

AUGUST 27, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, AUGUST 27, 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
 Dora Byington, Director of Purchasing
 Stanley Fees, Director of Planning
 Victor Salas, Director of Finance
 Dianne Leubert, Solid Waste Superintendent
 Sammy Maldonado, Utilities Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 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, Mrs. Peggy Hayes, a member of the audience, 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. PRESENTATION REGARDING PARTNERSHIP WITH PAN AMERICAN UNIVERSITY AND TEXAS A&M UNIVERSITY KINGSVILLE TO DEVELOP A NATURE TRAIL ON TRANQUITAS CREEK. (MAYOR ESQUIVEL).

Mrs. Peggy Hayes, representing Pan American University, stated that the University has several international students from different countries. These students are eager to work off campus and it gives them an opportunity to understand and learn about the community. Mrs. Hayes stated that developing a nature trail on Tranquitas Creek is an excellent project that would benefit all of the citizens of Kingsville.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

CITIZEN'S OPPORTUNITY TO COMMENT ON ALL AGENDA OR NON-AGENDA ITEMS.

Mr. Clyde Allen, owner of Allen's Furniture presented some complimentary B-B-Q tickets for fire fighters with the Kingsville Fire Department. He stated that these fire fighters assisted him recently when his business was damaged by the sprinkler system. Mr. Allen stated that these men worked in extreme hot temperatures inside his building and was very appreciative of their help.

Mr. Mike Foreman addressed the Commission regarding agenda item number thirteen. He stated that he is in favor of the speed zone change and urged the Commission to approve the proposed ordinance.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER RESOLUTION RECOGNIZING THE CONTRIBUTIONS AND DEDICATION OF THE HONORABLE REPRESENTATIVE IRMA RANGEL AND THE HONORABLE SENATOR CARLOS F. TRUAN TO THE CITIZENS OF KINGSVILLE AND ALL THE RESIDENTS OF SOUTH TEXAS. (CITY COMMISSION).

Mayor Esquivel stated that the proposed resolution recognizes the contributions and dedication of Representative Irma Rangel and Senator Carlos Truan to the citizens of Kingsville and all the residents of South Texas. He read the proposed ordinance.

A motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Arturo Pecos to approve Resolution #R-2001-28. The motion passed by a unanimous vote.

It was the consensus of the Commission to consider agenda item number 2, 4, 8, and 13 at this time.

2. CONSIDER FINAL PASSAGE 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 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. He stated that eighteen letters were mailed out and no response was received from any property owner. Mr. Fees stated that the closest residential home is approximately 140' from the proposed tower. He recommended approval of the proposed ordinance.

A motion was then made by Commissioner Pecos and seconded by Commissioner Villarreal to approve Ordinance #ORD-2001-16, amending the Zoning Ordinance by granting a special permit for a telecommunication tower and facility. The motion passed by a unanimous vote.

4. CONSIDER AWARDING CONTRACT FOR THE SANTA GERTRUDIS ROADWAY RECONSTRUCTION PROJECT. (BID #21-36). (DIRECTOR OF PURCHASING).

Mr. Fees stated this item authorizes the execution of a contract for roadway reconstruction on West Santa Gertrudis Avenue at Texas A & M University Kingsville. He stated this item will expend \$159,854.70 and recommended the bid be awarded to Tom's Paving Company from Alice, Texas.

Upon a motion by Commissioner Villarreal and seconded by Commissioner Laskowski, the Commission voted unanimously to award the contract for the roadway reconstruction project as recommended by staff.

8. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS FOR THE INSPECTION OF MANUFACTURED HOUSING INSTALLATIONS. (DIRECTOR OF PLANNING).

Mr. Fees stated that the current contract for the inspection of manufactured housing between the Texas Department of Housing and Community Affairs and the City of Kingsville expires on August 31st. He stated that the contract provides for payment of \$20.00 for each inspection performed. Mr. Fees recommended approval of the proposed contract.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2001-29, authorizing the City Manager to enter into an agreement with the Texas Department of Community Affairs for the inspection of manufactured housing installations. The motion passed by a unanimous vote.

13. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 5, TRAFFIC SCHEDULES, REDUCING SPEED LIMIT ON CERTAIN AREAS OF SANTA GERTRUDIS (IN THE VICINITY OF TEXAS A & M UNIVERSITY KINGSVILLE) TO 20 MILES PER HOUR; PROVIDING FOR APPROPRIATE PENALTIES, FINES, AND FEES REGARDING THE REGULATION THEREOF. (DIRECTOR OF PLANNING).

Mr. Fees stated that a request was received from Texas A & M University Kingsville to reduce the speed limit from 30 mph to 20 mph on Santa Gertrudis Avenue from Armstrong Street to Seale Street on the west side of Turner Hall. He stated that based upon a speed survey, he recommended the speed limit be reduced to 20 mph because it would lower the speed of traffic through the University campus.

Upon a question raised by Commissioner Laskowski, Mr. Fees responded that the change in speed would be in effective at all times.

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

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

9. CONSIDER RESOLUTION APPROVING A MUNICIPAL MAINTENANCE AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF KINGSVILLE FOR THE MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Fees stated that the last executed agreement with the Texas Department of Transportation dates back to March of 1979. He stated that the proposed contract simply updates the same agreement. He recommended approval of the proposed resolution and agreement.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #R-2001-30, approving a Municipal Maintenance Agreement with the Texas Department of Transportation.

3. CONSIDER APPOINTMENT OF A COMMITTEE AND DESIGNATING A CHAIRMAN TO NEGOTIATE AN AMENDMENT TO THE WATER SUPPLY CONTRACT WITH THE SOUTH TEXAS WATER AUTHORITY. (CITY COMMISSION).

Mayor Esquivel stated that during a discussion at the last meeting it was the consensus of the Commission that Commissioner's Laskowski and Pecos serve on the committee to negotiate a new contract with the South Texas Water Authority. He stated this item would officially authorize them to serve on the Committee.

A motion was made by Mayor Esquivel and seconded by Commissioner Pecos to appoint Commissioner's Laskowski and Pecos to serve on the Committee and appoint Commissioner Garcia as an alternate member. The motion included naming City staff, Hector Hinojosa, City Manager, and Victor Salas, Director of Finance, and Ruben Perez, City Attorney to the Committee as well. The motion passed by a unanimous vote.

Another motion was made by Mayor Esquivel and seconded by Commissioner Pecos to appoint Commissioner Laskowski to serve as the Chairman of this Committee representing the City of Kingsville. This motion passed by a unanimous vote.

It was the consensus of the Commission to consider agenda item number five, six, and seven all at the same time.

5. CONSIDER AWARDING ANNUAL CONTRACT FOR AUTOMOTIVE BATTERIES. (BID #22-11). (DIRECTOR OF PURCHASING).

6. CONSIDER AWARDING ANNUAL CONTRACT FOR CEMENT PRODUCTS. (BID #22-13). (DIRECTOR OF PURCHASING).

7. CONSIDER AWARDING ANNUAL CONTRACT FOR ROAD MATERIALS. (BID #22-14). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing recommended the bid for an annual contract for automotive batteries be awarded to O'Reilly Auto Parts from Kingsville for an annual cost of \$6,000. She also recommended that the annual contract for cement products be awarded to Alamo Concrete

Products from Kingsville for an annual cost of \$17,000, and the annual contract for road materials be awarded to Vulcan Material from San Antonio, Eagle Asphalt Products from Corpus Christi, Gulf States Asphalt from Houston, and R.P. Trucking for hauling services for a grand total of approximately \$303,250.

A motion was made by Commissioner Villarreal and seconded by Commissioner Pecos to award the annual contracts for automotive batteries, cement products and road materials as recommended by staff. The motion passed by a unanimous vote.

10. CONSIDER RESOLUTION DESIGNATING THE AUTHORIZED SIGNATORIES FOR DRAWDOWN REQUESTS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR ALL OF THE CITY'S TEXAS COMMUNITY DEVELOPMENT PROGRAM PROJECTS. (DIRECTOR OF FINANCE).

Mr. Salas stated that since the accountant recently resigned from City employment, a new resolution is needed in order to submit for grant reimbursements. He recommended that Mr. Hector Hinojosa, Mr. Stanley Fees and himself be authorized signatories.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2001-31, authorizing the signatories as recommended by staff. The motion passed by a unanimous vote.

11. CONSIDER RESOLUTION CREATING THE POSITION OF CRIME INTELLIGENCE ANALYST AND ESTABLISHING A PAY RANGE; ESTABLISHING A LINE ITEM FOR OVERTIME COMPENSATION; AND AUTHORIZING PAYMENT OF OVERTIME FROM GENERATED PROGRAM INCOME FOR THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE. (TASK FORCE COMMANDER).

Mr. Jaime Garza, Commander of the Task Force, stated that the reassignment of this position would benefit the task force. He stated that this action requires that an amendment in the amount of \$55,158 is appropriated for the payment of compensation to the Crime Intelligence Analyst. He stated that there is no direct expense by the City of Kingsville; all of the revenues are paid from the Task Force generated revenue.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Resolution #R-2001-32, creating the position of Crime Intelligence Analyst and establishing a pay range; establishing a line item for overtime compensation; and authorizing payment of overtime from generated program income. The motion passed by a unanimous vote.

12. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 2, STOPPING, STANDING AND PARKING, PROHIBITED IN SPECIFIED PLACES ON SOUTH BRAHMA BOULEVARD IN THE VICINITY OF H.M. KING HIGH SCHOOL. (POLICE DEPARTMENT).

Lt. Barry Blackstock from the Kingsville Police Department stated that the proposed ordinance prohibits parking on Brahma Boulevard directly in front of the high school. He stated that vehicles stop in this area to drop off students attending the high school. This practice causes accidents and is very dangerous. Lt. Blackstock recommended approval of the proposed ordinance.

Commissioner Laskowski also requested that the area in front of Perez Elementary also be surveyed. He said that traffic is backed up on Brahma Boulevard in the afternoon when children are being picked up after school.

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

14. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING SECTION 5-1-55 PROVIDING FOR THE AMENDMENT OF RESIDENTIAL AND COMERCIAL MONTHLY CHARGES AND A MONTHLY LANDFILL CHARGE IN THE AMOUNT OF \$3.00 FOR EACH RESIDENTIAL AND COMMERCIAL ACCOUNT. (CITY ATTORNEY).

Mr. Perez stated that the proposed ordinance increases the monthly landfill charge by one dollar as requested in the pro forma study. He recommended approval of the proposed ordinance.

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

15. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING SECTION 5-1-3 AND 5-1-57, DESIGNATING THE FIRST AND THIRD SATURDAY AS EXEMPT FROM LANDFILL FEES FOR RESIDENTS OF THE CITY OF KINGSVILLE AND PROVIDING FOR INCREASES IN OTHER LANDFILL USE FEES. (CITY ATTORNEY).

Mr. Perez stated that all of the landfill fees were reviewed. He recommended that an effective date of January 1, 2002 be placed in the ordinance. Mr. Perez stated that by that date, the landfill should be opened.

There was a discussion regarding the cost per ton of garbage and the increase being proposed. Commissioner Laskowski stated that he has received complaints from citizens that they take 1,200 pounds of material and are charged for 3,000 pounds.

Mayor Esquivel stated that an increase from \$10.00 to \$25.00 for one ton of garbage was an unfair increase for the citizens of Kingsville. Mr. Perez responded that the citizens of Kingsville still have the opportunity of using the landfill free of charge on the first and third Saturday of the month. He stated that they also get the first two hundred pounds free of charge.

Commissioner Laskowski stated that money has been spent on the pro forma study completed by the engineer, and the City should follow the recommendations of the engineering firm in order to recover some of the cost associated with building the new landfill.

The discussion continued regarding the proposed ordinance.

Mayor Esquivel stated that the proposed ordinance needed to be reviewed thoroughly before its adoption and urged the Commission to study the ordinance and make any changes prior to the final reading of the ordinance. **He stated this was an introductory item only and final passage would be considered at the next regular meeting.**

16. CONSIDER AUTHORIZING OUT-OF-STATE TRAVEL FOR MEMBERS OF THE CITY COMMISSION TO ATTEND A MEETING IN WASHINGTON, D.C. WITH THE SOUTH TEXAS MILITARY FACILITIES TASK FORCE ON OCTOBER 1-3, 2001. (MAYOR ESQUIVEL).

Mayor Esquivel stated the South Texas Military Facilities Task Force has scheduled meetings in Washington, D.C. October 1-3, 2001. He stated that it is very important to attend because of the base closure and realignments in 2003. He requested authorization from the Commission to attend these meetings. Mayor Esquivel encouraged other members of the City Commission to attend if their schedule permitted.

Commissioner Pecos indicated an interest in attending with Mayor Esquivel.

A motion was made by Commissioner Pecos and seconded by Commissioner Laskowski to approve the out-of-state travel as requested by Mayor Esquivel. The motion passed by a unanimous vote.

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

Mr. Hinojosa stated that Mr. Salas continues to review all the department budgets for next fiscal year.

Mr. Hinojosa also stated that the City Commission was invited to attend the regular meeting of the Kingsville Convention and Visitor's Bureau on Wednesday, August 29, 2001 at 4:30 p.m.

Commissioner Laskowski informed the Commission that if they have any concerns regarding the South Texas Water Authority contract, to please advise him.

18. 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:

a. POLICY REGARDING OF EXTENSION OF CITY CONTRIBUTION FOR TEXAS WORKERS COMPENSATION BENEFITS UNDER SECTION 143.073 OF THE FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW. (CITY ATTORNEY).

b. REVIEW OF EVALUATION STATEMENTS REGARDING CITY ATTORNEY, CITY MANAGER, AND MUNICIPAL JUDGE. (MAYOR ESQUIVEL).

The Executive Session began at 8:08 p.m. and concluded at 9:19 p.m.

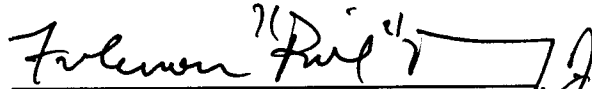
The Commission reconvened into open session at 9:20 p.m.

19. CONSIDER APPROVAL OF EXTENSION OF CITY CONTRIBUTION FOR THE CONTINUATION OF TEXAS WORKERS' COMPENSATION BENEFITS TO ALONZO LOPEZ. (RISK MANAGER).

A motion was made by Commissioner Villarreal and seconded by Commissioner Garcia to table this item. The motion passed by a unanimous vote.

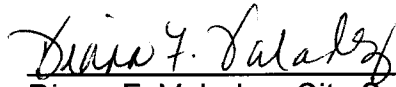
VI. ADJOURNMENT.

The meeting then adjourned at 9:21 p.m.



Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:



Diana F. Valadez, City Secretary