine and laptop computer for Municipal Court. (Finance Director).

Mr. Rushing stated that of the attached combined budget amendment for Municipal Court in the amount of \$15,700, only \$4,000 for the wiring would not be portable if we were to move to a new building. A majority of the \$4,000 wiring cost is for connectivity to send/receive OMNI, OCA and Linebarger data submissions. He further stated that the building security would net out at \$76,198.84 and technology would net out to \$27,791 as a residual balance projected for September 30, 2013.

Commissioner Garcia asked if there were security cameras in Municipal Court and Collections Department.

Mr. Rushing stated that these cameras are throughout the building.

Commissioner Garcia asked if these cameras were in the interior and the exterior of the building.

Mr. Rushing stated that the cameras are in the interior and exterior of the building.

Introduction item only.

6. Consider introduction of an ordinance abandoning an alley and retaining an easement for utility purposes in Block 34 of the Original Townsite of the City of Kingsville (alley is between Henrietta Ave & Yoakum Ave by the Epiphany School). (City Engineer/Public Works Director).

Mr. Charlie Cardenas, Public Works Director/City Engineer, reported that this location is primarily used by Epiphany School. There is no financial impacts to the City. The city will retain an easement for utilities.

Mayor Fugate stated that if the house and apartment located in the alley would be affected in any way.

Mr. Cardenas stated that his understanding is that the residents will of this home and apartment will still have egress and ingress from 4th street and Yoakum.

Mr. Al Higginbotham, 534 N FM 2619, stated that the home and apartment will have access to the street.

Introduction item only.

7. Consider accepting donation of surplus overhead canopy from the local HEB store. (Tourism Director).

Mr. Mark Miller, H.E.B. Store representative, stated that H.E.B would like to donate the 25 feet by 100 all-steel overhead shade canopy that extended perpendicularly from the front of the building westward into the parking lot of the H.E.B. Store. The canopy was outfitted with tables and some coin-operated rides for small children. Store management did a study and determined that removal of the canopy would result in 20-plus close-in parking places for the store. The original proposal was for the demolition, removal and scrapping of the steel canopy structure. When store management inquired from the City's Downtown Manager about landscaping and other issues related to the repaving that the proposed project would entail, The Downtown Manager (now Tourism Director) inquired as to whether H.E.B. would consider allowing the canopy to be removed as a whole and donate as is to a downtown City property for use as a shade pavilion. H.E.B. agreed and in October 2012, a house mover detached the structure from its anchors and from its attachment to the store building. They then placed it on wheels as a unit and moved it several blocks to a City owned property at the City's expense. The City will maintain, support, and be responsible for the canopy on an on-going basis.

Motion made by Commissioner Pena to accept the donation of a surplus canopy from the local H.E.B. Store, second by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos and Fugate voting: "FOR".

8. Consider accepting a donation of large art print from the Art Department at Texas A&M University-Kingsville. (Tourism Director).

Mr. Nick Mendoza, Assistant Professor of the Art Department Texas A&M University-Kingsville, stated that on behalf of Texas A&M University-Kingsville Art Department, Communication and Theatre Department, they would like to donate a Steamroller Art Print of the 22nd Annual Ranch Hand Breakfast to the City of Kingsville.

Abbey Zinc, Dean of College of Arts and Sciences with Texas A&M University-Kingsville, stated that this is a great example of what the City and University can do together. She further stated that they are looking for more opportunities to get involved through out the city.

Motion made by Commissioner Pena to accept the donation of a large art print from the Art Department at Texas A&M University-Kingsville, second by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena and Fugate voting: "FOR".

9. Consider resolution authorizing the Mayor to enter into a Second Amendment and Extension of the Kingsville Industrial District Agreement No. 92-02 between the City of Kingsville and Ticona Polymers, Inc. (f/k/a Hoeschst Celanese or Celanese Engineering Resins, Inc.). (Director of Planning and Development Services).

Mr. Mike Kellam, Director of Planning and Development Services, stated that this original agreement was approved by the Commission back in March 2013. The signed agreement was sent to corporate offices by Mr. Brian Connelly and they have requested a few minor changes regarding the legal description.

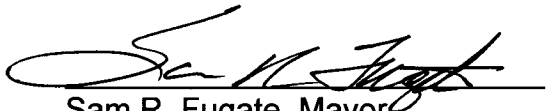
Commissioner Garcia asked if they acquired a different plat of land that warranted the change in the legal description or was this an error.

Mrs. Alvarez stated that no changes to the boundaries were made, they just added two paragraphs at the beginning of the legal description.

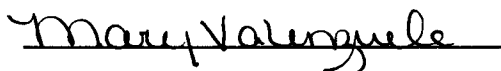
Motion made by Commissioner Pecos to approve this resolution, second by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, and Fugate voting: "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary