

JUNE 27, 2016

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 27, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Edna Lopez, Commissioner  
Arturo Pecos, Commissioner  
Noel Pena, Commissioner

**CITY COMMISSION ABSENT:**

Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Jesús Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Willie Vera, Task Force Commander  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Bill Donnell, Assistant Public Works Director  
Carol Rogers, Risk Managers  
Diana Gonzales, Human Resources Director  
Cynthia Martin, Downtown Manager  
Susan Ivy, Parks Manager  
David Solis, Risk Manager  
Deborah Balli, Finance Director  
Robert Rodriguez, Library Director  
Adrian Garcia, Fire Chief  
Charlie Cardenas  
Jim DeVisser, Fire Consultant  
Ricardo Torres, Police Chief  
Sharam Santanilla, Capital Improvement 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 four Commission members present. Commissioner Garcia absent.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – June 13, 2016

**Motion made by Commissioner Pecos to approve the minutes of June 13, 2016 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Fugate voting “FOR”.**

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

1. NONE.

**III. Reports from Commission & Staff.<sup>2</sup>**

*“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, Investment Report, Quarterly Budget Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mr. Jesús Garza, City Manager introduced new Fire Chief Adrian Garcia.

Mrs. Courtney Alvarez, City Attorney announced that the next scheduled Commission meeting is Monday, July 11, 2016, with agenda items due Friday, July 1<sup>st</sup>.

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

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

Augustin "Gus" Ruiz, 1032 E. Ragland Ave., commented that he has worked for the Kingsville Police Department for four years and prior to this he worked for the Kingsville Task Force for eight years. When he was hired with the Kingsville Police Department he lost his years of service for the City of Kingsville but this was not true for officers leaving the Police Department and joining the Task Force. In addition, he was forced to take a \$2.00 an hour pay cut joining the Police Department. Because of this other allegations of disparity of Kingsville Law Enforcement Association also known as KLEA. An open records request was sent over to the City to investigate allegations of paid disparity between officers working for the City of Kingsville. These include the Kingsville Police Department and Task Force Officers. After receiving and reviewing over 2,000 pages of responsive documents received by request of an open records, several issues became clear. Since 1995 job titles for the Task Force Officers have changed, but all officers as of this date, licensed by the Kingsville Police Department by the Chief of Police. The Texas Commission of Law Enforcement Officers list all Task Force Officers as Kingsville Police Officers. Ruiz stated that this is true even with his years with the Task Force. KLEA analyzed salaries with the City which clearly show that not only a paid disparity exists but other issues were not handled uniformly. The association filed a grievance on January 25, 2016, KLEA made specifically very clear that they were in no way attempting to harm any officers working for the Kingsville Task Force. On March 21, 2016, KLEA received a written response from the City Manager stating, "Effective April 1, 2016, the City operations of the Task Force is transferred under the direction and scope of the City of Kingsville Chief of Police." Ruiz continued to state that this resolution being presented today appears to be in response to their grievance. Not only is this an attempt to keep the Kingsville Police Officers pay low, the City appears to be willing to toss aside officers of the Kingsville Task Force, forcing them to resign from the City without any guarantees rights under their collective bargaining or Texas Law. The lack of transparency in this resolution should concern each of the Commission members as this resolution does not do nothing to address the grievance that has been filed nor does it protect the Task Force Officers.

Vincent Murray, 3440 Franklin Adams, stated that he has worked for the Kingsville Police Department for eight years and serves as the Vice President of KLEA. As Officer Ruiz outlined the association filed a grievance to address the pay and benefit disparity between officers of the Kingsville Police Department and Task Force. Murray stated that for months their grievance committee has met in good faith with city officials to attempt to reasonably resolve the issues. During this time rumors circulated that there were secret meetings being held between the City, County and Task Force. News stories appeared casting police officers as greedy and that Task Force Officers had unique talent unlike that of Kingsville Police Officers. Murray stated that he has worked for the SLOT Team for the past two years. The job duties of the SLOT team near the job duties of the Task Force. Their job duties range from conducting street level narcotics investigations within the City to handling large scale of criminal investigations such as narcotics smuggling, money laundering, firearms smuggling conducted by Mexican drug cartels. The unit also assist federal stated and local entities. He further stated that their units comprise of two interdiction officers, one corporal, sergeant to assist the team and a lieutenant to oversee the unit. Their unit not only performs the same duties as the Task Force, but also handles the additional jobs assigned by the Chief of Police. Murray stated that he does not see anyone can argue that any Kingsville Police Officer deserves less pay or respect. Their grievance had a simple solution and instead the Commission is being asked to dissolve the Task Force. The official statement is that the City of Kingsville can no longer afford the officers. This statement is indirect conflict with prior city statements since the Task Force is self-funded through drug forfeiture funds. Murray asks where is the truth? The resolution on the agenda today will require for the Task Force Officers to resign and be forced to become County employees or find other jobs. Murray further commented that everyone in the room stand here today defending their brothers in blue and clearly there will be economic losses to all the officers. There is no need for the haste in which the city is moving. He encourages the City Commission to consider all aspects of such a vote, and their rights must be protected.

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 Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Lopez, Fugate voting "FOR".**

**1. Motion to approve final passage of an ordinance granting a special use permit to place a mobile home at Corral, Block 23, Lot 1,2 (Corral Storage) known as 1220 E. Corral, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Development Services Director).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget to accept and expend donations from the Kingsville Chamber of Commerce. (Finance Director).**

**REGULAR AGENDA****CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**VI. Items for consideration by Commissioners.<sup>4</sup>

**3. Consider a resolution supporting regulations for responsible standards and placement of wind farms. (City Manager).**

Mr. Garza stated that this item was brought forth because of an issue that has been going on for the past couple of years. Recently the FAA determined that wind farms do not pose a threat to air service and in response to that, Nueces County and the City of Corpus Christi have passed resolutions opposing this decision. It is important that the City of Kingsville take the same initiative to protect Naval Air Station Kingsville. NAS Kingsville is in support of this resolution.

Mayor Fugate commented that the issue with these wind farms is that they interfere with ground radars from NAS Kingsville, NAS Corpus Christi, and Corpus Christi National Airport.

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

**4. Consider acceptance of donations for Parks Department summer programs. (Parks Manager).**

Mr. Garza stated that these are donations from various donors to assist with the Parks summer programs.

**Motion made by Commissioner Pena to accept these donations, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Pena, Fugate voting "FOR".**

**5. Consider acceptance of donation for Police Department for officer medical kits. (Chief of Police).**

Chief Torres stated that this is a donation from the Kingsville Area Educators Federal Credit Union for the purchase of medical kits.

**Motion made by Commissioner Pecos to accept this donation, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Lopez, Fugate voting "FOR">**

**6. Consider a resolution authorizing the City to submit an application to the Office of the Governor for a Homeland Security Grant for the purpose of requesting grant**

**funding on behalf of the City for night vision equipment for the law enforcement personnel for the Kingsville Police Department with no anticipated cash match. (Chief of Police).**

Chief Torres reported that the Police Department is requesting a resolution for application and acceptance of Homeland Security Grant Project #3146701. The purchase of nine complete sets of night vision goggles to which officers in the field will greatly enhance their ability to see in low light conditions. The Coastal Bend Council of Governments has approved the amount of \$27,000 in grants funds for the project with no matching funds by the City.

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

**7. Consider introduction of an ordinance amending the FY15-16 Budget to accept and expend donations for the Parks Department for summer programs. (Finance Director).**

Introduction item.

**8. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 Budget to accept and expend donation from the Kingsville Area Educators Federal credit Union for police officer medical kits. (Finance Director).**

Introduction item.

**9. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 Budget to include Homeland Security Grant Project #3146701 for the Police Department. (Finance Director).**

Introduction item.

**10. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 Budget for the purchase of generator equipment and storm debris collection expenses. (Finance Director).**

Mrs. Deborah Balli, Finance Director reported that this amendment is for a new fund disaster recovery. This will set aside funds for emergency situations.

Introduction item.

**11. Consider authorizing the addition of the Cottage Building and new City Hall to the windstorm and hail property insurance policy. (Risk Manager).**

Mr. David Solis, Risk Manager stated that the City's windstorm policy effective May 1, 2016 does not include the new City Hall or the Cottage Building as the buildings were not completed or fully occupied. Victor O. Schinnerer & Co. originally provide the City with a quote from Amrisc or \$32,417.70 for the new City Hall and \$600.60 for the Cottage Building. After subsequent review by broker and underwriters from Amrisc, the annual windstorm premium was reduced for the new City Hall to \$28,719 annually while the premium for the Cottage Building remained the same at \$600.60 annually. As there remains ten (10) months on the policy, the rates for the two structures would be pro-rated and effective July 1, 2016 through April 30, 2017.

Commissioner Pecos asked what the amount the new city hall was insured for as well as the cottage building. Mr. Solis responded that the amount for the new city hall (structure only) is valued at \$9,000,000.00 with content valued at \$450,000.00. The cottage building is insured at \$175,000.00 with no content.

Mayor Fugate asked where this money will be coming from. Mrs. Deborah Balli, Finance Director responded that this will be taken care of with the end of year budget amendment. For the remainder of the year it is only \$7,179.00 is needed for the Fiscal Year 2015-2016. The remainder will be coming for the 2016-2017 budgets.

**Motion made by Commissioner Pena to authorize the addition of the Cottage Building and new City Hall to the windstorm and hail property insurance policy, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Pena, Fugate voting "FOR".**

**12. Consider a resolution authorizing the transfer and release of the Kingsville Specialized Crimes and Narcotics Task Force to Kleberg County. (City Manager).**

Mayor Fugate asked that if there were no objections from the City Commission, he would like to move item #12 before item # 3. No objections were made by members of the Commission.

Mr. Garza reported that the City of Kingsville was approached a few weeks ago by the County Judge showing some interest in taking over the Task Force. Prior to this communication from the County Judge, this had not been considered. Since that time staff had gone back and did its due diligence and checked legally and financially in terms of impacts that this particular move would have on the City. It was determined that in the financial part it would be cost neutral. There wouldn't be a negative effect on city operations if the Commission approves the move. Meeting with the County to discuss this potential change it was determined that taking into account that the history of the Task Force, in terms of originally being with the County, it would be in the best interest for the Task Force to be moved to the County and it is what staff is recommending tonight.

**Motion made by Mayor Fugate to accept the resolution as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Fugate voting "FOR". Lopez "AGAINST".**

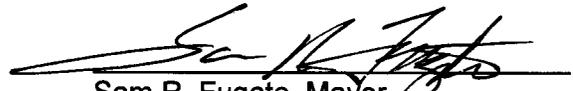
**13. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).**

Mayor Fugate announced the Executive Sessions for agenda item #13 and convened the meeting into Executive Session at 6:36 P.M.

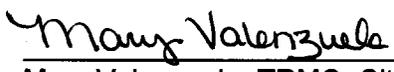
Mayor Fugate reconvened the meeting into open session at 6:56 P.M.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:57 p.m.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMC, City Secretary