

AUGUST 13, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, AUGUST 13, 2001 AT 5:00 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
 Artemio Alvarez, Risk Manager
 Stanley Fees, Director of Planning
 Sammy Maldonado, Utilities Superintendent
 Dianne Leubert, Solid Waste Superintendent
 Corando Garza, Assistant City Manager / Fire Chief

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mayor Filemon "Phil" Esquivel, Jr., opened the meeting at 5:00 p.m. He announced that the Commission would hold an Executive Session at this time. He read each item the Commission would be discussing in executive session.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. **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 potential litigation regarding the following matters: (City Attorney).
 - a. Presentation of preliminary results of the audit report by The Compliance Company regarding employment practices and policies for the City of Kingsville.
 - b. Deliberation regarding continued funding of Litter Abatement Officer.
 - c. Policy regarding extension of City contribution for Texas Workers Compensation benefits under Section 143.073 of the Firefighters' and Police Officers' Civil Service Law.

The Commission convened into an executive session at 5:02 p.m. and concluded the session at 6:00 p.m. and reconvened into the regular session of the meeting.

I. PRELIMINARY PROCEEDINGS.

INVOCATION / PLEDGE OF ALLEGIANCE - (MAYOR ESQUIVEL)

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Barry Blackstock with the Kingsville Police Department 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. **ADOPTION OF AN ORDINANCE (AGENDA ITEM #9) AMENDING THE ZONING ORDINANCE OF THE CITY OF KINGSVILLE TO REGULATE THE INSTALLATION OF WIRELESS COMMUNICATION TOWERS AND ANTENNAS.**

Mayor Esquivel opened the Public Hearing at 6:10 p.m.

Mr. Ruben Perez, City Attorney, briefed the Commission on the proposed ordinance. He stated that the ordinance is similar to the one used in Corpus Christi and most cell tower companies are familiar with the ordinance.

2. **SPECIAL USE PERMIT ON PROPOSED CELLULAR TOWER (AGENDA ITEM #10).**

Mr. Stanley Fees stated that Neesen Chevrolet is requesting a special use permit to install a communication tower at their business. He stated that in order to install the tower and the height they want, a special use permit is required to be approved by the City Commission.

Mayor Esquivel declared the public hearing closed at 6:18 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. None.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

CITIZENS OPPORTUNITY TO COMMENT ON ALL AGENDA OR NON-AGENDA ITEMS.

There were no comments made at this time.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

It was the consensus of the Commission to move to agenda item number fifteen at this time.

15. **CONSIDER RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE HOUSING INFRASTRUCTURE FUND. (CITY MANAGER).**

Mr. Hector Hinojosa, City Manager, stated that Frontera Consulting Services will be submitting a grant on behalf of the City of Kingsville. He stated that the project developer would provide land for the project and would also provide for construction costs exceeding the grant amount.

Mr. Bill Dixon with Frontera Consulting addressed the Commission. He stated that the application would be for \$400,000 to carry out water/sewer improvements, street paving, and drainage. He stated that the subdivision would consist of approximately fifty homes and would be priced from the mid 60's to the 80's.

Mr. Perez stated that neither he nor Mr. Hinojosa have reviewed the grant application, however requested the Commission proceed in approving the resolution. He stated that the City is not obligated to accept the funds until satisfied with the grant guidelines.

A motion was then made by Commissioner Arturo Pecos and seconded by Commissioner Villarreal to approve Resolution #R-2001-27, authorizing the submission of a Texas Community Development Program application to the Texas Department of Housing and Community Affairs for the Housing Infrastructure Fund; and authorizing the City Manager as the authorized representative in all matters pertaining to the City's participation in the Community Development Program. The motion passed by a unanimous vote.

1.1 CONSIDER APPROVAL OF EXTENSION OF CITY CONTRIBUTION UNTIL AUGUST 27, 2001 FOR THE CONTINUATION OF TEXAS WORKERS' COMPENSATION BENEFITS TO ALONZO LOPEZ. (DIRECTOR OF RISK MANAGEMENT).

A motion was made by Commissioner Villarreal and seconded by Commissioner Pecos to approve the extension of City contribution until August 27, 2001 for the continuation of Texas Workers' compensation benefits to Alonzo Lopez. The motion passed by a unanimous vote.

2. CONSIDER AWARDING ANNUAL CONTRACT FOR WATER AND WASTEWATER UTILITY SUPPLIES. (BID #22-04). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing, stated this item will approve contracts with two vendors to supply the Water and Wastewater Departments with utility supplies. She recommended that Hughes Supply Company and Ferguson Enterprises be awarded the contracts for various utility supplies. The City would spend approximately \$93,700 with Hughes Supply Company and approximately \$90,800.00 with Ferguson Enterprises.

A motion was made by Commissioner Villarreal and seconded by Commissioner Pecos to award the annual contract for water and wastewater utility supplies as recommended by staff. The motion passed by a unanimous vote.

3. CONSIDER AWARDING ANNUAL CONTRACT FOR AUTOMOTIVE PARTS. (BID #22-05). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item will award two contracts consisting of 157 different automotive parts for a total of approximately \$45,160.00. She recommended that two separate annual contracts for various types of automotive parts be awarded to Carquest Auto Parts and O'Reilly Auto Parts from Kingsville. The approximate expenditure for these two contracts is \$45,160.00 with Carquest and \$33,137.00 with O'Reilly.

Upon a motion by Commissioner Villarreal and seconded by Commissioner Pecos, the Commission voted unanimously to award the annual contract for automotive parts as recommended by staff.

Mayor Esquivel stated that items number four and five would be considered together.

4. CONSIDER AWARDING CONTRACT FOR CLEANING AND PRESSING OF UNIFORMS FOR THE POLICE DEPARTMENT. (BID #22-06). (DIRECTOR OF PURCHASING).

5. CONSIDER AWARDING CONTRACT FOR CLEANING AND PRESSING OF UNIFORMS FOR THE FIRE DEPARTMENT. (BID #22-07). (DIRECTOR OF PURCHASING).

Mrs. Byington recommended that The Man Shop from Kingsville be awarded a twenty-four month contract for cleaning and pressing of uniforms for the Police Department employees. This action will expend approximately \$24,900 for the next fiscal year and \$49,800 for the term of the contract.

Mrs. Byington also recommended The Man Shop from Kingsville be awarded a twenty-four month contract for cleaning and pressing of uniforms for the Fire Chief, Fire Marshall and the Firefighters. This action will expend approximately \$10,140.00 for the next fiscal year and \$20,280.00 for the term of the contract.

Upon a question raised by Commissioner Laskowski, Mrs. Byington responded that the bid advertisement was published only in Kingsville because of the convenience for the employees. She stated that the police officers and firefighters drop off and pick up their own uniforms.

A motion was then made by Commissioner Pecos and second by Commissioner Villarreal to award the contracts as recommended by staff. The motion passed by a unanimous vote.

6. CONSIDER AWARDING ANNUAL CONTRACT FOR TIRES AND SERVICES FOR THE POLICE DEPARTMENT. (BID #22-08). (DIRECTOR OF PURCHASING).

Mrs. Byington recommended the annual contract for tires and services for the Police and Task Force Departments be awarded to Border Tire from Kingsville for approximately \$14,235.00.

A motion was made by Commissioner Villarreal to award the annual contract to C & A Corp. from Kingsville in the amount of \$14,576.70. He stated that the Goodyear Eagle tire was a better performance tire than the tire offered by Border Tire. This motion failed due to a lack of a second.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to table this item. The motion failed due to a 2/3 vote. Commissioner's Laskowski, Pecos, and Garcia cast the dissenting vote.

Another motion was made by Commissioner Garcia and seconded by Commissioner Pecos to award the contract to Border Tire as recommended by staff. The motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Villarreal cast the dissenting votes.

7. CONSIDER AWARDING ANNUAL CONTRACT FOR TIRES AND TUBES FOR ALL DEPARTMENTS EXCEPT THE POLICE DEPARTMENT. (BID #22-09). (DIRECTOR OF PURCHASING).

Mrs. Byington recommended the annual contract for tires and tubes for all departments except the Police and Task Force be awarded to Gray's Wholesale. She stated that based on estimated usage, approximately \$54,000 will be expended under this contract.

A motion was made by Commissioner Laskowski and seconded by Commissioner Pecos to award the contract as recommended by staff. The motion passed by a 4/1 vote. Mayor Esquivel cast the dissenting vote.

8. CONSIDER RESOLUTION SUPPORTING THE PASSAGE OF FEDERAL LEGISLATION TO ENSURE THE AVAILABILITY OF OTHERWISE UNAVAILABLE PRIVATE SECTOR EQUITY FINANCING FOR PRIVATE SECTOR DEVELOPMENT OF COMMERCIAL SPACE TRANSPORTATION VEHICLES AND SPACE LAUNCH SITES. (MAYOR ESQUIVEL).

Mayor Esquivel stated that the proposed resolution, if approved, endorses bipartisan Federal legislation to encourage the timely development of a more cost effective United States commercial space transportation industry. He stated that the Kenedy County Commissioner's Court has not taken a stand on whether or not to support the Spaceport Project. Mayor Esquivel said that they have called a special meeting to discuss this matter. He recommended approval of the proposed resolution.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission unanimously approved Resolution #R-2001-25, supporting the passage of federal legislation to ensure the availability of otherwise unavailable private sector equity financing for private sector development of commercial space transportation vehicles and space launch sites.

9. CONSIDER FINAL PASSAGE OF ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KINGSVILLE, REGARDING TELECOMMUNICATION TOWERS AND FACILITIES; PROVIDING FOR PENALTIES, SEVERANCE AND PUBLICATION OF ORDINANCE. (DIRECTOR OF PLANNING).

Mr. Perez stated that the proposed ordinance regulating telecommunication towers provides for setback requirements, and must also comply with the landscaping ordinance. He stated that the Planning and Zoning Commission reviewed the ordinance and recommended adding the definition of a stealth tower and changing the setback from 1.5 times the tower height to equal the tower height from a residential dwelling. Mr. Perez stated that the Planning and Zoning Commission voted 6/0 in favor of the proposed ordinance.

A motion was made by Commissioner Laskowski and seconded by Commissioner Garcia to approve Ordinance #ORD-2001-15, amending the zoning ordinance of the City of Kingsville regarding telecommunication towers and facilities. The motion passed by a unanimous vote.

10. CONSIDER INTRODUCTION OF AN ORDINANCE REZONING LOTS 17-20, BLOCK 37, ORIGINAL TOWNSITE SUBDIVISION (300 EAST YOAKUM), FROM CLASS "C-3" CENTRAL BUSINESS DISTRICT TO CLASS "C-3" CENTRAL BUSINESS DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW THE INSTALLATION OF A 180-FOOT MONOPOLE TELECOMMUNICATION FACILITY. (DIRECTOR OF PLANNING).

Mr. Stanley Fees, Director of Planning stated that Mr. Phillip Neesen and Verizon Wireless are the applicants for the proposed rezoning. He stated that the new zoning is to allow the installation of a 180-foot monopole telecommunication facility to exceed the height limit of 35 feet in a Class "C-3" Zone.

Upon a question raised by Commissioner Garcia, Mr. Fees responded that currently there are approximately six towers located throughout the City.

Mayor Esquivel stated this was an introductory item only and final passage would be considered at the next regular meeting.

11. CONSIDER RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM DRUG FORFEITURE FUND TO THE GENERAL FUND FOR REIMBURSEMENT OF OVERTIME CHARGES INCURRED FOR THE PROVISION OF COMMUNICATIONS DISPATCH SERVICES FOR THE POLICE DEPARTMENT. (DIRECTOR OF FINANCE).

Mr. Victor Salas, Director of Finance stated that the proposed resolution authorizes the transfer of \$5,000 from the Kingsville Police Department's Drug Forfeiture Fund to the City's General Fund for the establishment of a relief dispatcher reimbursement fund. He stated that this fund shall be utilized solely for the payment of communication services provided to the Police Department in compliance with all rules and regulations applicable to the Police Department's Drug Forfeiture Fund. Mr. Salas recommended approval of the proposed resolution.

Upon a motion by Commissioner Laskowski and seconded by Commissioner Villarreal, the Commission unanimously approved Resolution #R-2001-26, authorizing the transfer of funds from the drug forfeiture fund to the general fund for reimbursement of overtime charges incurred for the provision of communications dispatch services for the Police Department.

12. CONSIDER APPROVAL OF REAPPOINTMENT POLICY FOR KINGSVILLE POLICE DEPARTMENT. (CHIEF OF POLICE).

Lieutenant Robert Alvarez with the Kingsville Police Department addressed the Commission. He stated that the proposed policy would allow officers who resign from the department in good standing and who wish to return to the department within two years of leaving to do so under certain entry requirements. Lieutenant Alvarez stated that it also sets the salary of officers returning under this policy to be no higher than that of a 25-month police officer.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve the reappointment policy for the Kingsville Police Department as presented by staff. The motion passed by a unanimous vote.

13. CONSIDER APPROVAL OF PAYMENT OF \$7,365.83 AS THE CITY SHARE OF EXPENSES FOR THE OPERATION OF THE EMERGENCY MANAGEMENT PROGRAM FOR THE PERIOD COVERING OCTOBER 01, 2000 TO JUNE 30, 2001 AND AUTHORIZING THE CITY MANAGER TO APPROVE PAYMENT OF THE CITY SHARE OF EXPENSES FOR THE REMAINING MONTHS OF FISCAL YEAR 2000-01. (DIRECTOR OF FINANCE).

Mr. Salas stated that the total amount of \$7,365.83 is due from the City for the cost of operating the Emergency Management Program. He stated that Kleberg County will pay the same amount for this program.

Mayor Esquivel stated this is another area in which the City and County split the cost for operations.

A motion was made by Commissioner Villarreal and seconded by Commissioner Pecos to approve the payment of \$7,365.83 as the City share of expenses for the operation of the Emergency Management Program for the period covering October 1, 2000 to June 30, 2001 and authorizing the City Manager to approve payment of the City share of expenses for the remaining months of fiscal year 2000-01. The motion passed by a unanimous vote.

14. CONSIDER APPROVAL OF THE FINAL REPLAT OF LOT 1RR AND LOT 4, KYLE ACRES SUBDIVISION, 1826 EAST KING AND 1920 EAST KING. (DIRECTOR OF PLANNING).

Mr. Fees stated that Mr. Chester Kyle is the applicant for this subdivision replat. He stated that the purpose of this replat is to increase the size of Lot 4 to be able to locate a residence on this property. Lot 4 is the site of a restaurant and the owner has requested this replat to enable her to reside next to the restaurant for security purposes. Mr. Fees stated that the Planning and Zoning Commission voted unanimously to reject the application. He stated that the Commission must have four affirmative votes to overturn a Planning and Zoning Commission recommendation.

A motion was then made by Commissioner Villarreal and seconded by Mayor Esquivel to approve the replat as requested by the applicant. The motion failed due to a 2/3 vote. Commissioner's Laskowski, Pecos and Garcia cast the dissenting votes.

16. EXECUTIVE SESSION: Pursuant to Section 551.072 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate a negotiated contract for the purchase of real property for the expansion and operations of the landfill. (City Attorney).

The executive session began at 7:42 p.m. and concluded at 8:28 p.m.

The Commission reconvened into open session at this time.

17. DISCUSSION ON PROPOSED BUDGET FOR FISCAL YEAR 2001-02.

The Commission discussed in a workshop session all of the following items.

A. REPORT ON PROPERTY VALUATIONS, EFFECTIVE TAX RATE, AND PROPOSED PUBLIC HEARINGS. (DIRECTOR OF FINANCE).

B. DISCUSSION OF PROPOSED AMENDMENTS TO ORDINANCES REGARDING LANDFILL FEES, COLLECTION FEES, AND OTHER SOLID WASTE SERVICES. (DIRECTOR OF SOLID WASTE SERVICES).

C. DISCUSSION ON PROPOSED AMENDMENTS TO THE SOUTH TEXAS WATER AUTHORITY AGREEMENT FOR THE PURCHASE OF WATER. (COMMISSIONER LASKOWSKI).

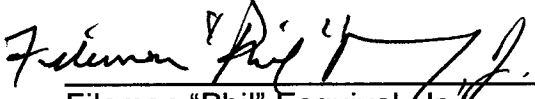
D. DISCUSSION OF OTHER CONCERNS RAISED DURING BUDGET WORKSHOP INCLUDING:

- i. JAIL CONTRACT WITH COUNTY BASED ON A FEE FOR SERVICES.
 - ii. REVIEW OF CITY-WIDE EXPENDITURES FOR PHONE SERVICE.
 - iii. REVIEW AND REPORTS FROM LIBRARY AND HEALTH DEPARTMENTS.
 - iv. CREDIT FOR COUNTY ASSISTANCE IN LANDFILL EXPANSION.
 - v. STREET LIGHTS - PART OF DEREGULATION.
18. CITY MANAGER'S REPORT. (CITY MANAGER).

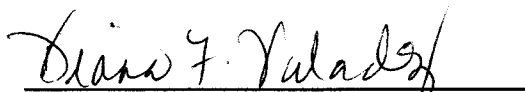
No items were discussed in the City Manager's Report.

VI. ADJOURNMENT.

The meeting then adjourned at 10:40 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:


Diana F. Valadez, City Secretary