

OCTOBER 14, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, OCTOBER 14, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Filemon "Phil" Esquivel, Jr., Mayor
 Horacio Hoss Castillo, City Commissioner
 Arturo Pecos, City Commissioner
 Charlie Wilson, City Commissioner
 Al Garcia, City Commissioner

CITY STAFF PRESENT:

Hector Hinojosa, City Manager
 Diana Valadez, City Secretary
 Michael Guerra, Acting City Attorney
 Arnold Valadez, Warehouse Clerk
 Diana Gonzalez, Director of Human Resources
 Caron Vela, Interim Finance Director
 Dora Byington, Director of Purchasing
 Sammy Maldonado, Utilities Superintendent

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Sonny Barrera led the Pledge of Allegiance.

Mayor Esquivel presented three individual proclamations to the Catholic Daughters of America, Fire Prevention Week and Red Ribbon Week.

MINUTES OF PREVIOUS MEETING(S) – (REQUIRED BY LAW).

The Commission was presented with the minutes of the Special Meeting held Monday, August 5, 2002, the Special Meeting held Tuesday, August 6, 2002, the Special Meeting held Monday, August 12, 2002, the Regular Meeting held August 12, 2002, the Special Joint Meeting between the Kingsville City Commission and the Kleberg County Commissioner's Court held Wednesday, August 14, 2002, the Special Meeting held Monday, August 26, 2002, the Regular Meeting held Monday, August 26, 2002, and the Special Meeting held Tuesday, September 3, 2002. There being only one correction to the minutes for August 26, 2002, a motion was made by Commissioner Pecos seconded by Commissioner Garcia to accept the minutes with correction to the August 26, 2002 minutes. The motion passed by a unanimous vote.

II. PUBLIC HEARING. (REQUIRED BY LAW).

1. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. MAYOR AND CITY COMMISSIONER'S REPORTS. (CITY COMMISSION).

Mayor Esquivel stated that the City Commission will be attending the Texas Municipal League Conference being held in Austin.

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

Mr. Hector Hinojosa, City Manager stated that the appointment of the Zoning Board of Adjustments has one opening and would like for City Commission to recommend someone for the position.

Mayor Esquivel stated that he would like to see this as an item on the next agenda.

Mr. Hinojosa stated that at the last meeting the Commission requested for a survey to see what other cities with a population of 25,000 or more were paying management employees. Ms. Diana Gonzalez, Director of Human Resource obtained information from TML on what other cities are paying management positions based on tax base population and tax rate.

Ms. Gonzalez explained her survey on management level salaries to the Commission.

Commissioner Castillo stated that his biggest concern was that Kingsville has the lowest tax base out of 12 other cities. He also stated that management salaries are still high in Kingsville and should be reviewed and possibly adjusted.

Ms. Gonzalez stated that the City of Alice is paying management level employees a higher rate compared to Kingsville.

Mr. Hinojosa stated that representatives from Alexander Consulting were present to explain to the city commission about ambulance billing.

Mr. Forrest Seale, of Alexander Consulting stated that 700 accounts representing a balance of \$360,000 be turned over to a collections firm as opposed to a medical billing firm, these accounts are over 180 days old. All accounts over 120 days old should be submitted to EMS Department for approval. Then the list will be reviewed and submitted to the collection agency firm. Before any accounts are turned over to the collection agency, all accounts should go through an audit process because with Medicare you may not collect with out sending three collection letters first.

Mayor Esquivel stated that this is a high priority to the City to collect these charges and would appreciate Alexander Consulting expediting the situation to try and collect.

Commissioner Garcia asked that out of the accounts that are over 180 days, how many are five years or older.

Mr. Seale stated that they are collecting within four to six months.

3. PRESENTATION REGARDING THE POLICIES AND PROCEDURES FOR THE KINGSVILLE CRIME STOPPERS PROGRAM. (COMMISSIONER GARCIA).

Commissioner Garcia stated that he has been a charter member since 1982 and a lot of the funding comes from the probation department. He also stated that he is deeply concerned about the drug problems in the City of Kingsville and our schools and would like for the community to get involved in cleaning up the drug problems in our community.

Sam Granato, Chief of Police, stated that the campus crime stoppers program has been reorganized after being proactive for a short time.

Cpl. Gonzalez stated that the crime stoppers program has a new board, President - Mr. Bob Wyndham, Vice Chairman - Ms. Mary Wyndham and Treasure - Marilyn Clark. He also stated that there are four School Resource Officers in our schools and are working very hard. The amount paid by crime stoppers for this year has been \$8,987, narcotics estimated value \$7,670, and forfeitures and restitutions \$476. Detectives received 1,667 cases in six months with only six Detectives working on all cases.

Commissioner Garcia asked about the process for claiming a reward for calling in to crime stoppers.

Cpl. Gonzalez explained that there is a dedicated phone line which is a crime stoppers hotline situated in the Detectives Division. Once the tip is received the secretary takes information and gives the caller a code. Once the crime has been resolved the caller calls the KPD with the code for status on his tip. If arrest was made the caller calls back to inquire about the reward. The maximum of a reward is \$1,000 with the minimum of \$50. The reward can be higher but must have board approval.

Mayor Esquivel stated that the crime stoppers program is a big asset to the community.

IV. PUBLIC COMMENTS ON AGENDA ITEMS.

1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.

Gary Herrera, 114 Maple Circle, stated that he knows about the drug dealing in our community. He would like to see more volunteers to become mentors for those who need guidance in their lives.

Sharron Pennington, 632 East Corral, stated that the ordinance for gaming devices excludes those who pay out cash. She stated that the ordinance needs to be addressed and reviewed.

Susan Harper, 829 S. 24th, suggested to commission to lower the fees for gaming devices or just get rid of all fees.

Carl Harper, 829 S. 24th, stated that he would like the fees to be lowered to \$100 for one to three machines or just get rid of all fees.

Delma Wilham, 1603 E. Fordyce, stated that she has a small business and would propose to lower the fees as she has already paid the city enough money by paying taxes.

Merlin Simmons, Jr., no address given, stated that money from the gaming devices is donated to a variety of charities. He would like for Commission to remove all fees.

Mr. Kiser, 623 E. Miller, owner of Lina's Restaurant, stated that he owns two gaming devices. He suggested to Commission to drop all fees on gaming devices.

Elizabeth, 1105 Lawndale, represents the Flightline would like to see fees lowered or removed.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

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

Motion made by Commissioner Pecos seconded by Commissioner Garcia to remove item #1 from the table. The motion passed by a unanimous vote.

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

Mr. Michael Guerra, Acting City Attorney, stated that the original language excluded any kind of machine that paid cash. The city was under the impression that paying out cash was strictly illegal. With research being done, there is an addition that needs to be made through the definition of representation of value.

Sharron Pennington stated that her understanding was that the Attorney General has said that the 8-liner machines are illegal.

Mr. Guerra, continued to state that the other changes were a section in the City Charter that gives the authority to the city to regulate amusement halls. That section of the charter is Article 3, Section 22; page two of the ordinance shows the schedule of fees for 8-liner machines. It also states that all fees are non-refundable. Failure to pay a renewal within thirty days will be punishable by a late fee equal to twenty percent of the fee actually due. As instructed by Commission, there is a short grandfathering period for establishments existing at this time during the passing of this ordinance until December 2, 2002.

Mr. Johnny of Johnny's Place stated he doesn't agree with the fees presented on this ordinance.

Mayor Esquivel stated that he doesn't see the cost efficiency for a person to have several machines in different location.

Mr. Johnny stated that he would like to see the fees lowered.

Mayor Esquivel stated that the commission is trying to work with all businesses and trying to be fair.

Sara Luis, 201 Yoakum, stated that if game rooms have to pay the fees, she would like to pay out cash or by gift certificates for all winnings.

Commissioner Pecos stated that all this could come to end once the Supreme Court says that all gaming devices are illegal. He would like to amend the ordinance to \$200 per machine.

Commissioner Castillo stated that he would like to recommend a reduction from \$500 to \$100. A discount should be given to non-profit organizations that have less then ten machines in their locations.

A lengthy discussion took place with citizens voicing their concerns in regards to the 8-liner fees.

Commissioner Castillo made a motion to adopt the ordinance as written with the amendment of one to three machines with a set fee of \$200, and any non-profit organization that has ten or less machines be given a fifty percent discount on their permit fees.

Mayor Esquivel stated that a motion was made to amend one to three machines \$200, four to ten who are non-profit receive a fifty percent discount.

Commissioner Castillo stated that he would like to include to his motion to include the representation of value item for cash paid for sweepstakes. Commissioner Pecos seconded Commissioner Castillo amended motion. The motion passed by 3/2 vote, with Commissioner Wilson and Commissioner Garcia casting the dissenting votes.

A recess was taken at 7:45 p.m.

Meeting reconvened at 7:51 p.m.

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

Mr. Corando Garza, Assistant City Manager/Fire Chief, stated that these fees were in comparison with other cities with the same population as the City of Kingsville.

Commissioner Pecos stated that based on economy we could not compare ourselves with Corpus Christi.

Mr. Garza stated that these fees are pretty much in line with other cities. He also stated that the city would do inspections with no charge. Mr. Garza would like to lower the inspection fees for hospitals and nursing homes to \$40.00.

Motion made by Commissioner Pecos seconded by Commissioner Castillo with a change of \$1.20 per bed to \$40.00 per location for hospital and nursing homes. The motion passed by a unanimous vote.

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

Mayor Esquivel stated that he would like for the Animal Control Officer to be moved from a range six to range seven.

Motion made by Commissioner Pecos to approve the amended ordinance.

Commissioner Castillo stated that management salary maximums should be reduced such as City Manager salary from \$84,200 to \$70,000, City Attorney from \$73,500 to \$65,000, Municipal Court Judge \$73,000 to \$50,000, Fire Chief \$70,000 to \$65,000, Police Chief \$70,000 to 65,000, Assistant City Attorney \$64,000 to \$55,000 if position is filled, Finance Director \$64,000 to \$55,000 and Human Resources Director \$64,000 to \$50,000, and supplemental pay increase for Assistant City Manager from \$5,000 to \$10,000.

Commissioner Wilson calls for a point of order and will second Commissioner Pecos motion to approve the amended ordinance with a change of the Animal Control Officer range six to range seven and to adopt final passage of the ordinance.

Commissioner Castillo stated that no reduction in salaries will be made to employees presently holding positions. He also stated that the city should try to hire people who are willing to stay in Kingsville.

Commissioner Garcia stated that capability is primary and salary should be secondary.

Mayor Esquivel stated that he would like to review the report and would like a summary in writing from staff.

Commissioner Wilson called for question.

Motion failed by a 2/3 vote with Mayor Esquivel and Commissioners Pecos and Castillo casting the dissenting votes.

Motion was made by Commissioner Pecos seconded by Commissioner Castillo to table item #3. Motion passed with a 4/1 vote with Commissioner Wilson casting the dissenting vote.

Mayor Esquivel requested for item #3 to be on the next meeting.

4. Consider resolution authorizing publication of notice of intention to issue certificates of obligation. (City Manager).

Mr. Hinojosa stated that during budget process some capital expenditures were authorized and certificates of obligation needed to be issued. These certificates are not to exceed \$5,000,000.

Ann Barger of First Southwest briefed the commission on their financial status and their options for certificates of obligation. She also stated that if the city decides to pass the resolution giving notice of intent to issue certificates of obligation, First Southwest will work closely with staff to follow the proper procedures in obtaining the certificates.

Mayor Esquivel stated that he would like to see at the next scheduled meeting a list of purchases that the city will use the certificates of obligation so that the community will know what the money will be used for.

Motion was made by Commissioner Castillo seconded by Commissioner Garcia to approve resolution authorizing publication of notice of intention to issue certificates of obligations. Motion passed by a unanimous vote.

5. Consider resolution creating the Keep Texas Beautiful - Kingsville Committee; designating responsibilities; and providing for a method of appointing commissioners. (Mayor Esquivel).

Mayor Esquivel stated that this is a step forward and a good idea for the city and would like to appoint five people to this committee. The committee will have a variety of responsibilities to the commission and the program.

Mayor Esquivel stated that he would like for the City Commissioners to appoint one person each to the committee.

Motion was made by Commissioner Castillo seconded by Commissioner Pecos. Motion passed by a unanimous vote.

6. Consider resolution creating the City of Kingsville Sports Commission; designating responsibilities; and providing for a method of appointing commissioners. (Mayor Esquivel).

Mayor Esquivel gave a brief discussion of the importance of this committee. He also read the points of interest and responsibilities.

Motion was made by Commissioner Pecos seconded by Commissioner Castillo.

Commissioner Wilson stated that the group that is appointed may be swayed because of political pressure in the future.

Mayor Esquivel stated that he feels that the community must work together to make it a better place and would hope that the Sports Commission will be a team player with the Kingsville Convention & Visitor's Bureau, Texas A&M Kingsville and any other type of organization that may bring in any playoff games or series of tournaments that would increase visitors into the City of Kingsville.

Motion passed by a 4/1 vote with Commissioner Wilson casting the dissenting vote.

7. Consider re-appointments to the Library Board. (Library Director).

Mayor Esquivel stated that Alfonso Gonzales and Dorothy Adams were reappointed to the Library Board.

No discussion took place.

Motion made by Commissioner Garcia seconded by Commissioner Pecos. Motion passed by unanimous vote.

8. Discuss and approve the safety incentive program for the City of Kingsville employees for the 2002/2003 budget year. (Commissioner Castillo).

Commissioner Castillo stated that the safety incentive program was approved during the budget process and his intent was that with approval of the safety incentive, the amount for each employee would be \$300 across the board for those employees with three years of service or more.

Mayor Esquivel stated that he would like to table item #8 to give staff an opportunity to draft an analysis for the next scheduled meeting due to some confusion.

Motion made by Commissioner Pecos to table item #8 seconded by Commissioner Castillo. Motion passed by a unanimous vote.

9. Discuss and approve new policy regarding hiring of senior management level positions, ML-1 and ML-2. (Commissioner Castillo).

Commissioner Castillo moved to table item #9 in light of the compensation plan being tabled. Motion was seconded by Commissioner Pecos. The motion passed by a unanimous vote.

10. Consider authorizing City Manager to enter to an oil, gas and mineral lease with El Paso Production Oil and Gas USA, L.P. covering 8.42 acres of land owned by the City of Kingsville. (City Manager).

Mr. Hinojosa stated that the city has been approached by El Paso Production Oil and Gas USA, L.P. to lease from the city 8.42 acres of land and proposal to give the City of Kingsville 1/5 of the production of oil or gas if any found.

Motion was made by Commissioner Castillo seconded by Commissioner Pecos. Motion passed by a unanimous vote.

11. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding potential litigation regarding administration and enforcement of City obligations under the South Texas Water Authority Supply Contract. (City Manager).

The Commission began executive session at 8:55 p.m. Time of release is unknown.

12. Consider memorandum of understanding between the City of Kingsville and the South Texas Water Authority for the provisions of surface water supplies to the City of Kingsville. (City Manager).

Motion made by Commissioner Pecos to table item #12 and seconded by Commissioner Garcia. The motion passed by a unanimous vote with Mayor Esquivel abstaining.

VI. ADJOURNMENT

Meeting Adjourned (time unknown).

Filemon "Phil" Esquivel, Mayor

ATTEST:

Diana F. 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, Interim City Secretary