

MAY 22, 2000

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, MAY 22, 2000 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Stanley Laskowski, City Commissioner
 Rene "Mr. V" Villarreal, City Commissioner
 Filemon "Phil" Esquivel, Jr., Mayor
 Arturo Pecos, City Commissioner
 Al Garcia, City Commissioner

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
 Diana F. Valadez, City Secretary
 Ruben Perez, City Attorney
 Dora Byington, Director of Purchasing
 Stanley Fees, Director of Planning
 Artemio Alvarez, Risk Manager
 Corando Garza, Fire Chief
 Juan M. Bosquez, Finance Director
 Dianne Leubert, Recycling Manager

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Father Paul Hesse, St. Gertrude's Catholic Church, led the Commission and members of the audience in an invocation. Immediately thereafter, a moment of silence was held in honor of Melissa Flores and Andrea M. Herrera.

Mayor Filemon "Phil" Esquivel, Jr., then led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) - REQUIRED BY LAW.

There were no minutes available for approval.

II. PUBLIC HEARING - (REQUIRED BY LAW).

1. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. UPDATE FROM STAFF ON FOLLOWING QUESTIONS AT THE REQUEST OF THE MAYOR AND COMMISSIONERS.

A. UPDATE REGARDING I-69. (MAYOR ESQUIVEL).

Mayor Esquivel stated that the proposed designation of I-69 is proposed to begin at 5-points in Calallen. He stated that the City of Kingsville would be presenting a resolution to make changes to the trunk funding system. He said that the Commission needs to support this resolution.

The Commission discussed presentation "C" at this time.

C. UPDATE AND BRIEFING REGARDING SPACEPORT.
(MAYOR ESQUIVEL).

Mr. Dick Messbarger, Executive Director of the Economic Development Council stated that the cost estimate on a strategic plan is approximately \$500,000. The City of Kingsville has allotted 1/5 of the funds. He stated this would be the first commercially owned spaceport and urged the Commission to support this project.

B. ALLEY BLITZ CLEANUP ON CITY ALLEYS. (MAYOR ESQUIVEL).

Mayor Esquivel stated that there are two options available in order to clean up the City. One is to contract out the work, however that would be too costly, and the second option is to set an amount in the budget to provide funding for equipment and crews to provide the service throughout the City.

Commissioner Arturo Pecos agreed with the purchase of the equipment and the funding for additional personnel, but expressed concern about the funding source for this added expense.

Commissioner Rene "Mr. V" Villarreal stated that having our own personnel instead of contracting out the service would be cost effective. He suggested that an educational training program for the community would also help clean the City.

Upon a question raised by Commissioner Stanley Laskowski, Mr. Guzman responded that the citizens are receiving the services for the taxes they are paying. He explained the rationale for staggering the zones so that all areas get some service. Mr. Guzman stated that the City's position would be to pick up brush twice a year, and a fourth truck is allowed for rental purposes. He stated that the noxious matter ordinance could be enforced and maybe additional positions could be budgeted for enforcement purposes.

Commissioner Al Garcia suggested that the City prioritize its funds in the current budget to meet the need of cleaning the City. He agreed that enforcement of the ordinance is not occurring, and recommended that the Health Department, City Inspectors and the Fire Marshall develop a program to pinpoint the properties that need to be addressed.

Mayor Esquivel stated that he agrees with Commissioner Laskowski that community service workers need to be utilized and that staff should provide a presentation on the liability associated with using community service workers.

D. UPDATE ON PUBLICATION OF CITY JOURNAL. (CITY MANAGER).

Mayor Esquivel stated that the recent publication of the City Journal that was mailed to the citizens of Kingsville has caused some criticism.

Mr. Hinojosa stated that bids were not acquired because he wanted to print this publication one time to see what type of feedback would be received from the public. The intent was to communicate with the citizens of Kingsville. He said that the timing may have been

wrong, but in no way was it a political move. The intent was to communicate with the citizens of Kingsville. Mr. Hinojosa stated that the next issue is due for July 1st, and perhaps he could go out for bids for this issue. He stated that he did receive favorable responses from the citizens of Kingsville, but perhaps the timing was not appropriate because it was too close to the City General Election.

Commissioner Laskowski suggested that a less expensive paper be used rather than the glossy paper that was used for the last issue. He said that this could save money.

Commissioner Garcia stated that the newsletter should have a column with the City Manager making some comments. However, does not feel the newsletter should be used for political purposes.

Commissioner Pecos stated that if there is going to be criticism, maybe the newsletter should not be printed at all. He felt that the members of the Commission should be given an opportunity to write an article.

Mayor Esquivel thanked the City Manager for accomplishing the task of printing the newsletter. He stated that in no way was there an intent to have the newsletter printed for political reasons.

E. DISCUSS ON BOARD APPOINTMENTS (CITY MANAGER).

Mr. Hinojosa stated that both the Zoning Board of Adjustment and Planning and Zoning Commission need to have members appointed to serve on these boards. He requested that the Commission submit names for consideration. Mr. Hinojosa stated this item would be placed on the agenda for June 12, 2000.

- a. Zoning Board of Adjustment
- b. Planning and Zoning Commission

The Commission took a short recess at 7:55 p.m.

The Commission reconvened at 8:05 p.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS.3

Mr. C.S. Lopez, 201 East Fairview, thanked the Commission for the installation of the warning sirens.

Mrs. Susan Smith, 229 East Shelton, addressed the Commission regarding the recent publication of the City Journal. She stated that the paper that was used is too expensive and perhaps a cheaper paper could have been used to save some money. She stated that the invoices from Charra Van Horn and James Barnhardt were also too expensive. Mrs. Smith stated that perhaps the City may want to invest in a bulk rate stamp from the post office.

Mr. Julian Calzada, 1208 East Kenedy, addressed the Commission regarding agenda item number seven. He said that the City should hire contractors to come in and clean one time and then have the City crews maintain from that point on. Mr. Calzada stated that the citizens could not do everything, especially the elderly. He said that the elderly do not have transportation to take items such as brush to the landfill.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

Mayor Esquivel requested that agenda item number eight be considered at this time.

8. CONSIDER OUT-OF-STATE TRAVEL FOR MAYOR ESQUIVEL TO ATTEND A SOUTH TEXAS MILITARY FACILITIES TASK FORCE MEETING IN WASHINGTON, D.C. AND THE 68TH ANNUAL U.S. CONFERENCE OF MAYORS IN SEATTLE, WASHINGTON. (MAYOR ESQUIVEL).

Mayor Esquivel stated that it is very important for him to attend these conferences. He said he has made a lot of friends, and is simply just building the network. The purpose of the meeting to Washington, D.C. is to join the South Texas Military Task Force. They have meetings set up that will greatly benefit Kingsville. He said it is an opportunity to sell Kingsville.

Commissioner Pecos stated that it is very important for the Mayor to attend these meetings to support Naval Air Station Kingsville and the Spaceport Project. That information and representation will be done only if the Commission allows Mayor Esquivel to travel out of state.

A motion was made by Commissioner Pecos and seconded by Mayor Esquivel to approve the out-of-state travel request.

Upon a question raised by Commissioner Laskowski, Mr. Hinojosa responded that money would be transferred to the City Commission travel line item to cover the expenses associated with this travel request. He stated that money would be transferred from the following accounts:

Computer Operations:	Office Supplies \$1,000 Professional Services \$1,500
Personnel Office:	Communications \$250.00 Postage & Freight \$250.00
Finance Office:	TMRS \$287.00 FICA \$278.00 Group Insurance \$110.00
Service Center:	TMRS \$545.00 FICA \$528.00 Group Insurance \$220.00

Mayor Esquivel stated that both meetings will take about one week. He said that during this time, since he is self-employed, he does not work. He urged the Commission to authorize this travel expenditure.

Commissioner Laskowski stated that there are still five months remaining this budget year, and other meetings will come up that will also cost the City.

Commissioner Villarreal stated that focus should be made on the Spaceport Project, and therefore travel should only be approved to Washington, D.C.

The Commission then proceeded to vote on the motion. The motion to authorize the out-of-state travel passed by a 3/2 vote. Commissioner's Villarreal and Laskowski cast the dissenting votes.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING FISCAL YEAR 1999-2000 ANNUAL BUDGET FOR ALL CITY DEPARTMENTS. (CITY MANAGER).

Mr. Juan Bosquez, Director of Finance, stated that there were only minor changes made to the proposed ordinance. He stated that a total of \$15,632 has been added to the City Special Budget, Department 103. Community organizations will remain with a balance of \$5,632 and \$10,000 is available for the City's contribution to the Spaceport Consortium. Mr. Bosquez recommended approval of the proposed ordinance.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission unanimously approved Ordinance #200011, amending the Fiscal Year 1999-2000 Annual Budget for all City Departments.

2. CONSIDER AMENDMENT TO INTERLOCAL AGREEMENT WITH KLEBERG COUNTY FOR AD VALOREM TAX COLLECTION SERVICES. (CITY MANAGER).

Mr. Hinojosa stated that the Interlocal Agreement for Ad Valorem Tax Collection Service between the City of Kingsville and Kleberg County was updated and approved on July 26, 1999. It appears that a clause was inadvertently omitted from the agreement. The correction will reflect that the City of Kingsville and Kleberg County will contract with an attorney to enforce the collection of delinquent taxes. Mr. Hinojosa recommended approval of the proposed amended agreement.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved an amendment to the interlocal agreement with Kleberg County for ad valorem tax collection services.

3. REPORT ON NEGOTIATIONS AND DRAFT OF INTERLOCAL COOPERATION AGREEMENT WITH PARTICIPATING TASK FORCE MEMBERS IN THE SOUTH TEXAS SPECIALIZED CRIMES & NARCOTICS TASK FORCE. (CITY ATTORNEY).

Mr. Ruben Perez, City Attorney, stated that in the packet for review was a draft of the proposed agreement. This agreement has not been presented to the other jurisdictions, but will be done soon. He stated that no official action is needed at this time, however if the Commission would like to see some changes made to the agreement, to please contact him.

No action was taken on this item.

4. CONSIDER RESOLUTION APPOINTING RENE "MR. V" VILLARREAL AS MAYOR PROTEMPORE. (CITY COMMISSION).

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve Resolution #200019, appointing Rene "Mr. V" Villarreal as Mayor Protempore. The motion passed by a 4/0/1 vote. Commissioner Villarreal abstained from voting.

5. CONSIDER RESOLUTION CREATING THE POSITION OF ASSISTANT CITY ATTORNEY AND ESTABLISHING A PAY RANGE; AND RECLASSIFYING THE POSITION OF ASSISTANT PUBLIC WORKS DIRECTOR. (CITY MANAGER).

Mr. Hinojosa stated that the current City Attorney does not plan on being employed by the City of Kingsville for a long period of time. He therefore is requesting an assistant to train this person. This person will be trained after Mr. Perez terminates his employment with the City. Mr. Hinojosa stated that the other request was to upgrade the position of the Assistant Public Works Director. He stated that by upgrading this position perhaps it would attract qualified applicants.

Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #200020, creating the position of Assistant City Attorney and establishing a pay range; and reclassifying the position of Assistant Public Works Director.

6. CONSIDER RESOLUTION APPROVING A CITIZEN PARTICIPATION PLAN FOR THE TEXAS COMMUNITY DEVELOPMENT PROGRAM, CONTRACT NO. 720401. (CITY MANAGER).

Mr. Hinojosa stated this item is needed and the plan needs to be in place. The Texas Community Development Program has requested the plan be approved by the Commission. Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved Resolution #200021, approving a Citizen Participation Plan for the Texas Community Development Program, Contract Number 720401.

7. CONSIDER AND DISCUSS THE REMOVAL OF BRUSH, ILLEGAL DUMPING IN ALLEYS, AND ALL CITY POLICIES AND PROGRAMS AFFECTING USE OF ALLEYS, INCLUDING CONSIDERATION OF SUBCONTRACTING THE CLEANING OF THE ALLEYS. (MAYOR ESQUIVEL).

Mayor Esquivel stated that according to the workshop conducted earlier, communication, funding, and enforcement is being requested from the City Manager.

Mayor Esquivel stated that prompt service in picking up each zone and enforcing the noxious matter ordinance should be a priority.

No action was taken on this item.

9. EXECUTIVE SESSION. UNDER SECTION 551.071, TEXAS GOVERNMENT CODE, CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING CONTEMPLATED LITIGATION REGARDING CHIEF OF POLICE. (CITY ATTORNEY).

The Commission went into Executive Session at 9:07 p.m.

The Commission reconvened at 9:16 p.m.

RECONVENE INTO OPEN SESSION:

10. CONSIDERATION AND APPROPRIATE ACTION, IF ANY, APPROVING A COMPROMISE AND SETTLEMENT AGREEMENT BETWEEN CLAIMANT, FELIPE GARZA AS CHIEF OF POLICE, AGAINST THE CITY OF KINGSVILLE AND ALL ITS OFFICIALS, EMPLOYEES, AGENTS AND REPRESENTATIVES, BOTH CURRENT AND PAST, AND RESOLVING ALL LEGAL AND EQUITABLE CLAIMS AND CAUSES OF ACTION THAT MAY EXIST IN CONSIDERATION OF HIS VOLUNTARY RESIGNATION FROM EMPLOYMENT WITH THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Hinojosa recommended approval of the proposed agreement that has been signed by Felipe Garza, Chief of Police.

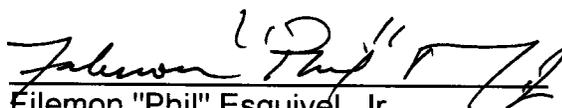
A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the agreement. The motion passed by a 4/0/1 vote. Mayor Esquivel departed the meeting during the Executive Session and was not present for this item.

11. CITY MANAGER'S REPORT. (CITY MANAGER).

Commissioner Pecos stated that May 29th is Memorial Day. He stated that beginning on Saturday at 1:00 p.m. in Benavides, Texas at the Last Patrol Ranch the veterans will conduct a ceremony and everyone is invited. He also stated that on Monday, the 29th another service at the War Memorial Building and at Chamberlain Cemetery are also planned.

VI. ADJOURNMENT.

The meeting then adjourned at 9:20 p.m.


 Filemon "Phil" Esquivel, Jr.
 Mayor

ATTEST:


 Diana F. Valadez, City Secretary