

March 22, 2004

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, MARCH 22, 2004 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE

City Commissioners Present:

Charles E Wilson, Presiding Officer
Al Garcia, Commissioner

City Staff Present:

Carlos Yerena, City Manager
Edna S. Lopez, Interim City Secretary
Corando C Garza, Asst. City Manager
Courtney Alvarez, City Attorney
George Bejarano, Finance Director
Stanley Fees, City Engineer
Dora Byington, Purchasing Director
Tamera Blackstock, Sergeant
Jennifer Detloff, Director of Development Services
Dianne Leubert, Solid Waste Superintendent
Sammy Maldonado, Water Superintendent
John Garcia, Garage Superintendent
Julian Cavazos, Asst. Police Chief
Diana Gonzales, Human Resource Director
Frank Garcia, Wastewater Supervisor

I. Preliminary Proceedings.

OPEN MEETING

The meeting opened was at 6:00 P.M. by Presiding Officer Charles E Wilson.

INVOCATION / PLEDGE OF ALLEGIANCE – (Presiding Officer)

Dora Byington led everyone in prayer, followed by the Pledge of Allegiance by Mr. Julian Cavazos, and the Texas Pledge by Commissioner Garcia.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Commissioner Garcia made a motion to approve the minutes of March 17, 2004 and July 17, 2003, as presented, seconded by Commissioner Wilson. The motion carried, 2/0.

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

1. Public Hearing to receive comments and input regarding proposed amendments to the Electric Code of the City of Kingsville.

Commissioner Wilson opened the public hearing at 6:02 P.M.

Ms Jennifer Detloff, Director of Development Services made a presentation regarding the electrical board's revision to the code. She said that after looking at the electrical code the board realized it had not been reviewed or updated in quite some time. The major changes made were cleanup and taking out parts that were not appropriate anymore, primarily things under administration and enforcement. She recommended an addition to the document with regard to the penalty section.

Commissioner Wilson called for comments from the public; there were none.

Commissioner Garcia raised several questions and concerns regarding inspectors having same authority as peace officers.

A lengthy discussion followed regarding inspector's authority.

Commissioner Wilson stated that he did not know of any other board or commission where paid employees of the City have voting rights to dictate course of action. He requested Staff do some research on how other communities do this.

Commissioner Wilson raised a question in reference to the authority of the Code Enforcement Officer. Ms Courtney Alvarez, City Attorney stated that the Code Enforcement Officer has rights to go on the premises to check that proper permits are in place and things are up to code. She also stated he can gain access and take pictures for documentation.

City Manager Carlos Yerena stated line item #1 is limiting the police power enabling inspector to enforce the provisions of this particular ordinance.

Ms Detloff stated that #4 is a result of the incident with MC cable, the board felt strongly that the mayor have a representative of the committee to provide information and guidance of the mayor's decision of the overall situation.

Commissioner Garcia voiced several concerns regarding changes in language and number of members on committee.

There was lengthy discussion on making grievance procedures more consistent with other boards; examination to owners charge; notification to residents; identifying amp; and procedures for testing.

Commissioner Garcia raised a question about inspectors receiving money from customers when in the field. Ms Detloff replied that no one on staff collects money.

Commissioner Garcia raised a question about portable signs. Ms Detloff replied it is addressed under "Standard Electric Signs".

Commissioner Wilson stated that he had not seen the State licensing process addressed and did not see any transition issuing a license. He expressed concern about having to wait for an electrical board meeting so the board can say they are licensed when the State has already issued a license.

City Manager Yerena stated that it is a matter of protocol.

Mr. Terry Schlomach, address unknown, said that the State has not finalized everything they plan on doing, and that the City will still be in the licensing business.

There was discussion on information regarding State licensing which will be effective on Sept 1st.

Ms Alvarez advised the Commission, this should not be addressed until the State gets all rules in place.

Commissioner Wilson called for feedback from the audience.

The public hearing was closed at 6:40 P.M.

III. Public Comment on Agenda Items.³

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

Mr. Sammy Maldonado, 316 E Lee, addressed the commission and read a short note in regards to his tenure with the City and thanked the City for allowing him to be part of the team for 23 years.

IV. Petitions, Grievances, and Presentations.²

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

City Manager Yerena reported that TXDOT will sponsor a Public Hearing on April 19th, at Texas A&M University-Kingsville, Student Union Room 21-C, in regards to I-69, and added that he and Mr. Stanley Fees will attend.

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

Ms Alvarez reminded the commissioners that the next meeting scheduled for April 12th is the Monday after Easter and requested that they notify her if they will be out of town and unavailable. She also announced the PDAP Walk, April 3rd, at 9:30 A.M.; she stated that the City is trying to get a team to participate. Ms Alvarez announced that April 9th is a City holiday (Good Friday), and that she was handed a note to support the Brahma Boy's and Girl's Soccer teams who are in the second round of the playoffs.

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

None.

V. Items for consideration by Commissioners.⁴

1. Consider approval of Interlocal Agreement with South Texas Water Authority for cooperative purchasing. (City Attorney).

Ms Alvarez asked for the commission to refer to the updated or revised version of the Interlocal Agreement. She added that she had sent a draft of the agreement to the Water Authority, and suggested changes were sent back. She also stated that changes have been incorporated, the items altered show strike-thru (deletions) or underline (added). Ms Alvarez said that the compensation section was an addition on page 2. She continued to say that STWA indicated they were willing to pay for half of the advertising cost for jointly bid items. Other changes were: paragraph 5, page 2 add a reciprocal sentence as what had been to the City; on page 3, 8D, a paragraph number was changed; added a paragraph with regards to limitations of liability on page 4, and likewise had a number change on item 15.

Ms Alvarez stated that Ms Dora Byington, Purchasing Director and Ms. Carola Serrato, Executive Director for STWA, have reviewed the agreement and feel it is a win-win for both governmental entities.

Ms Serrato addressed the commission, stating they could continue using this as opportunities arise, and agreed with Ms Alvarez that this is a win-win situation.

Commissioner Wilson thanked Ms Serrato for their advertising portion.

Upon a question raised by Commissioner Wilson, Ms Alvarez confirmed that in relationship to bids, this does protect all City's rights and interests.

Commissioner Wilson made a motion to approve this interlocal agreement with South Texas Water Authority for cooperative purchasing, seconded by Commissioner Garcia. The motion carried 2/0.

2. Consider approval of the final plat of Neesen Re-Plat described as 11.463 acres of land out of Farm Lots 8 & 9, Section 17, K.T. & I. Subdivision. (Director of Development Services).

Ms Detloff stated the applicant Mr. Homer Castillo, P.E., of Alpha Engineering had submitted a re-plat. She added that the property division allows owner more diversity in utilizing the property and creates potential development opportunities for Kingsville. She stated that Planning and Zoning Commission voted unanimously on approval.

Commissioner Garcia stated that there was flooding in the past, but it appeared by the figures submitted in the plat that the system can hold run-off. Ms Detloff stated that the Planning and Zoning Commission addressed this because they were very concerned when the rezoning occurred. She continued to say that the Engineer explained that it's to the ten year flood and extraordinary events would still create a problem.

Commissioner Wilson stated that the intention of past and present commissions, to make sure it is as pleasing to residents that live in that area when traffic increases.

Commissioner Garcia made a motion to approve the final plat for Neessen re-plat, seconded by Commissioner Wilson. The motion carried 2/0.

3. Consider reallocation of 2002 & 2002A Certificates of Obligation monies for purchase of a riding mower and a de-grit trailer for the Wastewater Department. (Utilities Superintendent).

Mr. Sammy Maldonado, Utility Superintendent, stated that the Wastewater Department is looking into the possibility of purchasing a riding mower and de-grit trailer. He stated that the department is hoping to be able to utilize monies in their 2002 & 2002A CO to obtain this equipment. He also stated that the utility trailer is priced at \$910.00, and the riding mower at a cost of \$5,999.00. He stated that buying the material to fix the existing trailer costs \$1,000.00. He mentioned monies would be transferred from left-over CO's.

A motion was made by Commissioner Wilson to reallocate the funds of 2002 & 2002A Certificates of Obligations as presented by staff, seconded by Commissioner Garcia. The motion carried 2/0.

4. Consider resolution appointing election judges and the early voting ballot board judge for the City General Election on May 15, 2004. (Interim City Secretary).

Ms Edna S Lopez, Interim City Secretary, presented information on the polling places, presiding judges and alternate judges for the May 15, 2004 General Election.

Commissioner Wilson made a motion to adopt the resolution as presented, seconded by Commissioner Garcia. The motion carried 2/0.

5. Consider resolution designating the authorized signatories for drawdown requests from the Office of Rural Community Affairs for all of the City's Texas Community Development Program Projects. (Finance Director).

Mr. George Bejarano, Finance Director, stated this resolution that must be approved in order to comply with the Office of Rural Community Affairs (ORCA) due to changes in staff and administration.

Commissioner Garcia made a motion to adopt the resolution as presented, seconded by Commissioner Wilson. The motion was approved 2/0.

6. Consider out-of-state travel for Lt. Julian Cavazos of the Kingsville Police Department to Bureau of Justice Project Development and Implementation Training in Shreveport, Louisiana. (Chief of Police).

Julian Cavazos, Lieutenant advised that this trip is for training for local law enforcement block grants and that this was the closest location for attendance.

Commissioner Garcia made a motion to allow the out of state travel as presented, seconded by Commissioner Wilson. The motion carried 2/0.

7. Consider entering into lease agreement with the Kingsville Law Enforcement Association for a building located at 203 N. 6th Street. (Commissioner Garcia).

Tamera Blackstock, Sergeant, stated the purpose of this request is a three-fold.

Commissioner Garcia stated he would like to go over the specifics of the contract.

There was discussion on the ten (10) years lease term.

Ms Alvarez stated that depending on what the City's intentions are in regard to property, it is essentially up to the Commission to see what is suitable or highest comfort level is.

Commissioner Garcia advised that the Historical Society and the Kleberg Bank had an interest in that area.

Ms Alvarez stated that if the City decided to go a different way, they have a couple of options: stick with current lease and hold of on plans; try to renegotiate terms of lease; or break the lease. She continued to say that currently there is no clause that discusses penalty for the City or other party breaking the lease prior to term period.

Commissioner Wilson also voiced his concerns about the 10 year lease. He praised the Association for taking on this project and suggested everyone involved find a comfort level. He mentioned his preference would be to start with a year. He also stated that a terminating clause was recommended for both parties.

Sgt. Blackstock stated the Association would come back with a different proposal.

There was discussion on utilities currently in the building. City Manager Yerena stated that the City would be inclined that they pay the electric bill instead of reimbursing the City.

Ms Alvarez stated that with regard to Article 4 – Taxes, the City being responsible for Ad Valorem taxes, some kind of language would be added to say the City would not be responsible for the personal property, if any taxes are assessed for that.

Upon a question raised by Commissioner Garcia, Sgt. Blackstock stated that some partitions in the building would be removed to make bigger meeting rooms. Commissioner Wilson stated that since the City retains ownership than someone from staff should have authority to approve any time premises is altered.

Upon a question raised by Commissioner Garcia, Mr. Corando C Garza, Asst. City Manager stated that the roof has leaks. Chief Garza suggested an assessment of the building be made by Mr. Fees. City Manager Yerena stated that Mr. Art Alvarez, Risk Manager and Mr. Fees had already made a preliminary assessment of the building. Mr. Fees stated that there is damage to some tiles from leaks in the past, broken sink and mirrors, and commodes are in bad conditions, but all in all the building itself is structurally sound.

Commissioner Wilson requested a list and estimate for remodeling be prepared.

Upon a question raised by Commissioner Garcia, Ms Alvarez stated that usually the court limits are met to protect the City's interest. Sgt. Blackstock stated an insurance quote will be acquired for \$500,000.00.

Commissioner Garcia requested the following change for the Certificate of Insurance: from change 3 days to 10 days for insurance to be in full force. He also addressed the section on Termination on Default, which he suggested the time frame of 3 days be changed to 30 days; and Subleases Not Affected.

Ms Alvarez stated language could be cleaned up. She also stated language would be clarified for Damage or Destruction. Commissioner Wilson stated his preference would be not to allow subleasing.

No action was taken by the Commission.

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

Mr. Bejarano stated that this was the second reading of this ordinance that is set up to receive the professional service auction fees. He mentioned

that the good thing about passing this ordinance is that more revenue is coming in than fees going out.

Commissioner Garcia made a motion to accept the final passage of the ordinance, seconded by Commissioner Wilson. The motion carried 2/0.

9. Consider final passage 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. (Interim City Secretary).

Ms Lopez addressed the commission, stating this item was presented at the last regular meeting and no changes have been made.

No motion was made.

The agenda item failed for lack of action.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Usage, Article 1, Building Regulations; providing for multiple changes and for penalties for electrical work without a permit or by an unlicensed electrician. (Director of Development Services).

Ms Detloff stated this was the introduction to this ordinance which a public hearing was held earlier this evening, and asked if they had any further questions they would be happy to answer. Ms Detloff stated all comments would be evaluated and incorporated in the changes.

11. Consider authorizing the City Manager to enter into an Interlocal Agreement on behalf of the City of Kingsville with Texas A&M University-Kingsville for preparation of a storm water utility fee program conceptual feasibility study. (City Engineer).

Mr. Fees stated that this is a contract that the City previously approved. He stated that the A&M System attorney's had a problem with the consultant listed as part of the contract. He also stated that this contract has been revised to take away the name of AMEC which was the consultant that was going to be used by University staff, so it is strictly a contract between the City and Texas A&M University-Kingsville, which is the only change in the contract.

Ms Alvarez stated she had reviewed the contract, and aside from removing AMEC from being referenced in the contract the only other change is on page 2 which indicates the City agrees to pay TAMUK up to \$28,000.00, instead of agreeing to give them a flat fee.

A motion made by Commissioner Garcia to authorize the City Manager to enter the Interlocal Agreement, seconded by Commissioner Wilson. The motion carried 2/0.

12. Discuss tax increment financing and potential benefit for the City of Kingsville. (City Manager).

City Manager Yerena stated this concept they pertained to the downtown area, called the Tax Increment Financing. He stated that basically it designates a reinvestment zone and base upon the evaluation of a certain year any increases would go to that particular area and would be used for structure or infrastructure improvements for that area. City Manager Yerena stated that an ordinance is required to initiate this procedure. He mentioned it is a tool used by other cities and a tool to simulate development would not otherwise occur. He stated that the City would qualify and he would get feedback from the business community and organizations.

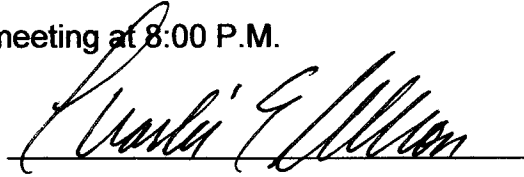
Commissioner Wilson stated San Antonio is one of the city's using this, and he would like for the City Manager to pursue it.

City Manager Yerena stated that the next phase would be to introduce the concept to the business community and get their support.

Commissioner Wilson suggested information be provided to other tax entities and the Economic Development Council and Kingsville Area Industrial Development Foundation.

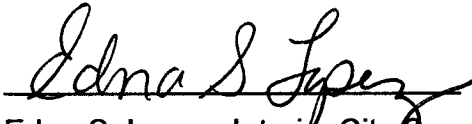
VI. Adjournment.

Mayor Pro-tem Wilson adjourned the meeting at 8:00 P.M.



Charles E Wilson, Presiding Officer

ATTEST:



Edna S. Lopez, Interim City Secretary