

AUGUST 18, 2003

A BUDGET WORKSHOP SPECIAL MEETING OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, AUGUST 18, 2003 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL, 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:

John Garcia, Interim City Manager
Irene Ramirez, City Secretary
Courtney Alvarez, City Attorney
Corando Garza, Asst. City Manager
Caron Vela, Interim Finance Director
Sammy Maldonado, Water Superintendent
Julian Cavazos, Interim Police Chief
R Robert Alvarez, Lieutenant
Barry Blackstock, Sargeant
George Crocker, Sargeant
Eliseo Cuellar, Sargeant
J R Ibarra, Asst Commander
Vilma Castillo, Director of Collections

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING

INVOCATION/ PLEDGE OF ALLEGIANCE - (Mayor Esquivel)

Mayor Esquivel led the Commission and members of the audience in an invocation immediately followed by the Pledge of Allegiance,

II. PUBLIC HEARING – (Required by Law).¹

None

III. PUBLIC COMMENT ON AGENDA ITEMS.³

Stanley Laskowski, 1900 Kelley, President of Kingsville Police Academy Alumni Association extended an invitation to the community to Sam Granato's farewell and stated that tickets were required to get in due to fire code limitations of 250 people.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.²

1. INTERIM CITY MANAGER'S REPORT. (INTERIM CITY MANAGER).

No report at this time.

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

Mrs. Courtney Alvarez, City Attorney, stated that in response to Mayor Esquivel's question on the number of volunteer firefighters and the allowable numbers, there are currently twenty-seven active firefighters including the chief, no reserves and bylaws allow for thirty active and twenty reserves. She has an outdated copy of the bylaws and will be receiving an updated copy tomorrow.

3. MAYOR AND CITY COMMISSIONER'S REPORT (CITY COMMISSION).

No report at this time from commissioners. Mayor Esquivel stated that regarding direction given to city commission on charter and provisions for constitutionality if help is needed Courtney could assist on legality side.

Motion was made by Mayor Esquivel and seconded to move on to Items for Consideration agenda item #2 and #3 before item #1. Motion passed by a unanimous vote.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS. ⁴

1. Discuss and act on a proposed tax rate; if proposed tax rate will exceed the rollback rate or 103 percent of the effective tax rate (whichever is lower), take a record vote and schedule a public meeting. (Finance Director).

No action taken until all department budgets are reviewed.

2. Discussion of possible amendments to Chapter XI, Article 4, Games and Amusement Devices, City of Kingsville Code of Ordinances, in light of legal opinions issued by the Texas Supreme Court concerning 8-liners. (Mayor Esquivel).

Mayor Esquivel explained that Courtney Alvarez had removed herself from this item therefore attorney Michael Guerra was representing the City of Kingsville. Mr. Guerra stated that at John Garcia's request, he looked into ordinance passed last year and how it will hold up against the judicial decision made by the Supreme Court in April of this year. The City's options were to repeal the ordinance, which would not necessarily mean that the businesses would shut down; this would be up to law enforcement. He also stated that the ordinance had generated a substantial amount of revenue. The other option would be to amend the ordinance to fit in accordance with the opinions that were issued. His draft changes the definition of amusement redemption machines from strictly coin-operated to include currency operated. Another change is instead of winning toy or novelty or something that can be redeemed for those non-cash items it says that you have an opportunity to win a prize. The case is Hardy v. State and One Super Cherry Master 8-liner Machine v. State. In these cases the

Supreme Court said that the way those machines were being used was illegal. Exclusion in section D Fuzzy animal exception, Section C has been included to make ordinance consistent with decisions. Gambling devices as defined by Chapter 47 Texas Penal Code and as interpreted by judicial decision are prohibited from use as amusement redemption machines. Also violation of this section is cause for revocation of the amusement redemption machine premises permit, meaning that the machines being used by the permit holders shall not be used in a way that violates the Texas Gambling statute, or the Supreme Court decisions in those two cases. The Supreme Court said that the way the machines were being used in those cases are illegal they did not say that the machines themselves are illegal and insinuate that there are legal methods to use the machines but do not explain what they are. To protect the City, Mr. Guerra suggested by inserting this section, the City is stating that these are illegal ways to use these machines and we don't want them to use them in that manner. However by implication we are telling them that if they are using them in a manner that is legal, that is okay, without telling them what these methods are.

Other changes include addition of clause to raise fees depending on bracket they fall into. Also that permits are specific to premises, not the permit holder. Express prohibition of any persons under 21 on the premises and prohibition of any alcoholic beverages on the premises.

Mayor Esquivel asked Mr. Guerra to include revocation of the permit for violation of these clauses.

Mr. Guerra noted that on item h he left that item blank for the limit of the number of locations where the permits can be issued which applies only to those that have four or more machines.

Item I defined a zone within the City in which locations cannot be established.

Mr. Guerra explained that his research came from the opinions of the two cases he mentioned, statutory law, the Texas Penal Code, the Texas Business and Commerce Code, newspaper articles concerning how other jurisdictions are dealing with this. He also met with people who are running the locations and those playing the machines and also several attorneys who gave their opinions. Mr. Guerra recommends that the City should just tell people how not to use the machines and leave it up to them or their legal counsel decide how to use them.

Mayor Esquivel said he was unsure how they would proceed on these possible amendments but that they would leave it for discussion for the next meeting. Mr. Guerra said he

would leave his phone numbers if anyone needed clarification or had comments.

3. 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 pending litigation concerning Carla Lee Suson vs. Irene Ramirez, City Secretary of the City of Kingsville; Filemon Esquivel, Jr., Mayor of Kingsville; Horacio Castillo, Arturo Pecos, Charles Wilson, and Alfonso Garcia, Commissioners of the City Commission of the City of Kingsville, et. al. No. 13-03-00470-CV, in the Court of Appeals Thirteenth Judicial District of Texas. (Interim City Manager).

Commission began executive session and reconvened at unknown time.

4. Review and discuss department budget requests and projections pertaining to the proposed fiscal year 2003-2004 budget.

2. City Commission
3. City Manager
4. City Special
5. Municipal Building
6. Human Resources
7. Risk Management
8. Legal
9. Planning
10. Recycling
11. Finance Administration
12. Collections
13. Municipal Court
14. Computer Operations
15. Purchasing
16. Engineering
17. Service Center
18. Garage
19. Health
20. Library
21. Water Production
22. Water Construction
23. Meter Readers
24. Waste Water- North Plant
25. Waste Water- South Plant
26. Waste Water- Sewer Collections
27. Landfill
28. Police Department
29. Task Force
30. Fire Department
31. Street Department
32. Sanitation Collection
33. Parks Department

Administration - Julian Cavazos, stated Administration budget had about a \$1000.00 increase, no other changes except for some cuts he went over with Caron. He informed the Mayor that they had 3 or 4 Patrol positions which are not filled. Mayor Esquivel asked about the COPS program and Mr. Cavazos stated they are at the 70% level on the grant which comes out of salaries of the Uniform Division. Mr. Pecos questioned \$1400 on catering. Mr. Cavazos responded that it was for officer promotions and for the Citizens Police Academy.

Mayor Esquivel asked about the Citizens Police Academy. Mr. Cavazos explained that they are not housed at the Police Department but receive in-service training weekly. Mr. Cavazos said that Officer McCoy had recently received training that would enable members of the Citizens Police Academy to assist during disasters or emergencies. Mayor Esquivel added that he wanted this extended to volunteer firefighters and any other employees and organizations that can assist in these situations.

Uniform - Lt. Barry Blackstock said he removed the tazors although they are a necessity. Everything else was lowered to previous year budget with exception of Uniforms and Personal Wear due to having to order more items. Mayor Esquivel said he felt that the Jail Contract Expense should go under Administration rather than under Uniform Division budget and requested that number of people going in and out of the jail be monitored. Commissioner Wilson stated that if the beds are being paid for, they should be used as much as possible. Lt. Blackstock said that on some warrants, there is a limited number of hours inmates can be held and it would cost overtime. Commissioner Garcia asked about retired officers possibly working under contract serving warrants or possibly officers from other cities.

Communications - Sgt. George Crocker stated that increase is a result of his salary being transferred to the Communications Division from Administration and Professional Services was increased in order to pay Corpus Christi for maintenance for computer system.

Detectives – Sgt. Eliseo Cuellar stated he asked for increases because he needs some equipment to specialize in certain areas in investigations because Corpus PD and DPS labs are back logged and may not be able to take some of their evidence. Increase in supplies is for photo paper and color cartridges for printing. Increase in training is needed for specializing in fingerprints and blood analysis. In minor apparatus Sgt. Cuellar stated he is asking for replacement of equipment to compare fingerprints. Discussion was held about the need of vehicles for the detectives.

Community Services – Lt. Robert Alvarez requested \$250 in Professional Services for increase in cost of contractual for janitorial service.

Task Force – JR Ibarra stated that during the grant year they purchased ammunition needed. Richard Kirkpatrick said that there is a dog that can be used on consignment basis with option to purchase. He stated there is also a system for

detecting trace amounts of drugs. He was able to get equipment from Coast Guard.

Mayor Esquivel stated that Commissioner Castillo had to leave.

Chief Corando Garza stated that there were no changes in the 100 accounts because they are in the middle of negotiations with the firefighters. He also stated there were increases in Office supplies \$3315, Uniforms \$385, and Minor Equipment \$3429. Commissioner Garcia asked about the 314 account. Chief Garza explained the differences are due to bringing in maintenance people to check aerial ladders, stretcher inspection, extermination services, fire extinguisher inspections, hydrostatic testing of the SCBA bottles, mask testing and repair of maintenance and repair of SCBA. Chief Garza stated that 316 needed this much money due to necessary re-certifications.

Commissioner Wilson stated that he was leaving. Sammy Maldonado stated that increase of \$17500 total - \$3000 in salaries, and \$12500 increase for maintenance on water wells.

Sammy Maldonado stated that there is an increase of \$23000 - \$17600 in salaries and \$6058 in Minor Equipment for tapping machines. Caron explained that salary increases may be due to step increases.

Vilma Castillo said line item for water meters increase of \$5000 and \$5000 increase in salaries.

Mr. Maldonado stated increase of \$50000 from last year with a \$27,755 increase in salaries. Operating costs increase \$23244 from utility plant. He stated this amount can be worked with as part of the CO's but if it is decreased, a maintenance program must be continued.

Mr. Maldonado stated that there was a \$20,000 increase overall - \$4000 from salaries and \$16,000 in operating costs depending on use of CO's.

Mr. Maldonado stated an increase of \$7,600 coming from a \$6,000 increase in salaries and \$1,500 in operating costs.

He also stated that all five of his departments had given a 5% decrease on their budgets.

VI. ADJOURNMENT

Mayor Esquivel requested to reschedule another workshop once they have reviewed all department budgets.

Commissioner Wilson made a motion to adjourn, seconded by Commissioner Garcia. The motion passed by a unanimous vote.

Meeting adjourned (unknown time).

Filemon "Phil" Esquivel, Mayor

ATTEST:

Irene Ramirez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 27th day of April, 2004.

Charles E Wilson, Presiding Officer

ATTEST:



Edna S Lopez, Interim City Secretary