

NOVEMBER 13, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD TUESDAY, NOVEMBER 13, 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, Director of Finance  
 Coeta Montgomery, Director of Personnel  
 Dora Byington, Director of Purchasing  
 Stanley Fees, City Engineer  
 Sammy Maldonado, Utilities Superintendent  
 Corando Garza, Assistant City Manager / Fire Chief  
 Dianne Leubert, Solid Waste Superintendent  
 Lupe Garcia, Fire Marshal  
 Artemio Alvarez, Risk Manager

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

Mayor Filemon "Phil" Esquivel, Jr., led the Commission and members of the audience in an invocation. Immediately thereafter, Mrs. Audrey DeLaPaz, 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. PUBLIC HEARINGS REGARDING CONDEMNATION OF HOMES/STRUCTURES; 815 EAST VELA, 1030 EAST HENRIETTA, 613 EAST AVENUE D, 605 EAST AVENUE D., 1732 EAST AVENUE F, AND 310 EAST DODDRIDGE. (FIRE MARSHAL).

Mayor Esquivel opened the public hearing at 6:02 p.m. He asked if there was anyone present in the audience that wanted to address the Commission. There being no one present, he closed the public hearing at 6:04 p.m.

### III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. PRESENTATION REGARDING THE DEPOT – TRANSPORTATION MUSEUM & VISITOR WELCOME CENTER 2001 NOMINATION TO THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM BY THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager stated that Mrs. Brooke Swen-McCloid was unable to attend this meeting. He stated that the grant application has passed the first phase and is in its second phase of the qualification stage. Mr. Hinojosa stated that the project appears to have received good remarks and looks favorable for an award.

Mrs. Yolanda Moran, Director of Development Services informed the Commission that the City of Kingsville's grant cash match is \$168,000. Mayor Esquivel responded that the cash match would all be donated by private donors. He requested that City staff meet with Mr. Ben Glusing to review the entire application, to determine where the cash match would come from.

### IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mrs. Audrey DeLaPaz, 703 South 19<sup>th</sup> Street, addressed the Commission regarding agenda item number three. She stated that the public was not made aware of the change regarding the banning of trucks in residential areas, and the public was only informed by reading an article in the newspaper. Mrs. DeLaPaz stated that her husband's family owns a trucking company, and they park their trucks on an empty lot. She stated that if this practice is not going to be allowed, it would have impact on their income.

Mr. Raul Perez, 1404 East Yoakum, also addressed the Commission regarding agenda item number three. He stated that the proposed ordinance would affect the business of his trucking company. He urged the Commission to reconsider the passage of the proposed ordinance.

### V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. ADOPTING CERTAIN FINDINGS, REVIEWING EVIDENCE AND TESTIMONY OF WITNESSES, DECLARING THAT CONDITIONS EXIST WHICH RENDER CERTAIN BUILDINGS OR STRUCTURES UNSAFE WHICH CANNOT BE CORRECTED WITHOUT SUBSTANTIAL RECONSTRUCTION, AND DECLARING THE FOLLOWING BUILDINGS AND STRUCTURES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THE DEMOLITION OR SUCH OTHER ACTION TO ABATE SUCH PUBLIC NUISANCE. (FIRE MARSHAL).

- 1.1 815 EAST VELA
- 1.2 1030 EAST HENRIETTA
- 1.3 613 EAST AVENUE D
- 1.4 605 EAST AVENUE D
- 1.5 1732 EAST AVENUE F; AND
- 1.6 310 EAST DODDRIDGE

Mr. Guadalupe Garcia, Fire Marshal, stated that he has made several attempts to contact and work with the property owners; however no work has been done on these structures. He recommended condemnation of all of the structures.

**A motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Stanley Laskowski to authorize the condemnation of structures located at 815 East Vela, 1030 East Henrietta, 613 East Avenue D, 605 East Avenue D, 1732 East Avenue F and 310 East Doddridge. The motion passed by a unanimous vote.**

**2. CONSIDER FINAL PASSAGE 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. Victor Salas, Director of Finance recommended that no action be taken on this item. He stated that automatically, the City would use the five year vesting because the State has made a change to a five year vesting program.

**No action was taken on this item.**

**3. CONSIDER FINAL PASSAGE 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).**

Mr. Stanley Fees, City Engineer, addressed the Commission regarding the proposed changes.

Mayor Esquivel stated that Mrs. DeLaPaz (member of the audience that earlier addressed the Commission) owns a vacant lot, and they park their trucks on that empty lot. He asked if that practice could continue. Mr. Fees responded that the vacant lot would have to be zoned for commercial use.

Mr. Ruben Perez, City Attorney stated that the proposed ordinance prohibits eighteen wheelers from parking on a street. The issue of parking on an empty lot is a zoning matter and is not addressed in the proposed ordinance.

There was a discussion on whether or not to allow the truck owners to park on empty lots, or perhaps to give the owners additional time to make the necessary arrangements to find a location to park their trucks.

Commissioner Laskowski stated that the proposed ordinance is about prohibiting eighteen wheelers from parking on a street, and is not a zoning issue.

**A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Ordinance #ORD-2001-26, 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, and further changing Section 7-1-26, that trucks shall not park on a "street" in a residential area. The motion passed by a unanimous vote.**

**4. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ELECTRIC SUPPLY AGREEMENT WITH THE WINNING BIDDER FOR THE ELECTRIC LOAD OF SOUTH TEXAS AGGREGATION PROJECT, INC. UPON CONFIRMATION OF ECONOMIC BENEFIT TO THE CITY. (CITY MANAGER).**

Mr. Hinojosa stated that the City of Kingsville became a member of the South Texas Aggregation Project (STAP), and they have requested proposals from retail electric providers to secure electric power for its members in the competitive retail electric market effective January 01, 2002. He recommended approval of the proposed resolution.

Upon a question raised by Commissioner Laskowski, Mr. Hinojosa responded that the proposed resolution is only for buildings owned by the City of Kingsville and not all customers serviced by Central Power and Light.

**Upon a motion by Commissioner Laskowski and second by Commissioner Arturo Pecos, the Commission unanimously approved Resolution #R-2001-40, authorizing the City Manager to sign an electric supply agreement with the winning bidder for the electric load of the South Texas Aggregation Project, Inc.**

**5. CONSIDER APPROVING INTERLOCAL AGREEMENT WITH BROOKS COUNTY FOR PARTICIPATION IN THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR THE 2001-2002 GRANT YEAR. (CHIEF OF POLICE).**

Mr. Bill Quellhorst, Task Force Assistant Commander, stated that the proposed agreement includes Brooks County for the remainder of the current contract year. He recommended approval.

**A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve an interlocal agreement with Brooks County for participation in the South Texas Specialized Crimes and Narcotics Task Force for the 2001-2002 Grant Year. The motion passed by a unanimous vote.**

**6. CONSIDER APPOINTMENT OF HOMELAND DEFENSE ADVISORY COMMITTEE. (MAYOR ESQUIVEL).**

Mayor Esquivel stated that he is recommending the following individuals be appointed to the Mayor's Homeland Defense Advisory Committee. He stated that these committee members are all local individuals. Mayor Esquivel made the following committee appointment recommendations.

Hector Hinojosa, City Manager  
 Sam Granato, Chief of Police  
 Corando Garza, Fire Chief  
 A.L. Noyola, Health Director  
 EMS Liaison, City of Kingsville  
 Tom Sanchez, Emergency Mgmt. Coordinator, Kleberg County  
 Marty Martinez, Regional Fire Coordinator, Texas Forest Service  
 Liaison, Christus Spohn Hospital Kleberg  
 Liaison, NAS Kingsville Security  
 Stanley Fees, City Engineer  
 Marcus Perez, Liaison, Kleberg County Sheriff's Department  
 Jaime Cantu, Manager, Texas Army National Guard  
 Commanding Officer, Texas State Guard Kingsville Unit  
 Liaison, U.S. Border Patrol  
 Liaison, Celanese Bishop Plant  
 Artemio Alvarez, Risk Manager  
 Sandra Jefferson, TAMUK Police Department  
 Rueben Perez, Fire Chief, NAS Kingsville  
 Ricardo Volunteer Fire Department  
 Rivera Volunteer Fire Department  
 Kleberg County Official  
 King Ranch Security  
 Union Pacific Railroad  
 DPS  
 KISD  
 STWA

A motion was made by Commissioner Pecos and seconded by Commissioner Laskowski to approve the committee members recommended by Mayor Esquivel. The motion passed by a unanimous vote.

7. CONSIDER INTRODUCTION OF ORDINANCES ADOPTING 2000 INTERNATIONAL VERSIONS OF THE FOLLOWING CODES: (DIRECTOR OF DEVELOPMENT SERVICES).

- 7.1 2000 INTERNATIONAL PLUMBING CODE;
- 7.2 2000 INTERNATIONAL MECHANICAL CODE; AND
- 7.2 2000 INTERNATIONAL BUILDING CODE

Mrs. Moran stated that all of the codes currently used by the City will change over to International Codes. She stated that these codes are only being introduced at this time. Mrs. Moran explained that one of the changes that would affect plumbers is that the name of the plumbing company and State license number must be printed on their vehicle door.

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

8. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCE FUNDING AGREEMENT FOR VOLUNTARY TRANSPORTATION IMPROVEMENT PROJECT FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATE FOR THE WIDENING OF FM 1356 (GENERAL CAVAZOS) FROM BUSINESS 77 (14<sup>TH</sup> STREET) TO U.S. HIGHWAY 77. (CITY MANAGER).

Mr. Hinojosa stated that the proposed agreement must be approved between the City of Kingsville and the Texas Department of Transportation to provide for the widening of General Cavazos from two lanes to a five lane highway. He stated that Mr. Cris Caron, Area Engineer was present and would address the Commission.

Mr. Caron informed the Commission that funding was not available for the design phase of the General Cavazos improvement project. He stated that if the City chooses to fund the design phase, then the project could be expedited and moved to the construction phase by early 2003.

Upon a question raised by Commissioner Laskowski, Mr. Caron responded that if the design plans are provided sooner, then the project bid letting could happen in 2002.

There was a lengthy discussion regarding the possibility of Lowe's Home Improvement business constructing a new business on General Cavazos, the application process for a Texas Capital Fund Grant and deadlines associated with the grant.

**A motion was made by Commissioner Pecos and seconded by Mayor Esquivel to authorize the City Manager to enter into an Advance Funding Agreement for Voluntary Transportation Improvement Project for the preparation of plans, specifications and estimate for the widening of FM 1356 (General Cavazos) from Business 77 (14<sup>th</sup> Street) to U.S. Highway 77. The motion passed by a unanimous vote.**

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

15. AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR THE FINAL DESIGN, AND PLANS, SPECIFICATIONS FOR FM 1356 BETWEEN US 77 AND 6<sup>TH</sup> STREET WITH S & B INFRASTRUCTURE, LTD.

Mr. Hinojosa stated that he placed this item on the agenda because he was informed that S & B was requesting a signed contract by November 15<sup>th</sup>. He stated that he would be setting up a meeting with business owners on General Cavazos requesting their financial participation to pay for the design plans.

Mayor Esquivel requested that the City Manager make contact with Wal-Mart and Spohn Kleberg Hospital for their financial participation.

**A motion was made by Commissioner Villarreal and seconded by Commissioner Al Garcia to table this item until the next meeting. The motion passed by a unanimous vote.**

The Commission took a break at this time – 8:30 p.m. and returned to open session at 8:42 p.m.

9. CONSIDER MOTION AUTHORIZING THE REPROGRAMMING OF FUNDS (\$19,500) FROM THE CERTIFICATES OF OBLIGATION SERIES 1998 (CAP 98) TO PURCHASE EQUIPMENT FOR THE WATER AND WASTEWATER DEPARTMENTS. (UTILITIES SUPERINTENDENT)

Mr. Sammy Maldonado, Utilities Superintendent stated there is \$45,850 in the CAP 98 Fund for the SCADA System. He recommended \$19,500 to purchase equipment for the Water and Wastewater Departments. Mr. Maldonado informed the Commission that the equipment being purchased included: 2 air compressors, 1 hydraulic pipe cutter, 1 cutting torch kit, 1 3" water pump, 1 utility trailer, 1 flow meter analyzer, 1 computer system, and 1 utility cart/drying bed.

**Upon a motion by Commissioner Garcia and second by Commissioner Laskowski, the Commission unanimously approved the reprogramming of funds as requested by the Utilities Superintendent.**

10. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R.S. BLACK CIVIL ENGINEERS & CONTRACTORS TO REPAIR AIR DIFFUSERS, WEIRS AND CLARIFIERS, AND ONE FLOW CONTROL GATE AT THE CITY'S 3MGD WASTEWATER TREATMENT PLANT. (UTILITIES SUPERINTENDENT).

Mr. Maldonado stated that the City had an annual inspection by TNRCC on the 3MGD Wastewater Treatment Plant. He stated that several violations were found at the time of the inspection which included the air diffusers, weirs and clarifiers, flow control gates, and cement structure. Mr. Maldonado recommended that R.S. Black Civil Engineers and Contractors do the repairs for a total price of \$20,111.

Commissioner Laskowski stated that after reviewing the price quote, he would prefer to spend an additional \$2,000 for a stainless steel gate because it would increase the life of the gate.

**A motion was then made by Commissioner Pecos and seconded by Commissioner Laskowski to authorize the City Manager to enter into a contract with R.S. Black Civil Engineers and Contractors to repair air diffusers, weirs and clarifiers, and a flow control gate at the City's 3MGD Wastewater Treatment Plant in the amount of \$22,111 which includes an additional \$2,000 for the stainless steel gate. The motion passed by a unanimous vote.**

11. CONSIDER INTRODUCTION OF POLICIES REGARDING THE GRIEVANCE RESOLUTION PROCESS, SETTING HOLIDAYS, AND OTHER ISSUES AFFECTING THE CITY OF KINGSVILLE'S PERSONNEL INITIATIVES. (CITY ATTORNEY).

Mr. Perez distributed to the Commission copies of the new personnel policies. He stated that he was giving this information to the Commission only for their review. Mr. Perez stated that official action by the Commission would take place at the next meeting. He requested that the Commission review these policies.

Mayor Esquivel stated that he would like to see an employee grievance committee set up to give the employees an opportunity to voice their concerns regarding personnel policies and the new compensation and classification plan.

**No action was taken on this item.**

12. CONSIDER REAPPOINTMENT TO LIBRARY BOARD. (LIBRARY DIRECTOR).

Mr. Hinojosa stated that Mrs. Aurora Garza has agreed to remain on the Library Board. Her current term expired on October 31<sup>st</sup>. He recommended that Mrs. Garza be reappointed to the Library Board.

**Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission voted unanimously to reappoint Mrs. Aurora Garza to the Library Board.**

13. CONSIDER APPOINTMENT TO HEALTH BOARD. (HEALTH DIRECTOR).

Mr. Hinojosa stated that Dr. John Toelkes resigned from the Health Board. He stated that members of the Health Board recommended the appointment of Dr. Martha Salazar-Zamora to the Board. Mr. Hinojosa stated that Dr. Salazar-Zamora has been contacted and is willing to accept the appointment upon approval by the City Commission.

**A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to appoint Dr. Martha Salazar-Zamora to the Health Board. The motion passed by a unanimous vote.**

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

14.1 DISCUSS APPOINTMENTS TO THE HISTORICAL DISTRICT BOARD AND THE ZONING BOARD OF ADJUSTMENT.

Mr. Hinojosa stated that there are several vacancies on the Historical Development Board and the Zoning Board of Adjustment. He asked the City Commission for their input in naming individuals to these Boards.

14.2 STATUS ON CURRENT STREET REPAIRS.

Mr. Hinojosa stated that staff is in the process of completing a street improvement plan as well as a capital improvement plan.

14.3 PROGRESS REPORT ON LANDFILL EXPANSION.

Mr. Hinojosa stated that progress continues at the landfill and completion date is still January, 2002.

14.4 FINANCIAL STATUS OF CITY.

Mr. Hinojosa stated that a complete financial report would be provided to the Commission at the next meeting.

14.5 CITY APPLICATION FOR A GRANT WITH THE TEXAS DEPARTMENT OF AGRICULTURE – TEXAS CAPITAL FUND INFRASTRUCTURE DEVELOPMENT PROGRAM.

Mr. Hinojosa stated that a public hearing is scheduled for the next City Commission meeting to discuss the Texas Capital Fund Grant Application.

16. 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).

17. 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).

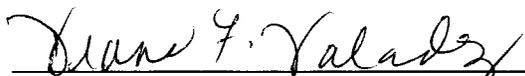
Both executive sessions began at 9:13 p.m. and concluded at 10:55 p.m.

**VI. ADJOURNMENT.**

The meeting adjourned at 10:56 p.m.

  
Filemon "Phil" Esquivel, Jr.  
Mayor

**ATTEST:**

  
Diana F. Valadez, City Secretary