

MARCH 8, 2004

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, MARCH 8, 2004, 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Charles E. Wilson, City Commissioner/ Presiding Officer
Al Garcia, City Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Irene Ramirez, City Secretary
Courtney Alvarez, City Attorney
Stanley Fees, City Engineer
Diana Gonzales, Human Resource Director
George Bejarano, Finance Director
Corando Garza, Fire Chief
Ricardo Torres, Police Chief
Sammy Maldonado, Utilities Superintendent
Sgt. George Crocker, Police Department

I. Preliminary Proceedings

OPEN MEETING

The meeting was opened at 6:06 p.m.

INVOCATION/ PLEDGE OF ALLEGIANCE – (PRESIDING OFFICER)

UNKNOWN

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

1. Public hearing to consider application by AEP Texas Central Company seeking to increase electric transmission and distribution rates by 14.7% on a system-wide basis.

Mr. Stanley Fees, City Engineer addressed the Commission regarding AEP's utility rate increase. Mr. Fees, stated that the City is requesting that AEP/TCC that they reduce their electric transmission and distribution rates charged to customers within the city limits by 21%.

Commissioner Wilson asked if there is anyone in the public who wishes to express his or her concerns regarding AEP.

Mr. Anse Windham, address unknown asked the Commission if anyone is going to acknowledge what it is going to cost him, for this increase at his house. Commissioner Wilson replied saying that AEP is going to ask for 14.7% increase, and that the Commission is attempting through the ordinance is to freeze the rates. Mr. Fees stated that Mr. Windham can expect about a 15% increase in his utility bill per month if the rate freeze is not possible.

Commissioner Garcia states that he has no questions at this time, and asks Ms Alvarez if she has anything that she would like to add to this.

Ms Alvarez added that a representative that came by City Hall, the week prior to this meeting had inquired whether or not the city had received information from the staff attorneys on whether or not the item would be presented before the City Commission. She stated that she advised them that she anticipated that it would go before the Commission on the 8th of March, and the City Ordinance requires two readings prior to adoption. She added that if the

Commission decides to adopt the ordinance, the second reading would have to be sometime before the 19th. Ms Alvarez advised that this is the deadline to freeze the rate so that the City of Kingsville, citizens, and businesses of Kingsville don't have the automatic rate increase. She also stated that a letter was sent to Mr. Ford with AEP who is also required to receive notice of the public hearing, and has not heard anything from them at all.

Commissioner Garcia asked Ms Alvarez if the ordinance is not approved tonight what will happen. Ms Alvarez states that AEP will be able to go forward with their rate increase. She continued to say that the ordinance on the agenda is for introduction, a public hearing is required, and then the initial reading of the ordinance, and since this is not an emergency matter the city cannot have the 2nd meeting during the 1st meeting, and that a special meeting will have to be done before the 19th.

Commissioner Garcia asked if the reason for AEP's increase was due to the fact that AEP's operating costs are going up. Mr. Fees stated that the STAP Board has not received any information in regards to the increase.

Commissioner Wilson called the Public hearing closed at 6:15 p.m.

III. Public Comment on Agenda Items.³

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

Ms Carolyn Fees, 1506 Santa Cecilia commented that she was disturbed by an article in the paper about the sheriff having the great idea in theory about putting all communications in one building, states that if a terrorist act decides to take out one building that they would shut one area down. She stated that she would like communications separated, so that if something like this were to happen there will still be communication for Homeland Security.

Mr. Jerry Miller, 722 West Escondido, commented his concerned about situation regarding Lee Coleman, Jr., and why Officer Ted Figueroa is still on duty when the case is still under investigation, and if Officer Figueroa is a certified Police Officer.

Mr. Jose Antonio Lomas, Jr., 314 E. Ella, stated that he requests that the commission take Officer Figueroa off Administrative Leave with pay, pending the investigation, states that there are many people with whom he has spoken with that feel the same way.

Mr. Faustino Erebia, Jr., 2901 South Brahma Blvd., stated his concern about what happened at 709 W. Huisache on the 29th of February. He said that after listening to all the witnesses, and the testimonials that he feels that the incident itself calls for a thorough investigation, and as a Member of the Executive Committee of the Organization that has taken on the investigation of the Lee Coleman, Jr. incident. He asked that he would like to hear what has been done, and what plans are being made about the situation. He questioned the City Attorney, on behalf of the Committee, as to what she has done so far, and what she intends on doing. He stated that his main concern is for an accurate, and thorough investigation, and if any civil rights were violated that we need to ensure that this does not happen again. He stated that he would like for the Commissioners to get involved in this matter.

Ms Esmeralda Salinas Ledesma, 615 W. Kleberg, commented that she is there for her son Lee Arthur Coleman, Jr. and added that she wants justice to be done.

IV. Petitions, Grievances, and Presentations.²

1. Workshop on status of Kingsville Fire and Police Departments radio communications, networking, and dispatching. (Commissioner Garcia).

City Manager Yerena asked Mr. Ricardo Torres, Chief of Police to step forward to address Commission.

Commissioner Garcia asked Chief Torres how the City is current on communications, and what is the overall view of where is City is going with this, as far as both departments having access to communications within each department, and other departments in the community. Chief Torres replied that he would like to start with the purchase of the 800 tracking systems, and go from there.

Chief Torres asked Commissioner Garcia is he is determining the use of the 800 equipment for the Fire Department. Commissioner Garcia replied that possibly in the combinations for communication purposes.

Chief Torres stated that any combination is agreeable, if they wish to come on board and purchase the equipment. He added that there are other avenues that can be looked at are some of the grants that the City has gotten.

Mr. Corando Garza, Fire Chief, addressed the Commission, stating that the cost is approximately \$84, 000 to come aboard with PD's communications. He stated that a representative from Simcom, advised him that there is a way to put the Fire Department at an 800MHz system from the 150 that the city has now. Chief Torres stated that this will work. Chief Garza stated that this will be a very costly move for the city. Chief Garza stated that it is feasible for the Fire Department to move in that direction, but once again it will be costly. Commissioner Wilson stated that the cost for the Fire Department, and Public Works Department would be much less since there is already a backbone in place.

Commissioner Garcia asked if there could be multi-dispatching. Chief Torres stated that this would pose as a problem due to the fact that there will have to be more personnel hired, in order to man a second radio.

Commissioner Garcia asked Chief Garza if firefighters are utilized to answer phones. Chief Garza stated that he is, and that the only way to resolve this issue is to hire more personnel to answer phones.

City Manager Yerena asked Chief Garza if the Task Force would be on this system. Chief Torres stated that he has taken them on in his department, and that they are on the same system as the Police Department.

Commissioner Garcia stated that he does not recall referring the Task Force as Police Officers, but as City Marshals. Chief Torres stated they were put under his department, as per the Commissions directions. Commissioner Garcia stated something would be done about that, that because they are specialized in Drug Enforcement Intervention, the community needs this element. Commissioner Garcia stated that he does not want them to have outside influence from the Chief of Police, or any other individual, and that they can operate on their own.

2. City Manager's Report. (City Manager).

City Manager Yerena reported on the efforts and information on the clean-up and on the Beautification Committees.

Mr. John Garcia stated that the Keep Kingsville Beautiful Clean-Up Campaign will be on March 13, 2004 from 8:00 a.m. to 12:00 p.m., and will be meeting at 1300 East Corral. He stated that if weather does not permit, the clean-up effort will possibly be the following week, or the week after that. He said there will be 3

crews that will be picking up brush and trash. He added that Firestone is a national sponsor of Keep America Beautiful Foundation, and they have offered to take all tires, and batteries picked up that day. Mr. Garcia stated that the City Street Department will grate the alleys in the targeted area of the cleanup, and that cable locates have already been done. He advised that Wal-Mart and H.E.B. have donated food and drinks which will be served at the park near Colston School. He added that there will be another clean-up planned shortly after this.

Commissioner Wilson asked what the targeted location for the clean-up is. Mr. Garcia advised that the targeted location is Santa Gertrudis to Corral Street, between 14th Street, and 17th Street. City Manager Yerena added that this information is also available on the City's website.

Mr. Sammy Maldonado, Utilities Superintendent reported on what is going to be happening to fire hydrants throughout the city on March 15th, 2004. Mr. Maldonado stated that that Mr. Macario Mayorga, Water Supervisor has scheduled to begin fire hydrant maintenance program, there is a total of 625 hydrants, and for approximately 16 days, weather permitting, making sure that the wells are running and that everything is up to par. He stated that Mr. Mayorga has this broken down into 30 zones, starting with Zone 1, which is near the University, and working South, and ending southeast. States that at the next Commission meeting they will have an update for commission, and will let them know where they are at.

Mr. Fees gave an update on the ongoing projects in the city, and will lead into the presentation for Paulson Falls Subdivision. Mr. Fees stated that the Armstrong Street Handicap Ramp Project has been completed, so that they could get handicap access for students at Memorial Middle School. He stated that a contractor has started working on the 2nd Street Storm Sewer Project last week, and that they had missed a couple of days due to inclement weather, states that they started on King street, and working there way south, and they are now working between Lott, and Huisache Street. He stated that the equipment shed out at the warehouse is almost completed, and if the parts should arrive they should be done within a couple of days this week. He said that the sewer line project for the Paulson Falls Subdivision has gone out for bids, and they anticipate opening bids on March 23rd, and have done some work with the developers about getting there plans along, so that they can get started on there projects. He added that he met with Ms Jennifer Detloff to discuss some of the interior items, and at this point he turns meeting over to Mr. Roland Ramirez, one of the developers.

Mr. Ramirez advised on the progress of the Paulson Falls project. He advised that they are currently waiting for their seal drawing from the engineers tomorrow, and will be in the hands of Mr. Fees, and Ms. Detloff for their review. He added that these are needed in order to close on funding for the loan on infrastructure development. He stated that their office is set up in a trailer on the site. He stated that they will be closing on the infrastructure loan with Kleberg Bank this week. Expects to start putting in the infrastructure for phase one this week of 66 homes. He advised the Commission that City staff had been fantastic through this whole project. He stated that Mr. Blanco would like to review with the commission the monies that they have already committed in this community.

Mr. Blanco addressed the Commission stating that he wants to give the commission an update on the commitment that they have made to this town with the residential development. He adds that they have \$800,000 already committed between Plan, Engineering, Architectural, and Landscaping Design and about \$600,000 in pre-opening expenses. They have consulting and inspection at \$11,000, and \$25,000 in pre-sale, and another \$38,000 in general expenses. He states that they are close to \$1 million dollars in commitment in this town. City Manager Yerena adds that he feels that this is going to be a significant development that is going to help our community, and opens to future developments in our community.

3. City Attorney's Report. (City Attorney).

Ms Alvarez stated that the City is working with the KCVB and the King Ranch on modifying the waiver of the bike ride that the commission had authorized last year, which was not held, and they are looking at a target date of April 24th. She stated that the question brought up during the comment section of the public hearing is the Police department's responsibility to do the investigations, and that the Chief of Police has apprised the City Manager, and her about the situation and they have commented the City's carrier, and were advised not to comment on the matter publicly. She stated that just as a reminder, tomorrow is election day for state, and county offices, and would like to remind people to go and exercise the right that they might chose.

4. City Commission's Reports. (City Commission).

Commissioner Garcia stated that although he knows that he cannot publicly comment on the Lee Coleman matter anymore, he asked the City Attorney if there has been a professional investigation to find out the truth in the matter. The City Attorney states that it has been.

Commissioner Wilson stated that he has made it an effort to let staff know that it is very important that every effort is made to discover the truth, and make every effort to make sure that it is revealed, in order or to make sure that the Police Departments investigative skills are top notch.

Commissioner Wilson reminds the audience that it is spring break, and that children are going to be out and about, and to be careful. He added that there are still packets for individuals that would like to run for City Office.

V. Items for consideration by Commissioners.⁴

1. Consider approval of a Cooperative Working Agreement with the Women's Shelter of South Texas. (Chief of Police).

Chief of Police introduces Ms Janie Lopez with the Women's Shelter of South Texas. He stated that Ms. Lopez will conduct a presentation to the Commission. Ms Lopez explained that the outreach program has been here in Kingsville since 2000. She said that the agreement is that along with the Police Department they will be a trained, and a volunteer advocate whom will be ready to be on the scene with law enforcement if a victim of domestic violence is wanting there services. She stated that is there is a victim, or a child that needs to go to a safe place there will be someone on call 24 hours, and 7 days a week.

Commissioner Garcia stated that he would like to know what the statistics are for Kingsville. Ms. Lopez stated that from 2002 they saw 115, and has dropped to 81.

A motion was made by Commissioner Garcia to approve the Cooperative Working Agreement with the Women's Shelter of South Texas, seconded by Commissioner Wilson. The motion carried 2/0.

2. Consider awarding bid for Task Force sedan. (Bid No. 24-31). (Director of Purchasing).

Ms Dora Byington, Purchasing Director, stated that bids were advertised on February 11 and 18th and opened on February 24th. She added that six bids plus one alternate bid were received; the alternate bid was for the leasing of a vehicle instead of purchasing one. Recommendation from the Task Force is to purchase a vehicle from Cavender Chevrolet for a total of \$28,611.40.

Mr. Rick Kirkpatrick, member of Task Force stated that after reviewing bidders, Cavender Chevrolet was chosen because they were the most qualified bidder to date, and vehicle was available for immediate delivery.

A motion was made by Commissioner Garcia to approve the purchase of one sedan for the Task Force from Cavender Chevrolet from Boerne, Texas, seconded by Commissioner Wilson. The motion carried 2/0.

3. Consider purchase of extrication device for the Kingsville Fire Department. (Fire Chief).

Mr. Corando Garza, Fire Chief, stated that he has come before the Commission to request an extrication tool in the amount of \$18,040.00. He stated that current tool has outlasted its usefulness, and when lives are at stake, they need a tool that is going to be reliable, and feels that this tool that is being brought forth will meet all needs.

Commissioner Wilson asked Chief Garza if this tool commonly known as the Jaws of Life. Chief Garza answers yes, but they have encountered some problems with the Jaws of Life, and that they are going in a different direction with a different tool.

Commissioner Garcia asks if this was a budgeted item. Chief Garza states that this item is being taken out of the Certificates of Obligation 2002.

City Manager Yerena added that this item is being brought to the Commission due to the fact that that it was not part of the original list of equipment, but that there is some monies there if the Commission decides to go forward with this item.

Commissioner Wilson stated that he assumes that the monies is a result of Ms Byington's wise purchasing. Mr. George Bejarano, Finance Director stated that there are additional monies because of the non-purchase of radios. Mr. Bejarano adds that there is \$102,000 on the CO (Certificates of Obligation) and after the use of \$18,040.00 the remainder will be used towards the purchase of radios.

A motion was made by Commissioner Garcia for the purchase of an extrication device for the Kingsville Fire Department, the motion was second by Commissioner Wilson. The motion carried 2/0.

4. Consider approval of Residential Development Agreement for Santa Gertrudis Arroyo Estates Subdivision. (Director of Development Services).

Ms. Jennifer Detloff, Director of Development Services, addresses Commission stating that Mr. Ramon Perez, Jr. has approached the City of Kingsville for assistance in providing water and sewer infrastructure to Santa Gertrudis Arroyo Estates through the Residential Development Agreement, and that it is a 16 lot single-family subdivision located near Boyd Street.

Ms. Detloff goes on to state that the water and sewer infrastructure cost was provided by Mr. Perez, and reviewed by the City Engineer for feasibility. It was determined that the water and sewer lines can be installed at a depth of less than 5', therefore the city can install both lines and that this will be the first project under the Residential Development Agreement where the city can install both water and sewer. She stated that the development will consist of 16 single family lots, and the minimum house size will be 2000 square feet, livable space, which exceeds the city's minimum for the development agreement. Staff's recommendation was to enter into a Residential Development Agreement for Santa Gertrudis Arroyo Estates Subdivision.

Commissioner Garcia asked what the total acreage is for this development. Mr. Perez replied that it is 7-¼ total acreage, and is adjacent to Allen Drive Phase Two.

Commissioner Wilson asked is this type of agreement works well for him. Mr. Perez stated that it was.

Commissioner Wilson asked if they could change the School District Information to Kingsville Independent School District on the application.

A motion was made by Commissioner Garcia to approve a Residential Development Agreement for Santa Gertrudis Arroyo Estates Subdivision, and second by Commissioner Wilson. The motion carried 2/0.

5. Consider accepting donation of \$250 from Luke Womack and of \$250 from Filemon "Phil" Esquivel, Jr. (Finance Director).

Mr. Bejarano stated that five employees of the City of Kingsville, at the annual Christmas Party each won a \$100 prize, and Mr. Filemon "Phil" Esquivel, Jr, and Mr. John Womack & Co. would like to help the City fund these prizes.

A motion was made by Commissioner Garcia to accept the donations, and second by Commissioner Wilson.

6. Consider final passage of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for the Centennial Celebration Fund. (Finance Director).

Mr. Bejarano states that this is the second reading of an amendment that was passed at the last meeting, and this is for the Centennial Celebration fund, and this is where funds were moved around to fund celebration.

A motion was made by Commissioner Garcia to approve final passage of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for the Centennial Celebration Fund, seconded by Commissioner Wilson. The motion carried 2/0.

7. Consider final passage of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for Election Expenses. (Finance Director).

Mr. Bejarano stated that this is the transfer of funds for the election expenses. He stated that this is where different departments' cooperated their funds in order to get the \$15,000 available for the election fund.

A motion was made by Commissioner Garcia to approve the final passage of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for Election Expenses.

8. Consider introduction of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for Auction Expenses. (Finance Director).

Mr. Bejarano stated that they are setting up a line item for Professional Services Auction Fees, which at this point is \$1,110.72, and expected expenditures would be \$3,000.00, but the other side of it is that we have received \$10,000.00 in revenue, and that this is a line item that was not set up in the budget process. He stated that this line item is needed in order to receive expense, and on the other side receive revenues.

9. Consider introduction of an ordinance finding, after reasonable notice and hearing, that AEP Texas Central Company's electric transmission and distribution rates and charges within the city should be changed; determining just and reasonable rates; adjusting street lighting charges; adopting recommendations of consultants; providing for recovery of rate case expenses; preserving regulatory rights of the city. (City Engineer).

Mr. Fees stated that by proposing this ordinance the City will be entering into a collaborative with more cities to approach the PUC, and be a lobby force for them not to do this increase.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Business Regulations, Article 3, Alcoholic Beverages; providing for variances for on premise and off premise consumption to allow the sale of alcoholic beverages within 500 feet of a church, public or private school, daycare or child care facility or public hospital. (City Secretary).

Ms. Irene Ramirez addresses the Commission, stating that due to the amount of applications for alcohol licenses, she feels that reducing the amount of feet to 500 within a church, public or private school, daycare or child care facility, or hospital would be less notification, and the process would be a lot, and cutting the 30 day time period to a 15 day time period.

Commissioner Garcia asked what prompted this to be brought forth to the commission. Ms. Ramirez stated that the length of processing the applications.

Ms Alvarez stated that this can be quite burdensome at times in densely populated areas. She added that this sometimes requires about 500 letters to go out and that TABC states that they give the applicant 60 days from the date of the application to submit information from the County, and City, and with the 30 day time period that we have in place can set the applicant back in the 60 time period that they have with TABC.

City Manager Yerena stated that the minimum allowed state law is a 300 feet radius, and the City will still be in compliance with that

11. Consider appointment(s) to Coastal Bend Council of Governments and Economic Development Council. (City Manager).

City Manager Yerena stated that historically, the City has had two representatives on the Coastal Bend Council of Governments and a representative on the Kingsville Greater Economic Development Council, and that currently these positions are vacant and new representatives need to be appointed on behalf of the City of Kingsville.

Commissioner Wilson stated that he would like to appoint Commissioner Garcia as a representative on the Coastal Bend Council of Governments, and City Manager Yerena as a secondary representative.

A motion was made by Commissioner Garcia for the appointment of two representatives to the Coastal Bend Council of Government, seconded by Commissioner Wilson. The motion carried 2/0.

Commissioner Garcia stated that he would like to select Commissioner Wilson as the representative on the Kingsville Greater Economic Development Board.

A motion was made by Commissioner Garcia, seconded by Commissioner Wilson. The motion carried 2/0.

12. Discuss and consider radio communication policies and procedures. (Commissioner Garcia).

Commissioner Garcia stated that he added this to the agenda so that there could be a discussion regarding the radio situation within the City. He added that he would like for Police Chief Torres to come to the podium.

Commissioner Garcia asked Chief Torres if there was a radio given to the Sheriff's Department at their request. Chief Torres replied that a radio was given to them.

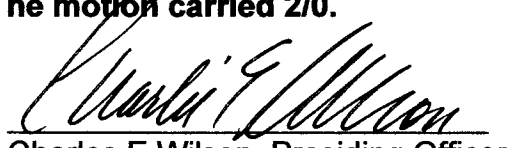
Commissioner Garcia asked Chief Torres if this was one of the radios that was encrypted or used for specific communication not open to other channels. Chief Torres says that it was. Commissioner Garcia stated that it concerns him in regards to Narcotic investigations. Commissioner Garcia asked if there is a policy for handing over radios to other departments that are encrypted. Chief Torres replied that this is a radio was previously handed over by the Interim Chief, and that he currently posses that radio, due to communication problems in the past. Commissioner Garcia then asks if the Sheriff's Office asked for the radio, or if he handed over the radio for communications. Chief Torres replied that he believes that they asked for it. Commissioner Garcia asked if someone has this radio can that person get duplicate settings. Chief Torres replied that if that person has the proper cable settings they could.

Commissioner Garcia stated that he would like to make it a point to make it secure for narcotics investigations, and the officers that go and put there lives on the line, and would hate for the communication situation to fall into the wrong hands, and used against them. Chief Torres stated that he assures Commissioner Wilson that this will not happen.

Commissioner Garcia stated that he would like to see a policy drafted in reference to how handhelds are to be lent out. Chief Torres stated that he will draft one.

VI. Adjournment.

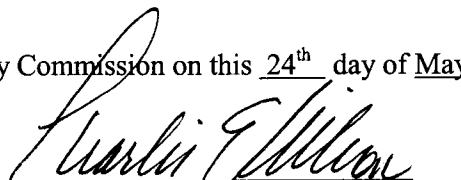
A motion was made by Commissioner Garcia to adjourn meeting at unknown time, seconded by Commissioner Wilson. The motion carried 2/0.


Charles E Wilson, Presiding Officer

ATTEST:

Irene Ramirez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 24th day of May, 2004.


Charles E Wilson, Presiding Officer

ATTEST:


Edna S Lopez, Interim City Secretary