

September 23, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, SEPTEMBER 23, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Filemon "Phil" Esquivel, Mayor
 Charles E. Wilson, Commissioner
 Horacio "Hoss" Castillo, Commissioner
 Al Garcia, Commissioner
 Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Hector Hinojosa, City Manager
 Diana Valadez, City Secretary
 Luke Womack, City Auditor
 Michael Guerra, Acting City Attorney
 Stanley Fees, City Engineer
 Artemio Alvarez, Risk Manager
 Sammy Maldonado, Utility Superintendent
 Vilma Castillo, Collections Manager
 Joel Saenz, Nuisance Abatement Officer
 Corando Garza, Asst. City Manager/Fire Chief
 Caron Vela, Accountant
 Joe Casillas, Water Production Supervisor
 Dianne Leubert, Solid Waste Superintendent
 Sam Granato, Chief of Police
 Jennifer Detloff, Director of Development Services
 Diana Gonzales, Human Resource Director

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

This meeting was opened at (time unknown)

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)

Mayor Esquivel asked Mrs. Dora Byington, Purchasing Director to say a prayer and asked the Boys Scout of America to lead us in the Pledge of Allegiance. Commissioner Castillo led us on the Texas Flag Pledge.

Mayor Esquivel proclaimed the month of October as National Domestic Violence Awareness Month.

Mayor Esquivel recognized and presented Mrs. Dora Byington with a plaque and proclamation for 40 years of service to the City of Kingsville.

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

None available.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. None.

1. MAYOR AND CITY COMMISSIONER REPORT. (CITY COMMISSION).

Commissioner Wilson commended the Kingsville Record for publishing information correctly regarding the AEP Project. He then stated that the Kingsville Area Industrial Development Foundation was the key leader for the bringing the AEP project into town.

Mayor Esquivel stated that the City and County went in on a team effort in regards to the AEP project. Mayor Esquivel announced to the City Commission and staff that there is a hurricane in the Gulf of Mexico and urged all citizens to keep alert and tune in to your local TV stations and local radio station 89.5 KLUX for weather updates.

Mr. Art Alvarez, Risk Manager briefed City Commissioners those emergency sirens have been tested and ready to go in case of an emergency. He stated that the sirens are tested weekly every Wednesday at noon. Sgt. George Crocker of the Kingsville Police Department is responsible for testing sirens.

Mr. Corando Garza, Assistant City Manager/Fire Chief stated that he has met with staff and everyone knows where to report in case of an emergency.

Commissioner Pecos asked City Manager Hector Hinojosa about water gauge information he requested about two months ago. Mr. Hinojosa said he had given direction to staff and will follow up with them.

2. CITY MANAGER'S REPORT. (CITY MANAGER).

Mr. Hinojosa let the Commission know that City employees were having their first Javelina tailgate party on Saturday at the North side of the University Stadium and everyone is invited. He also stated that the City has received a refund from the Appraisal District due to them being under budget \$45,000.00 and the City's portion is \$6,506.31.

He also said that the radio system that was installed is able to communicate with the Sheriff's Department.

Chief Granato stated that a representative from Daily Wells was present to explain to Commission how the radio system works.

Mr. Ben Frajaj a representative of Daily Wells explained to the City Commission how the new radio system works and its capabilities.

Mr. Hinojosa asked Mr. Stanley Fees, City Engineer to go over the procedures in regards to potholes due to a lot of rain.

Mr. Fees stated that the procedures for potholes are through a work order. Street Department Supervisor receives all work orders and is responsible for scheduling repairs as soon as possible. He also stated that there are water leak repairs that need to be taken care of immediately.

Commissioner Pecos asked Mr. Fees whether asphalt or cold mix was being used for pothole repairs.

Mr. Fees replied that the cold mix is being used for pothole repairs when additional asphalt is not available. He stated that the cold mix is greasy enough to stick on the base material of the hole.

Mayor Esquivel commended Ms Melissa Delgado for putting together the visit of Senator Lucio to Kingsville. Senator Lucio was in town on September 19th. He also thanked all those who took time to attend the luncheon.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Stanley Laskowski - 1900 Kelly – Mr. Laskowski presented the city with a banner in memory of those who lost their lives in the 9/11 disaster. He then requested for it to be hung in the first floor of city hall. He also stated that the banner was not to be used by any other organization without the written consent of the Kingsville Alumni Association.

Gary Herrera - 114 Maple Cr. – Mr. Herrera stated that pot holes on 2nd street need to be repaired and would like for the city to spray for mosquito's as often as possible.

Mayor Esquivel asked Mr. A.L. Noyola, City/County Health Director to address the mosquito situation.

Mr. Noyola stated that the Health Department is spraying as often as possible and he wanted to let citizens know that all standing water should be dumped to stop the population of mosquitoes.

Sharron Pennington – 632 East Corral – D & C Amusement. She stated that she has been in business since 1988 and that the Commission is neglecting small businesses. She would like for the City Commission to locate 8-liner game rooms away from the amusement businesses which operate other types of machines.

Mayor Esquivel thanked Ms. Pennington for being at tonight's meeting.

V. ITEMS FOR CONSIDERATION BY COMMISSION.

1. Consider approval of financial commitment of \$5,000 to Halo Flight, Inc. (Mayor Esquivel).

Mayor Esquivel stated that Halo Flight is a vital key to the City of Kingsville and that the city has not contributed to this organization for a couple of years and would like to contribute \$5,000 to this organization.

Mr. Garza said that the City of Kingsville relies on Halo Flight to transport patients to the nearest hospital.

Ms JoAnn Salgie of Halo Flight stated that thirty-one flights were a direct flight from Kingsville and thirty-four flights were for Kleberg County making a 50/50 split.

Motion made by Commissioner Pecos and seconded by Commissioner Castillo for approval of contribution in the amount of \$5,000 to Halo Flight. Commissioner Garcia asked to amend the motion and to increase the amount to \$10,000. Commissioner Wilson seconded the amended motion. Both Commissioner Pecos and Commissioner Castillo withdrew their motion. Mayor Esquivel asked that for the record that Commissioner Pecos made the first motion and seconded by Commissioner Castillo. The amended motion passed by a unanimous vote.

2. Consider removing from the table the ordinance providing for a permit fee for certain game and amusement devices. (City Manager).

Motion was made by Commissioner Pecos and seconded by Commissioner Castillo to remove agenda item #2 from the table. The motion passed by a unanimous vote.

2.1 Consider final passage of an ordinance adopting Chapter XI, Article 4, Games and Amusement Devices, providing for a permit fee for certain game and amusement devices. (City Manager).

Mr. Michael Guerra, Acting City Attorney explained that the ordinance is being presented as second reading and focuses on the fee and not the machine itself. He stated that the machines are more narrowly defined and that the permit fees are not set in stone and may be revised. He also said that annual fees will be in effect October 1 with no provisions for monthly or quarterly payments. All fees are non-refundable.

Mayor Esquivel asked if we could give those ninety days to pay their fees.

Commissioner Wilson stated that as a courtesy to them, the city should make the revised ordinance available to all who own a game room.

Mr. Gary Huerta stated that if they are being removed from other cities because it is illegal to operate machines, what makes it legal for them to come and operate in Kingsville.

Ms Carolyn Fees asked the commission why they allowed a strip joint and it is a shame that the City of Kingsville has allowed this kind of place to move in near a place where teenagers hold their dances.

Motion made by Commissioner Wilson and seconded by Commissioner Pecos to table item #2.1. Motion passed by a unanimous vote.

3. Consider final passage of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2002 and ending September 30, 2003. (City Manager).

City Manager Hector Hinojosa stated that at the last meeting, we had made a presentation regarding the budget for the general and utility fund.

Commissioner Wilson moves to adopt the budget with the addition and seconded by Commissioner Garcia.

Commissioner Castillo states that with his promises during his campaigning he would like to amend the motion to include the following items: 1) \$25,000 cash for the Parks and Recreation Department with a contingency for capital improvements for all city and county parks, 2) increase the amount for the Senior Citizens program from \$15,000 to \$25,000 and 3) add \$10,000 to the City Commission budget line item travel & training for BRAC process that will be taking place this budget year, and also to include the increase to Halo Flight from \$5,000 to \$10,000.

Commissioner Pecos seconded Commissioners Castillo's motion.

Mayor Esquivel made an amendment, balance budget \$35,000 surplus for the general fund for calendar year 2002-2003.

Mayor Esquivel made a motion to amend Commissioner Castillo's motion to make sure that the city has a balance budget with a \$35,000 surplus for the general fund.

Mr. Hinojosa repeated the recommendations made by Commissioner Castillo for clarification. Commissioner Castillo seconded the Mayor's motion.

Mayor Esquivel removed his motion to include a \$35,000 surplus for calendar year of 2002-2003. Commissioner Pecos seconded the motion.

A lengthy discussion followed.

Commissioner Castillo's motion passed with a 3/2 vote with Commissioner Wilson and Commissioner Garcia casting the descending votes.

Commissioner Wilson and Commissioner Garcia withdraw their motion to approve the budget without any amendments.

Motion made by Commissioner Castillo and seconded by Commissioner Pecos to approve the budget with amendments. The motion passed with a 3/2 vote with Commissioner Wilson and Commissioner Garcia casting the dissenting votes.

4. Consider final passage 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, 2002 and ending September 30, 2003, 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. (City Manager).

Motion made by Commissioner Castillo and seconded by Commissioner Pecos to approve the ad valorem tax rate. The motion passed with a 4/1 vote with Commissioner Garcia casting the dissenting vote.

5. Consider introduction of an ordinance amending chapter IX, Article 5, Fire Prevention and Protection, adopting fire prevention permit schedule and fees. (City Manager).

Mr. Garza stated that staff was asked to set up fees for inspections. He also said that the inspections will be done by the Fire Marshall.

Mayor Esquivel stated this was an introductory item only.

6. Consider resolution creating and deleting certain non-classified service positions; classifying such positions and repealing all resolution in conflict therewith. (City Manager).

Motion made by Commissioner Pecos and seconded by Commissioner Garcia to approve the resolution. No discussion took place. Motion passed by a unanimous vote.

7. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, providing for amendments to the City of Kingsville Classification and Compensation Plan an certain benefits and incentives related thereto. (City Manager).

Mr. Hinojosa stated that the hourly employees shall commence at the same step of pay upon promotion, transfer or temporarily reassignment as held at time of such promotion, transfer or reassignment.

Commissioner Castillo said that some of the salary ranges for some of the department heads were too high and that's why people from Corpus Christi come and apply with the City of Kingsville.

Mayor Esquivel directed Mr. Hinojosa to set up a workshop for the next city commission meeting.

Commissioner Castillo would like to see what other cities are paying with the population of 25,000.

Introduction item only.

8. Consider resolution approving the City of Kingsville's 2002 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Code, Chapter 26, Section 26.09(E). (City Manager).

Mr. Hinojosa recommended approving the City of Kingsville's 2002 Tax Roll submitted by the Kleberg County Tax Assessor-Collector.

No discussion.

Motion made by Commissioner Garcia and seconded by Commissioner Pecos to approve the City of Kingsville's 2002 Tax Roll. Motion passed by a unanimous vote.

9. Consider approval of mutual aid agreement between the City of Kingsville and Ticona Polymers, Inc. (Celanese). (Assistant City Manager/Fire Chief).

Mr. Garza recommended approving the mutual aid agreement between the City of Kingsville and Ticona Polymers, Inc. (Celanese).

Commissioner Garcia asked if any changes were made.

Mr. Garza stated that the only change was with the old mutual aid agreement they strike out the name Hoechst Celanese.

Mayor Esquivel requested a correction be made on the last page of the agreement to read Michael Guerra, City Attorney.

Motion made by Commissioner Garcia and seconded by Commissioner Pecos to approve the mutual aid agreement. The motion passed by unanimous vote.

10. Consider motion to approve line item transfers for the City of Kingsville General and Utility Funds for fiscal year 2001-2002. (City Manager).

Mr. Hinojosa stated that there is one adjustment that needs to be made. The adjustment is a \$400.00 decrease on the \$34,000.00 that was given to the street department to purchase chain saws.

Motion made by Commissioner Castillo and seconded Commissioner Pecos. The motion passed by a unanimous vote.

11. Consider resolution requesting certain city streets be designated as Farm to Market Roads by the Texas Department of Transportation; and authorizing the City Manager to enter into an agreement placing these roadways on the State Maintenance Agreement. (City Engineer).

Stanley Fees explained briefly that the request was made by the Texas Highway Department. The same request was also made to the County.

Mayor Esquivel directed staff to ask the Texas Highway Department to include Caesar St. from Sixth St. heading east towards the Naval Base.

Motion made by Commissioner Garcia and seconded by Commissioner Pecos to approve the resolution. Motion passed by a unanimous vote.

12. Consider discussion and appointments to the following committees. (Mayor Esquivel).

12.1 Keep Texas Beautiful Committee.

12.2 Sports Commission Committee.

Mr. Hinojosa stated that Ms. Susan Ivy, Parks Director would like to be considered for both committees.

Mayor Esquivel stated he would like for the City Commission to name an individual to both committees. Mayor Esquivel also said he would like to see five people on each committee.

No action was taken, but will be placed on the next agenda.

13. Discussion regarding the creation of a water district for the City of Kingsville. (Mayor Esquivel).

Commissioner Garcia stated he wants pluses and negatives about forming this district.

Motion was made by Commissioner Pecos and seconded by Commissioner Castillo to set up a presentation on the next city commission meeting on the creation of a water district. Motion passed by a unanimous vote.

14. Consider motion directing the Kingsville Convention and Visitor's Bureau Board of Director's to reallocate \$5,000 from the hotel/motel tax revenue for the 2003 Pan American Judo Junior and Juvenile Championship, contingent upon the approval and acceptance of the USA Judo Bid Proposal. (Commissioner Wilson).

Commissioner Wilson stated that the Kingsville Convention and Visitor's Bureau can allocate up to \$5,000.00 of their budget and would be contingent by their acceptance by USA Judo of their proposal.

Mayor Esquivel stated the importance of this event.

Motion made by Commissioner Wilson to direct the Kingsville Convention and Visitor's Bureau board of directors to allocate \$5,000.00 to the 2003 Pan Am Judo Junior and Juvenile Championship, contingent upon the approval and acceptance by USA Judo. Commissioner Pecos seconded the motion. Motion passed by a unanimous vote.

VI. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana Valadez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 12th day of April, 2004.

Charles E Wilson, Presiding Officer

ATTEST:

Edna S Lopez

Edna S Lopez, Interim City Secretary