

APRIL 09, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, APRIL 09, 2001 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 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  
 Victor Salas, Finance Director  
 Dora Byington, Director of Purchasing  
 Stanley Fees, Director of Planning  
 Corando Garza, Assistant City Manager / Fire Chief  
 John Garcia, Garage Superintendent  
 Dianne Leubert, Solid Waste Superintendent  
 Isabel Valdez, Personnel Director  
 Artemio Alvarez, Risk Manager

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Daryll Nordeen, Plant Manager of Hoechst Celanese, 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. REPORT ON FINANCIAL STATUS OF KINGSVILLE ON 2000-2001 ANNUAL BUDGET AS OF FEBRUARY 28, 2001. (MAYOR ESQUIVEL).

Mr. Victor Salas, Finance Director began his presentation by identifying the major revenue categories that make up the City of Kingsville's revenue stream. He noted that four revenue categories (property taxes, sales tax, utility services, and transfer from the utility fund) made up approximately 90% of the total general fund revenues.

Mr. Salas continued by graphically presenting comparisons of last year's actual amount, current year's budgeted amount, and current year's actual amount for

the major revenue categories in the general and utility funds. He also presented the same comparison of total expenditures in the utility and general funds.

Mr. Salas concluded his presentation by stating that in general terms, the General Fund is currently in a stable financial condition, however, the City needed to proceed with caution regarding expenditure level as major revenues had already been collected for the year. He indicated that franchise fees and sales tax revenues were the only major revenue source available for the remainder of the fiscal year. Mr. Salas also expressed concern that the Utility Fund only had a fund balance of approximately \$16,000. This amount is very minimal and would not be sufficient to cover any unanticipated emergency. Mr. Salas suggested that wastewater rates needed to be reviewed for adjustment, as they had not been adjusted since the mid-to-late eighties.

B. BRIEFING TO CITIZENS ON RECYCLING AND UPDATE ON MEETING WITH TNRCC REPRESENTATIVES REGARDING LANDFILL EXPANSION. (MAYOR ESQUIVEL).

Mayor Filemon "Phil" Esquivel, Jr., stated that he and Commissioner's Stanley Laskowski and Rene "Mr. V" Villarreal and City staff members met with representatives from the Texas Natural Resource Conservation Commission (TNRCC) regarding the City of Kingsville landfill. He stated that the meeting was very productive.

Mr. Hector M. Hinojosa, City Manager stated that TNRCC contacted him today and advised him that they denied the 10' height extension for the landfill. He stated that they did approve an extension for 180 days to overfill the existing cell, but he was not sure if the City would proceed with that process or not. Mr. Hinojosa stated that a cost analysis would be presented to the Commission on the options of whether or not to accept 180-day extension offer or continue to transfer garbage to El Centro Landfill.

Mrs. Dianne Leubert, Solid Waste Superintendent addressed the Commission regarding the newsletter that her department is in the process of printing and circulating to all the water utility customers.

C. HURRICANE TRAINING EXERCISE UPDATE, COMMUNICATIONS, TRAINING PERSONNEL FOR SHELTERS, AND MEETING ON APRIL 12, 2001. (MAYOR ESQUIVEL).

Mayor Esquivel stated that he would like to see the City employees trained and certified to operate emergency shelters. He requested that City staff provide information to the Commission regarding the operation of the emergency shelters.

D. UPDATE ON DOWNTOWN IMPROVEMENTS. (MAYOR ESQUIVEL).

Mr. Stanley Fees, Director of Planning stated that the Heart of Kingsville organization has funded the downtown lighting project. He said that McCracken Electric is scheduled to install the lamps.

Upon a question raised by Mayor Esquivel, Mr. Hinojosa responded that he and Mr. Fees are responsible for the project on behalf of the City, and Allen Wilson, Glenda Webb and Cynthia Martin are responsible on behalf of the Heart of Kingsville organization.

#### IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mrs. Maggie Salinas, 111 North 5<sup>th</sup> Street, addressed the Commission regarding the downtown improvements. She stated that the project began as a Downtown Merchants Association project to beautify the downtown area. Mrs. Salinas was upset because the brick she selected was removed from the northeast corner of 6<sup>th</sup> and Kleberg. She stated that when she contacted City staff, Mr. Fees informed her that Mr. Wilson had requested that her brick be removed because it did not match the others. Mrs. Salinas stated that she has the right to be treated fairly in this community.

Mr. Mike Stevenson, 2901 South Brahma, stated that Secor had assured the Commission that the 10' height extension would be granted and it was not. He stated that NAS Kingsville is ready and available to assist in any way they could help with the landfill situation.

##### 1. EVALUATION AND DISCUSSION OF APPOINTED POSITIONS, CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGE. (MAYOR ESQUIVEL).

Mayor Esquivel stated that normally the Commission goes into executive session and prepares an actual evaluation for the three appointed officials. He said that he just wants to make sure that everyone works together on all issues. Mayor Esquivel stated that as an elected official, he expects to be briefed by the Manager on important issues, as well as briefing the other Commission members.

**A motion was made by Commissioner Villarreal and seconded by Commissioner Al Garcia to table this item for six months, because an evaluation should be done annually.**

Mayor Esquivel disagreed and stated that in his opinion, an evaluation should be done every six months. He urged the Commission to reconsider the evaluation process for these individuals to be every six months, rather than annually.

Commissioner Laskowski stated that if he doesn't agree with certain work performance of the City Manager or City Attorney, he immediately brings it up to their attention. He does not wait until the six-month evaluation to bring up a deficiency. Commissioner Laskowski stated that he has always been provided information that he requests, and just by spending a little time each day, any Commission member could become informed of what is happening.

Commissioner Villarreal stated that the City Manager and Attorney are simply a phone call away, and an evaluation method is not an appropriate method to communicate to these individuals.

**The Commission proceeded to vote on the motion made by Commissioner Villarreal. The motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Arturo Pecos cast the dissenting votes.**

Mayor Esquivel requested that the evaluations be prepared for the three appointed officials in September 2001.

##### 2. CONSIDER APPROVAL OF FINANCIAL COMMITMENT OF UP TO \$7,500 TO PROJECT BLUEPRINT TO UPGRADE EMERGENCY PREPAREDNESS IN THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Hinojosa stated that Hoechst Celanese requested this item. He stated that Kleberg County is considering the same commitment, but they have not approved it as of this date.

Mr. Bob Allen representing the Corpus Christi LEPC Group stated that because of pipelines and refineries, his group has worked for several years to provide a comprehensive plan to upgrade emergency preparedness. The plan is known as Project Blueprint and more than 1.2 million has been spent. Mr. Allen stated that Celanese has contributed approximately \$150,000 to insure that systems and hardware are available to southern Nueces and Kleberg County. He stated that systems are operable in Nueces County and it is now time to include Kleberg County. Mr. Allen stated that he has met with the County Judge to insure County participation in sharing the yearly cost evenly with the City. That amount would be approximately \$7,500 each for ongoing licenses and up keep.

**A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the financial commitment of \$7,500, pending the approval of an interlocal agreement. The motion passed by a unanimous vote.**

**3. CONSIDER APPROVAL OF CONTRACT WITH FINCH ENERGY & ENVIRONMENTAL SERVICES REGARDING TIMING OF THE DRILLING AND COMPLETION OF THE EXPANSION WELLS. (GROUND WATER AND GAS MONITORING WELLS, SECTOR 2, PERMIT 235-B). (SOLID WASTE SUPERINTENDENT).**

Mrs. Leubert stated this item authorizes the drilling and completion of six new gas monitor wells and two new ground water monitoring wells and also to plug one infield gas monitoring well. She stated that since approval was given to proceed with the expansion of the new Type 1 Landfill, it is important for the City to know how this work fits with other expansion work and timing.

Upon a question raised by Mayor Esquivel, Mrs. Leubert responded that the services described in the proposed contract would be provided by Finch Energy and Environmental Services for an estimated fee not to exceed \$20,000.

**Upon a motion by Commissioner Garcia and second by Commissioner Pecos, the Commission unanimously approved a contract with Finch Energy & Environmental Services for the timing of the drilling and completion of expansion wells.**

**4. CONSIDER CONFIRMATION OF APPOINTMENTS TO THE KINGSVILLE CONVENTION AND VISITOR'S BUREAU (KCVB) BOARD OF DIRECTOR'S. (DIRECTOR OF TOURISM).**

Mr. Anse Windham, Chairman of the KCVB Board of Director's recommended that Mr. Charles E. Wilson with Kingtex Electric and Mr. Danny Bhakta with Econolodge/Quality Inn be appointed as new board members. He stated that Mr. Wilson would assume the community-at-large seat vacated by Mr. Joe Henkel and Mr. Bhakta would assume the hotel seat vacated by Ms. Pushpa Malik.

**Upon a motion by Commissioner Villarreal and second by Commissioner Garcia, the Commission unanimously approved the board appointments as recommended by the Chairman of the KCVB Board of Director's.**

**5. REPORT AND DISCUSSION REGARDING IMPROVEMENTS TO CITY NEIGHBORHOOD PARKS.**

Mrs. Susan Ivy, Director of the Kleberg County Parks Department addressed the Commission regarding these items. She stated this item authorizes the resubmission of a neighborhood grant because the Texas Parks & Wildlife developed smaller grant application guidelines. Mrs. Ivy discussed with the Commission other improvements that have been done to City parks. She asked the Commission for guidance on how to spend the money remaining from the water trade agreement and what projects they would like to see done.

Commissioner Pecos stated that he would like to see the additional funds used to improve the skateboard ramps at the skate park. He said the ramps are used by many children, and felt the investment into the ramps would be a good investment. Mayor Esquivel stated that the \$3.00 entry fee should be reduced because the fee is too steep and could have an impact on certain families. The direction given by the Commission to Mrs. Ivy was to reduce the cost of admittance to the skate park.

**5.1 CONSIDER RESOLUTION FOR TEXAS PARKS & WILDLIFE GRANT APPLICATION FOR CITY NEIGHBORHOOD PARK IMPROVEMENTS. (PARKS DIRECTOR).**

**A motion was made by Commissioner Villarreal and seconded by Commissioner Garcia to approve Resolution #R-2001-09, submitting an application for City Neighborhood Park Improvement Grant to the Texas Parks & Wildlife. The motion passed by a unanimous vote.**

**5.2 CONSIDER APPROVAL OF PLAN FOR CURRENT YEAR CAPITAL IMPROVEMENTS AT CITY NEIGHBORHOOD PARKS. (PARKS DIRECTOR).**

**Another motion was made by Commissioner Garcia and seconded by Commissioner Villarreal to approve the capital improvement plan for the City neighborhood parks. The motion included the approval of funds for landscaping in the amount of \$3,000 and \$6,000 for the Community Garden at Kenedy Park; and \$15,000 for the skate park improvements; and approved that the fee for the use of the skate park be reduced from \$3.00 to \$1.50. The motion passed by a unanimous vote.**

**6. CONSIDER OUT-OF-STATE TRAVEL FOR MAYOR ESQUIVEL TO ATTEND THE 69<sup>TH</sup> ANNUAL U.S. CONFERENCE OF MAYORS IN DETROIT. (MAYOR ESQUIVEL).**

Mayor Esquivel stated that the U.S. Conference of Mayors is an organization at the National level equivalent to what Texas Municipal League is at the State level. He stated that attending this conference is not cheap, however it is less expensive than hiring a lobbyist.

**A motion was made by Commissioner Pecos to approve the out-of-state travel for Mayor Esquivel. Commissioner Garcia seconded the motion for discussion purposes.**

Commissioner Garcia expressed some concern with the amount budgeted and the amount expended to date for training and travel for the City Commission. He stated that certain Commission members have barely used a portion of the money.

Mayor Esquivel, on the itemized travel expense report submitted by staff, explained the reason for each travel and how the City benefited from him attending each meeting.

Commissioner Garcia stated that if the Commission expects City staff to cut down on their department expenses, then the Commission needs to set the example and do the same.

Mayor Esquivel stated that he would be willing to forego any other travel if the Commission requested him to do so.

**The Commission proceeded to vote on the motion made by Commissioner Pecos. The motion passed by a 3/2 vote. Commissioner's Laskowski and Villarreal cast the dissenting votes.**

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

7.1 DISTRIBUTION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDING SEPTEMBER 30, 2000.

Mr. Hinojosa reminded the Commission of the Texas Department of Transportation Public Hearing on Monday, April 16<sup>th</sup>. He stated that it is a public hearing and the public is invited.

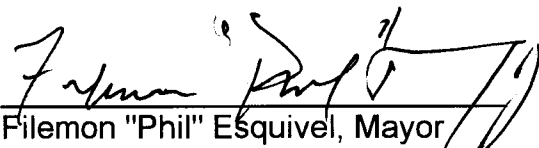
8. EXECUTIVE SESSION: Pursuant to Section 551.071, Texas Government Code, City Commission shall convene into executive session to receive legal advice from the City Attorney regarding potential litigation concerning the dismissal of a former employee, Ben Charles. (City Attorney).

The Commission went into executive session at 9:20 p.m. and concluded at 9:34 p.m.


The Commission reconvened back into open session at this time.

**VI. ADJOURNMENT.**

The meeting adjourned at 9:36 p.m.

  
Filemon "Phil" Esquivel, Mayor

**ATTEST:**

  
Diana F. Valadez, City Secretary