

AUGUST 29, 2003

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD FRIDAY, AUGUST 29, 2003 AT 12:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

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

CITY COMMISSION ABSENT:

Arturo Pecos, City Commissioner

CITY STAFF PRESENT:

John Garcia, Interim City Manager
Courtney Alvarez, City Attorney
Stanley Fees, Director of Engineering
Corando Garza, Fire Chief/Asst. City Manager
Dora Byington, Director of Purchasing
Caron Vela, Interim Finance Director
Irene Ramirez, City Secretary

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)

The Mrs. Dora Byington, Director of Purchasing led the members of the audience in an invocation. Immediately thereafter, Mr. Corando Garza led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

None

II. PUBLIC HEARING (REQUIRED BY LAW).

None

III. PUBLIC COMMENT ON AGENDA ITEMS.

Clyde Allen 722 W. Lee, stated that it seems to him that the city is becoming addicted to the 8-liner machines. He stated that he does not agree with 8-liner game rooms located in the downtown area.

Ross Lavin of Belton, TX stated that he is a attorney representing a few of the 8-liner businesses for almost five years. He further stated that his clients operation would not be located in the downtown area. He further briefed the Commission on the history of gambling in the State of Texas.

Henry Molina owner of Dominos Pizza stated that he hopes that the City has a plan for downtown parking if the 8-liner businesses are allowed in the downtown area.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

The Interim City Manager made no report.

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

Mrs. Alvarez briefed the Commission on information that was requested.

3. Mayor and City Commissioner's Reports. (City Commission).

The Mayor and City Commissioner's made no report.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

Motion made by Commissioner Garcia seconded Commissioner Castillo to move agenda items #4 – 7 to item #1. Motion passed by a unanimous vote.

1. Discuss and consider establishing city commission goals for 2003-2004. (Mayor Esquivel).

Commissioner Castillo requested that agenda item #1 be skipped until all Commissioners are present.

2. Review and discuss department budget requests, revenues, new proposals and projections pertaining to the proposed fiscal year 2003-2004 budget. (Interim City Manager).

Mr. Luke Womack stated that the Commission should have received a packet for justification for what is being asked for in the way of revenues. He further stated that sewer and garbage rates are cheaper than any other cities. He stated that it is imperative to increase the sewer and garbage rates. He stated that it is necessary to have consistent revenue uses and not just based on water sales. He further stated that he proposing a \$2.00 rate increase for garbage also a \$.50 rate increase for sewer \$.10 per thousand increase on usage with a cap at 15,000 with a maximum of \$4. 50 per individual. Grease trap inspection \$25.00 per quarter restaurant inspection this is to protect our sewer system and monitor them to make sure they are cleaned up on a temporary basis. He further stated that the Mayor had mentioned about a \$10.00 assessment at the county level on

driver license, but that would be a separate fund and budget. He stated that there is \$250,000.00 shown as a surplus and would recommend \$275,000 for street instead of \$150,000 with the street already having \$125,000 from the last Certificate of Obligation and release that for reallocation based on City Manager recommendation and Commission approval. He stated that the money could be made available for other capital needs based on specific allocations. He further stated that if these dollars were realized then they may be presented to the City Commission with a recommendation to reallocate funds.

Commissioner Castillo stated that he would like for staff to consider the \$25,000 for capital improvements for this coming New Year.

Mr. Womack stated that a \$336,000 operating loss in the general fund and \$118,000 surplus and utility fund with the false alarm estimate and commercial garbage fee increase and reclassifying all inspectors to 22 to make that more competitive, reclassifying R-6 to R-7, compensation plan cash match \$10,000 and also some reclassification that the department heads feel that are justified for various reasons and that would give the city a surplus of \$9,976 for the general fund any and all are subject to Commissions consideration. He further stated that in the Utility fund the city started off with \$18,000 surplus with having the grease trap income, residential \$.10 and \$.50 increase, R-6 to R-7 reclass and other reclassification proposed, but with a \$233,000 surplus. He stated that this surplus goes several ways, 1) if the city decides to go after the \$12,000,000,000 bond issue the city will have to show ability to pay and also would show prudence and operation and also the \$250,000 is what lessens the impact of water shortage last fall the loss was \$150,000 in water revenue. He stated that it is imperative that this fund carry a \$200,000 to \$300,000 surplus in the Utility Fund to provide stability for an off year. He further stated that comparing Kingsville's rates to other cities, Kingsville still shows a lower rate than any other areas. He further briefed the Commission on some of the reclassifications that are being requested.

Commissioner Garcia asked if most of the reclassifications are increases and have these individuals been evaluated for these increases.

Mr. Womack stated that they would be increases and these increases are being requested by department heads.

Commissioner Garcia stated that there is no evaluation process in place at the moment.

Mr. Womack stated that a meeting could be scheduled with department heads to discuss the reclassification issue.

Mr. Garcia stated that most of the reclassifications that are being requested are because of added responsibilities. He further stated that a meeting could be scheduled for

department heads to explain to the Commission why certain individuals should be reclassified.

Ms. Diana Gonzalez, Director of Personnel stated that the evaluation process has been in effect starting this year but are not tied in with compensation. She further stated that the evaluations are strictly for job performance. She further stated that the salary step program is based on years of service with the City and not based on evaluations.

Commissioner Garcia asked when this process was started.

Ms. Gonzalez stated that the process began in February. She further stated that blank evaluations forms were sent to each department and given two months to complete and return to the Human Resources Office.

Commissioner Garcia asked if these evaluations are more for establishing job descriptions.

Mrs. Vela stated that the evaluations are to equalize some of the departments. She further stated that most employees are doing equal jobs but not in the same pay range.

Mr. John Garcia stated that they are not merit increases.

Mrs. Vela stated that the reclassifications are included in the budget this year.

Mr. Womack stated that \$426,000 in new positions was asked for but that is not included in the budget.

Commissioner Wilson asked if the reclassification by department request which is \$54,000. He further stated that the reclassification of the inspectors is a separate issue then you have the R-6 to R-7 have been introduced to the financial team and the Interim City Manager.

Mr. Garcia stated that he is familiar with these reclassifications.

Commissioner Wilson stated that since the Interim City Manager is familiar with these reclassifications he would not have any need to meet with the department heads making the request.

Mrs. Vela stated that health inspectors will be contingent on the County. She further stated that she was told by the Judge that what ever amount is approved by the City they would approve the same amount as well.

Commissioner Castillo requested to move from item #2 to item #3 so the ordinance may be introduced.

3. Consider introduction of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2003 and ending September 30, 2004. (Interim City Manager).

Commissioner Wilson stated that the introduction of this ordinance is based on .705 and also based on the approval of an ordinance that would require an adjustment to the amusement permit fee. He further stated that with a .705 tax rate on a \$50,000 home is only an increase of \$5.00 per year over last years tax rate and even on a \$250,000 home would be \$12.00 per year with increasing to the revenue side in fees by \$4.00 per month.

Commissioner Garcia stated that he has some concerns regarding the reclassifications.

Mr. Womack stated that the city employees do not have a union and therefore there is nobody to negotiate for them, therefore the department heads have submitted the reclassifications for Commission approval.

Commissioner Garcia stated that the situation with the 8-liners, we have them today but might not them tomorrow. He further stated that it all might come down to laying off some employees and he would not want to be in that particular situation.

Mr. Womack stated that the department heads recommend these reclassifications but it's up to the Commission to approve.

Commissioner Garcia stated that he has defended the employees in the past due to them not having representation by union. He further stated that his general intent is what is to for see what is waiting for us in the long term and it doesn't look to good. He further stated that if the District Attorney decides to come around the next two or three months the city will hit rock bottom.

Mr. Womack stated that there needs to be direction from the Commission that this coming year that all operations need to be studied by department heads and a contingency needs to be in place if the city has a \$350,000 revenue loss for the 2003-2004 budget cause it would be a 15% cut in the cities budget.

Commissioner Garcia stated that the last thing he wants the city to do is layoff employees.

Mr. Womack stated that he understands if the Commission does not improve the reclassifications, but it does warrant a discussion.

Commissioner Castillo asked for a motion to adjourn.

Commissioner Garcia motion to adjourn the meeting.

4. Consider removing from table the waiver of amusement premise permit fees to relocate Mardi Gras and Gold Mine game rooms. (Director of Development Services).

Motion made by Commissioner Castillo seconded by Commissioner Garcia to remove the item from table. Motion passed by a 3/0 vote. Commissioner Pecos absent and Commissioner Wilson arriving at 1:00 p.m.

5. Consider waiver of amusement premise permit fee to relocate Mardi Gras and Gold Mine game rooms. (Director of Development Services).

Ms. Detloff stated that the owner of the two establishments is present and would like to move his establishments to another location. She briefed the Commission on the information regarding amusement premises.

A lengthy discussion took place about 8-liner game rooms.

A five-minute recess was taken.

Motion made by Commissioner Castillo to amend his motion to 3 working days in instead of 5 working days seconded by Commissioner Garcia.

Commissioner Wilson asked if there was an agreement with Mr. Hugo and the City that states that Mr. Hugo will relinquish the permits that have already been paid.

Ms. Detloff stated that there is nothing in writing that states that.

Commissioner Wilson stated that an agreement needs to be written up stating that Mr. Hugo will relinquish permits.

Motion made by Commissioner Wilson made an amendment to the motion seconded by Commissioner Garcia that prior to the waiver of amusement permit fees to relocate Mardi Gras and Gold Mine game room that there is something in writing from the owner and operator that it will eliminate two to equal one and will relinquish the locations one and three. Motion passed by a 4/0 vote.

Commissioner Castillo made a motion to remove his previous motions seconded by Commissioner Garcia.

Motion stands as voted.

6. Consider removing from table the final passage of an ordinance amending Chapter XI, Article 4, Section 11, Games and Amusement Devices, requiring payment of fee prior to issuance of permit; providing for miscellaneous . (Mayor Esquivel).

Motion made by Commissioner Castillo seconded by Commissioner Garcia to remove item from table. Motion passed by a 4/0 vote.

7. Consider final passage of an ordinance amending Chapter XI, Article 4, Section 11, Games and Amusement Devices, requiring payment of fee prior to issuance of permit; providing for miscellaneous prohibitions. (Mayor Esquivel).

Mr. Michael Guerra briefed the Commission on the amended ordinance.

Motion made by Commissioner Wilson seconded by Commissioner Garcia to table agenda item #7. Motion passed by a 4/0 vote.

Filemon "Phil" Esquivel, Jr., 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
Edna S Lopez, Interim City Secretary