

September 18, 2003

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE WAS HELD ON THURSDAY, SEPTEMBER 18, 2003 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE 12:15 P.M.

CITY COMMISSION PRESENT:

Filemon "Phil" Esquivel, Mayor (arrived at 2:05PM)
 Horacio "Hoss" Castillo, Commissioner
 Al Garcia, Commissioner
 Charles E Wilson, Commissioner
 Arturo Pecos, Commissioner

CITY STAFF PRESENT:

John Garcia, Interim City Manager
 Courtney Alvarez, City Attorney
 Irene Ramirez, City Secretary
 Dora Byington, Purchasing Director
 Stanley Fees, City Engineer
 Caron Vela, Interim Finance Director
 Y I Hinojosa, Street Field Supervisor

I. Preliminary Proceedings.

OPEN MEETING

The meeting was opened at 12:20 P.M. by Mayor Pro-tem Castillo.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel

Ms Dora Byington lead everyone in prayer, Mr. Clements the Pledge of Allegiance, and Commissioner Wilson the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

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

1. None.

III. Public Comment on Agenda Items.³

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

Mr. Jerry Witas, 1404 Christy, stated he was speaking on behalf of the ordinance for game rooms, he stated he favored them. He stated they are good for the City. He also stated his business was benefiting from the game rooms. He stated college kids are employed, and hotels are full.

Mr. Raul Garza, no address, given, stated people that are playing at game rooms buy food locally, which helps business. He stated that it provides a place for people to socialize.

Mr. Rick Taylor, owner of the Treasure Chest, 1502 Lawndale, stated they have been opened for 11 months, and game rooms employ 148 employees. He also stated they occupy 56,000 sq. ft. of space. He stated hotel occupancy is up 13%.

IV. Petitions, Grievances, and Presentations.²**1. Quarter Report by the Kingsville Convention and Visitor's Bureau (KCVB). (Board President).**

Mr. Anse Windham addressed the commission and introduced the Board members. He stated they are working on the Wildlife Festival, the Cactus Bowl, advertising campaign, the Ranching Festival, assisting the King Ranch with the 150th anniversary celebration, bike marathon ride on the King Ranch. He stated they are training the volunteers of the train depot. He stated they are the main participant in the "Keep Kingsville Beautiful" campaign. He also stated they are working on the public relations for South Texas campaign.

A packet was given to the Commission, City Manager, and City Attorney regarding the plan and the market they are planning to target. It was stated the campaign will run for three to four weeks. It was stated that the goal is the build a positive image of Kingsville.

The Commission thanks the KCVB for all their hard work.

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

Mayor Pro-tem Castillo stated they would pass on Item #2.

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

Mr. John Garcia stated that the Captain from NAS, Dr. Juarez, David Rosse, Sammy Fugate visited with the Governor's Office regarding pharmacy school. He stated Vilma Luna, State Representative's office is helping with the effort.

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

Ms. Courtney Alvarez stated her office has been busy working with staff getting ordinances revised and new ordinances for introduction on September 22nd. She also stated that the Mayor's request with regard to the cellular towers is just for discussion before P&Z because they have to be advertised so many days in advance. She stated that she has been working with Tina Galvan, Field Supervisor on two ordinances that will be on Monday's agenda.

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

Commissioner Pecos announced that NAS Club 19 would host a luncheon at 11:30 AM. He also stated that October 30th is the deadline for the homeland security funds that must be spent, and would like to know if the \$109,000.00 has been spent.

Mr. Garcia stated that funds had been spent, all but \$10.00. He stated there was a miscalculation on the funds for the Fire Department trailer, but an adjustment is being made.

Commissioner Garcia stated that he has not seen any minutes for the past few meetings. He stated that the minutes are about 2/3 months in arrear. He stated he would like an explanation.

Mr. Garcia stated that the minutes are behind due to all the different budget meetings that have been scheduled and all the other activities in the office. He stated he has gotten some assistance for Ms Irene Ramirez, City Secretary, but she recently had some surgery.

Commissioner Garcia the City is violation of rules not having minutes.

Commissioner Castillo recessed the meeting for 15 minutes, in order to have lunch.

The Commission convened in regular session at 1:25 PM

V. **Items for consideration by Commissioners.⁴**

1. Consider approval of the FY 2003-2004 Operating Budget and Media Plan for the Kingsville Convention and Visitor's Bureau (KCVB). (Board President).

Mr. Anse Windham, Board President addressed the commission, stating that they had in their folder the proposed Media Plan and the Budget. He stated that budget expenditures for advertising have been increased by \$5,000.00; the expenses for the center increase due to needing the air conditioner replaced. He stated some was gained due to eliminating telephone lease and maintenance. He also stated that overall budget is a 5% increase over the proposed budget from last year. Mr. Windham stated his total budget is \$255,600.00, and it includes \$1,500.00 for the railroad depot for training of the volunteers but it doesn't include their uniforms.

Commissioner Pecos raised a question regarding the 5% increase. Mr. Windham stated it is a state increase percentage.

Commissioner Wilson made motion to approve the FY 2003-2004 Operating Budget and the Media Plan for the Kingsville Convention and Visitor's Bureau, seconded by Commissioner Pecos.

Commissioner Garcia raised a question on payroll adjustments and if it was due to longevity, additional employees or a pay increase. The increase was due to a fulltime events coordinator and volunteer coordinator.

Mr. Windham stated that the expense ratio for administrative was 36% and the State average for CVB is 62%, and added that the admin cost is half of the state's.

The motion carried, 4/0.

2. Consider appointments of Ken Boone, Clair Mae Marcotte, Steve Childers, and John Ramirez as members of the Board of Directors of the Kingsville Convention and Visitors Bureau. (Board President).

Mr. Windham stated that the KCVB tries to keep board members on a diverse collection of community residents. He stated that members needed to work for the

City on a volunteer basis. He also stated the Ken Boone, is a Chief in the Navy, and will be the Military Representative; Claire Mae Marcotte is involved in other community activities, is a Master Gardener; Steve Childers is in the restaurant business; John Ramirez involved in community, and is an accountant.

Commissioner Wilson made motion to approve the appointments of Ken Boone, Clair Mae Marcotte, Steve Childers and John Ramirez to the Board of Directors of the Kingsville Convention and Visitors Bureau, seconded by Commissioner Pecos. The motion carried, 4/0

3. 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 prohibitions. (Mayor Esquivel).

Mayor Pro-tem Castillo announced that this item would be passed on until the arrival of the Mayor.

4. 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).

Mayor Pro-tem Castillo announced that this item would be passed on until the arrival of the Mayor.

5. Consider removing from table awarding contract for Bid #23-45 for the Roadway Reconstruction of Ailsie Street. (Director of Purchasing).

Commissioner Wilson made a motion to removed, seconded Commissioner Garcia. The motion carried, 4/0.

6. Consider awarding contract for Bid #23-45 for the Roadway Reconstruction of Ailsie Street. (Director of Purchasing).

Ms Dora Byington, Purchasing Director addressed the commission, stating that this item will authorize execution of a contract for roadway reconstruction at Ailsie Street. She stated this was advertised on August 17 and 24, 2003. She also stated that Mr. Stanley Fees, City Engineer has reviewed the bids and has determined the low bidder meets the city's specifications. Ms Byington stated this action will expend \$438,440.79 which will be funded by the 2002-2002a Certificates of Obligation. She stated staff is recommending the bid be awarded to Hunter Industries from San Marcos.

Mr. Stanley Fees, City Engineer stated he had done an assessment of how much the job would cost if City crews would do the project. He stated once he combined numbers with the Engineering Staff doing construction is came out to \$736,170.76. He added that the City's price to that would be significantly higher than the contractor. He stated total cost would be \$438,440.00.

Mr. Garcia stated that if staff does work it is recommended that the project start in March.

Mr. Fees stated that the Street Supervisor advised him it would take City crews about 5/6 months to complete project, and construction contract is for 4 months.

Y I Hinojosa, Street Field Supervisor stated he would need additional employees for the project.

Commissioner Pecos made motion to approve recommendation from staff, seconded Commissioner Garcia. The motion carried, 4/0.

7. Consider removing from table consider awarding bid for annual contract for Water Meters (Bid #24-07). (Director of Purchasing).

No audio – no information. The motion carried, 4/0.

8. Consider awarding bid for annual contract for Water Meters (Bid #24-07). (Director of Purchasing).

Ms. Dora Byington stated her recommendation is to go with the lowest bidder.

Mr. Garcia stated that he had spoken to Vilma Castillo, Director of Collections and Sammy Maldonado, Water Superintendent, and stated that at this point it is unknown if the meters will be the same or they will be electronic.

Commissioner Wilson made a motion to adopt staff recommendation by awarding the bid to the lowest qualified bidder, seconded by Commissioner Garcia. The motion carried, 4/0.

9. Consider voiding Budget Amendment #4. (Interim Finance Director).

Ms Caron Vela, Interim Finance Director addressed the commission, stating that Budget Amendment #4 was brought to them for consideration contingent on receiving funds from the County for the mold remediation for the Fire Department. She stated that funds have been received and the work will not be done before September 30th, this fiscal year, the City would like to move those funds to a special capital project funds. She added to void #4 and add #6. She added all funds have been received.

Commissioner Wilson asked if this was legal. Luke Womack, Auditor stated they could reissue a budget amendment just the opposite of what was done.

Ms. Alvarez stated that same affect could be received by approving Item #10. She stated that they wanted to clarify that no actual funds have been placed into the item before them on Item #9. She stated this was basically a dummy account. She stated the Commission could take on action on #9, and move on to #10.

No action was taken.

10. Consider approving Budget Amendment #6 to create a General Fund-Capital Projects fund. (Interim Finance Director).

Commissioner Pecos made motion to approve, seconded by Commissioner Garcia. The motion carried, 4/0.

11. Consider removing from table final passage of an ordinance amending Chapter V, Article 1, Garbage, amending Section 5-1-55, providing for amendment of residential and commercial monthly charges. (Interim Finance Director).

Mayor Pro-tem Castillo announced that this item would be passed on until the arrival of the Mayor.

12. Consider final passage of an ordinance amending Chapter V, Article 1, Garbage, amending Section 5-1-55, providing for amendment of residential and commercial monthly charges. (Interim Finance Director).

Mayor Pro-tem Castillo announced that this item would be passed on until the arrival of the Mayor.

13. Consider removing from table final passage of an ordinance amending Chapter V, Article 2, Sewers, amending Section 5-2-2, providing for an increase in sewer rates. (Interim Finance Director).

Mayor Pro-tem Castillo announced that this item would be passed on until the arrival of the Mayor.

14. Consider final passage of an ordinance amending Chapter V, Article 2, Sewers, amending Section 5-2-2, providing for an increase in sewer rates. (Interim Finance Director).

Mayor Pro-tem Castillo announced that this item would be passed on until the arrival of the Mayor.

There was a lengthy discussion on sewer rates. Mr. Luke Womack explained the sewer rates for other cities in comparison to the City of Kingsville's.

Commissioner Wilson made a motion to adopt staff's recommendation and added staff can be told what to do and City Manager can be directed to implement the plan. He also stated the commission can implement an ordinance.

Commissioner Castillo stated this is an excessive amount for sewage rates.

Commissioner Wilson stated that Mr. Womack was only making a matter of practical application of the rates.

Mayor Esquivel stated he would like to see water conservation and educating the public on how water and sewer rates are determined.

Mr. Luke Womack stated a general letter could be generated.

The motion carried, 4/1, with Commissioner Castillo casting the dissenting vote.

- 15. Consider removing from table final passage 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 Finance Director).**

Ms. Alvarez stated that Items 15 – 18 were moved to the 5:45 PM meeting, 9/18/2003.

- 16. Consider final passage 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 Finance Director).**

This agenda item was moved to the meeting at 5:45 PM, 9/18/03.

- 17. Consider removing from table final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2003 and ending September 30, 2004, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Interim Finance Director).**

This agenda item was moved to the meeting at 5:45 PM, 9/18/03.

- 18. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2003 and ending September 30, 2004, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Interim Finance Director).**

This agenda item was moved to the meeting at 5:45 PM, 9/18/03.

- 19. Consider removing from table discuss and appoint outside "Law Enforcement Selection Committee" to assist the City Manager in recommendation for a new Chief of Police. (Commissioner Castillo).**

Commissioner Wilson made a motion of removed item #19 from the table, seconded by Commissioner Castillo. The motion carried, 5/0.

- 20. Discuss and appoint outside "Law Enforcement Selection Committee" to assist the City Manager in recommendation for a new Chief of Police. (Commissioner Castillo).**

Commissioner Castillo stated that it would be an excellent idea to compile a group of law enforcement officials in the Kleberg County area to review the twenty-six (26) applicants for the Chief of Police and to make a recommendation to the interim or permanent City Manager in the near future. He stated he has spoken to local law enforcement officials and they have agreed to participate. Commissioner Castillo read the name of prospective committee members: Marcos Perez, Chief Deputy of Kleberg County Sheriff Department; Nick Prado, US Border Patrol; Caesar Cavazos, NAS Security; Sandra Jefferson, Texas A&M

Kingsville Security Chief, Corando Garza, Asst. City Manager; David Garza, Kingsville Police Officer, and himself.

Commissioner Wilson stated the Task Force Director, Jaime Garza should be included.

Commissioner Castillo stated that he would like to add Jaime Garza to his motion.

Mayor Esquivel stated that names on applications should be removed, and for the committee to go solely on qualifications. He stated he does not want any political stuff, only the best person for the job.

Upon a question raised by Ms. Alvarez regarding if the committee would be doing what the outside Police Chief by narrowing down the list of applicants to three so the City Manager can interview them. Ms. Alvarez briefed the commission on how a previous selection was made.

Commissioner Castillo stated he would leave it up to the committee.

Mayor Esquivel stated he would like the City Manager to have some input.

Commissioner Garcia objected to Commissioner Castillo being on committee.

Commissioner Castillo stated he would be the liaison. He stated the history of Kingsville is that a City Commissioner is involved in a lot of committees.

Commissioner Wilson stated that this committee would include a final decision of hiring an employee. He stated he understood Commissioner Garcia's position. He also stated that Commissioner Castillo has chosen a good group of individuals.

Commissioner Castillo stated that he would step down if Commissioner Pecos wanted to take over.

Commissioner Pecos stated that by having someone on the inside would give them more information.

Commissioner Wilson stated the Charter is designed to allow the person chosen by the Commission to lead the City has been cast with the obligation of hiring that individual. He stated that for the Commission to become involved in any other way other than to concur with his position would not give him the authority that he was hired or tasked with. He also stated that the Commission should give him 100% responsibility.

Mayor Esquivel stated that he did not want history to repeat itself. He stated that there were some qualified people who were not chosen.

Commissioner Castillo stated that the Interim City Manager or City Manager is not more qualified than the law enforcement officers.

Commissioner Castillo stated that as part of the motion he would add that he would be a non-voting member. He also stated that if they do not agree to terms, then he would like full authority.

Commissioner Garcia stated that whether he is voting or not, there is still an essence of influence.

Mayor Esquivel stated he would feel comfortable for Commissioner Castillo not to be able to vote.

Discussion followed on who should serve on the committee.

Commissioner Castillo stated that he would be a non-voting, but participating member on the committee.

Mayor Esquivel called for a roll call vote.

The motion carried, 3/2, with Commissioners Wilson and Garcia casting the dissenting votes.

Mayor Esquivel stated that the people understand what this group is about and the Interim City Manager and newly appointed City Manager will be actively involved.

21. Consider removing from table consider appointment(s) to the Electrical Board. (Director of Development Services).

This item was moved to the 5:45 PM meeting, same day.

22. Consider appointment(s) to the Electrical Board. (Director of Development Services).

This item was moved to the 5:45 PM meeting, 9/18/03.

23. Discuss and consider establishing City Commission goals for 2003-2004. (Mayor Esquivel).

Ms Courtney Alvarez stated that the item stated discuss and consider Commission goals and they would taking an action item if they consider or formally adopt goals which they should try to do at the beginning of the budget process.

Mayor Esquivel requested each Commissioner announce one goal.

Commissioner Wilson stated his main priority would be to hire a City Manager.

Commissioner Castillo stated his is still clean-up campaign.

Commissioner Pecos stated street improvements and repairs.

Commissioner Garcia stated to continue with the streets, and improve moral in the City. He stated in order to improve moral by hiring a City Manager.

Mayor Esquivel stated his was all the above, plus creating the City's master plan.

Commissioner Castillo requested this item pass. Commissioner Wilson stated he had to leave.

Mayor Esquivel stated this item would be brought up at 5:30 PM during City Commissioner's Report.

VI. Adjournment.

Commissioner Wilson made motion to adjourn, seconded by Commissioner Castillo. The meeting was adjourned at 4:15 PM.

Filemon "Phil" Esquivel, Jr., Mayor

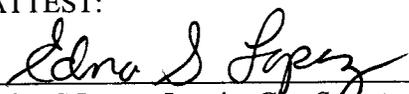
ATTEST:

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, Interim City Secretary