

OCTOBER 22, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, OCTOBER 22, 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
 Al Garcia, City Commissioner
 Arturo Pecos, City Commissioner *** arrived after the meeting was in session

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
 Diana F. Valadez, City Secretary
 Ruben Perez, City Attorney
 Victor Salas, Director of Finance...
 Dora Byington, Director of Purchasing
 Sam Granato, Chief of Police
 Coetta Montgomery, Director of Personnel
 Yolanda Moran, Director of Development Services
 Corando Garza, Assistant City Manager / Fire Chief
 Sammy Maldonado, Utilities Superintendent
 Dianne Leubert, Solid Waste Superintendent
 John Garcia, Garage Superintendent
 Stanley Fees, Director of Planning

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. Sonny Barrera, 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. None.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Anse Windham with the Master Gardeners showed a slide presentation on improvements being made at Kenedy Park.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER REMOVING FROM THE TABLE RESOLUTIONS AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN PROFESSIONAL SERVICES CONTRACTS FOR FINANCIAL ADVISOR SERVICES. (DIRECTOR OF FINANCE).

A motion was made by Commissioner Stanley Laskowski and seconded by Commissioner Rene "Mr. V" Villarreal, to remove the following agenda item "A" and "B" from the table. The motion passed by a 4/0 vote. Commissioner Pecos was not present at this time.

A. RESOLUTION ENTERING INTO A FINANCIAL ADVISORY AGREEMENT FOR PROFESSIONAL SERVICES WITH AN INDEPENDENT FINANCIAL ADVISOR.

Mr. Victor Salas, Director of Finance, stated that Commission action is needed only on item "A".

Mr. Salas stated that several companies submitted a proposal for financial services. He recommended that the Commission authorize the City Manager to enter into an agreement with First Southwest Company. Mr. Salas stated that a scoring process was made with all five companies and First Southwest Company received the highest score.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to authorize the City Manager to enter into a Financial Advisory Agreement for professional services. The motion passed by a 4/0 vote.

Ms. Ann Burger with First Southwest Company was present in the audience. She addressed the Commission and thanked them for their vote and their confidence in First Southwest.

B. RESOLUTION ENTERING INTO AN AGREEMENT FOR CONTINUING DISCLOSURE SERVICES FOR CERTAIN PROFESSIONAL SERVICES AS STIPULATED THEREIN.

No action was taken on this item.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE ABOLISHING ONE POSITION OF POLICE LIEUTENANT, CLASSIFICATION RANGE 5 AND CREATING AN ADDITIONAL POSITION OF POLICE OFFICER, CLASSIFICATION RANGE 1 IN THE POLICE COMPENSATION PLAN. (CHIEF OF POLICE).

Police Chief Sam Granato stated that the ordinance eliminates one lieutenant position and increases the number of police officers by one.

Mr. Ruben Perez, City Attorney, stated that the police officer position would be filled once the lieutenant position becomes vacant.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Ordinance #ORD-2001-22, abolishing one position of Police Lieutenant, Classification Range 5 and creating an additional position of Police Officer, Classification Range 1 in the Police Compensation Plan, effective upon the position of lieutenant becoming vacant. The motion passed by a 4/0 vote.

3. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING SECTION 3-7-4 EMPLOYEE HEALTH BENEFIT FUND AND ESTABLISHING A SEPARATE FUND TITLED CITY OF KINGSVILLE EMPLOYEE BENEFIT PLAN TRUST FOR THE ADMINISTRATION OF THE CITY EMPLOYEE GROUP HEALTH PLAN. (DIRECTOR OF PERSONNEL).

Mrs. Coeta Montgomery, Director of Personnel stated that the proposed ordinance simply changes the name of the employee health plan. She recommended approval of the ordinance.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Ordinance #ORD-2001-24, amending Section 3-7-4, Employee Health Benefit Fund and establishing a separate fund titled City of Kingsville Employee Benefit Plan Trust for the administration of the City employee group health plan. The motion passed by a 3/0/1 vote. Mayor Esquivel abstained from voting.

***Commissioner Arturo Pecos arrived at this time, 6:53 p.m.

4. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING SECTIONS 3-7-1 AND 3-7-2 OF ARTICLE 7: PERSONNEL POLICIES PROVIDING FOR AMENDMENTS TO THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN AND CERTAIN BENEFITS AND INCENTIVES RELATED THERETO. (CITY MANAGER).

Mr. Hinojosa stated that Ruben Perez, City Attorney, Coeta Montgomery, Director of Personnel, Victor Salas, Director of Finance, and Joel Valdez, Payroll Clerk worked together in drafting the new compensation plan.

Mr. Perez stated that under the certification pay for the Fire Department, the EMT Certification Pay was inadvertently left off the pay plan. He stated that the final ordinance would reflect that change. He stated that under the new 2001 annual budget the percentage of increase for salaries is 3.59 percent. However in the 2002 annual budget the net increase in salaries is 2.89 percent for step increases. In the plan there will be built into the budget a certain percentage for longevity step increases, this is in addition to any cost of living increase which may be approved in the future by the City Commission. Mr. Perez stated that the five year total increase is 8.69 percent.

Mr. Perez also explained that letters would be given to each employee explaining their proposed salary. He stated that several other policies would be brought to the Commission for consideration. Mr. Perez stated that under the new plan, department heads are not scheduled to receive a pay increase.

Upon a question raised by Commissioner Garcia, Mr. Perez responded that in the past the pay ranges were in increments of five percent. He stated that the old plan needed an overhaul in order to place the employees at a range for the job they are actually performing.

Mayor Filemon "Phil" Esquivel, Jr., stated that in the past an employee's years of service compared to the salary being earned was not fair. He stated that a merit increase after a probationary period will no longer be granted. After three years a merit increase of five percent will be granted and would be given in the increments of three years. Mayor Esquivel stated that certification pay would continue to be paid as it is currently paid to employees.

Mayor Esquivel felt that a grievance committee should be established to hear any concerns an employee might have with their pay or the pay plan.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Ordinance #ORD-2001-25, amending Sections 3-7-1 and 3-7-2 of Article 7; Personnel Policies providing for amendments to the City of Kingsville Classification and Compensation Plan and certain benefits and incentives related thereto, with the following amendment; No hourly employee shall commence at a higher step of pay upon the promotion, transfer, or temporary reassignment than that designated as Step B in the Classification Plan. The motion passed by a unanimous (5/0) vote.

5. CONSIDER INTRODUCTION OF AN ORDINANCE MAINTAINING A TEN-YEAR VESTING FOR EMPLOYEES OF THE CITY OF KINGSVILLE, TEXAS WHO ARE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS). (DIRECTOR OF FINANCE).

Mr. Salas stated that the Texas Municipal Retirement System Board of Directors passed legislation that changes the time an employee must work before the employee is vested in TMRS from ten years to five years. The legislation provides that unless the City's governing body takes action to decline this change it automatically goes into effect on January 01, 2002. He stated this item is being brought before the Commission so that the Commission may have an opportunity to decline this change.

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

6. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 7-1-25 THROUGH 7-1-28 AND SCHEDULE III: TRUCK ROUTES OF CHAPTER VII, ARTICLE 1: TRAFFIC REGULATIONS PROVIDING FOR LIMITATIONS ON RESIDENTIAL PARKING AND ADDITIONS TO TRUCK ROUTES. (CITY ENGINEER/STREET SUPERINTENDENT).

Mr. Stanley Fees, City Engineer explained some of the proposed changes in the truck route ordinance. He stated that eighteen-wheelers would no longer be allowed to park in residential neighborhoods.

Mayor Esquivel stated that truck owners park their trucks on empty lots in residential neighborhoods. He stated that eventually if this practice is not allowed, members of the City Commission would hear complaints from the truck owners.

Commissioner Laskowski stated this change is strictly a safety issue. He stated most of the vehicles carry fuel and it could be a serious safety issue.

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

7. CONSIDER FINAL PLAT APPROVAL OF HOBBS VALLEY PHASE VII. (DIRECTOR OF DEVELOPMENT SERVICES).

Mrs. Yolanda Moran, Director of Development Services stated that the proposed subdivision involves a three-lot subdivision on Pippin Lane adjacent to Andron Lane. The property is zoned R-1 and improvements to the area include City water and sewer. Mrs. Moran stated that the Planning and Zoning Commission recommended approval of the proposed plat with no additional requirements.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved the final plat of Hobb Valley Phase VII.

8. CONSIDER RESOLUTION PROVIDING FOR THE APPOINTMENT OF THE CITY ATTORNEY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES OF THE CITY ATTORNEY. (CITY ATTORNEY).

Mayor Esquivel requested this item be tabled until the Commission has completed the evaluation of the City Attorney.

Commissioner Laskowski disagreed, stating that the Commission should proceed with this action, because the evaluation does not have anything to do with the proposed agreement.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to table this agenda item. The motion passed by a 4/1 vote. Commissioner Laskowski cast the dissenting vote.

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

Mr. Hinojosa stated that the Veteran's Day parade was scheduled for November 10, 2001. He also stated that members of the Kingsville City Commission were invited to ride in the Jim Wells County Fair Parade.

In other business, Mr. Hinojosa stated that he met with representatives from the Texas Department of Transportation on the importance to expedite the General Cavazos improvement project.

Mr. Hinojosa also stated that he would be out of town on October 29th and 30th, attending a Government Finance Officers Association Conference.


10. 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 ADMINISTRATION AND ENFORCEMENT OF CITY OBLIGATIONS UNDER THE SOUTH TEXAS WATER AUTHORITY SUPPLY CONTRACT. (CITY ATTORNEY).

11. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE EVALUATION OF THE FOLLOWING APPOINTED POSITIONS: CITY MANAGER, CITY ATTORNEY, AND MUNICIPAL JUDGE. (MAYOR ESQUIVEL).

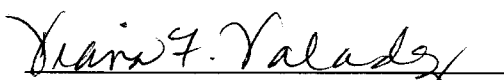
The Commission began the executive sessions at 8:09 p.m. and concluded at 9:50 p.m.

VI. ADJOURNMENT.

The meeting adjourned at 9:51 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:


Diana F. Valadez, City Secretary