

DECEMBER 10, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, DECEMBER 10, 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
 Dora Byington, Director of Purchasing
 Corando Garza, Assistant City Manager / Fire Chief
 Stanley Fees, Director of Planning
 Sam Granato, Chief of Police
 Coeta Montgomery, Director of Personnel

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. Cele Quesada, Executive Director of the Kingsville Housing Authority, led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) – REQUIRED BY LAW.

The Commission was presented with the minutes of the Special Meetings held Wednesday, September 05, 2001; Monday, September 17, 2001; Friday, September 21, 2001; Saturday, September 22, 2001 and the Regular Meeting held Monday, September 10, 2001.

Mrs. Diana F. Valadez, City Secretary noted a correction on the minutes of September 10, 2001. She stated that the minutes reflected that Mayor Filemon "Phil" Esquivel, Jr., was present, and in fact, Mayor Esquivel was absent from the meeting.

There being no further corrections, a motion was made by Commissioner Stanley Laskowski and seconded by Commissioner Al Garcia to approve all the minutes as presented with the correction noted on the minutes of September 10, 2001. The motion passed by a 4/0 vote. Mayor Filemon "Phil" Esquivel, Jr., was not present at this time.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. BRIEFING BY KINGSVILLE HOUSING AUTHORITY REGARDING THE PROPOSED APPLICATION FOR AN AFFORDABLE HOUSING DEVELOPMENT PROJECT ON EAST CORRAL AVENUE. (CITY MANAGER).

Mr. Hector Hinojosa, City Manager, stated that the Kingsville Affordable Housing was in the process of building a 120-unit housing complex on East Corral. He stated that Mr. Cele Quesada, Executive Director of the Kingsville Housing Authority was present and would brief the Commission.

Mr. Quesada stated that the project is still in the proposal stage. He stated that the project application is due in January 2002, and the project looks favorable.

Mayor Esquivel arrived at this time – 6:15 p.m.

Mayor Esquivel stated that he would like to submit a letter of support for this project, if the Commission authorized him to do so.

Commissioner Garcia stated that he was familiar with the work that Mr. Quesada has done for the Housing Authority the last ten years or more. He commended Mr. Quesada for the work that he has done for the Housing Authority and the City of Kingsville and also commended the work of the staff as well.

Mayor Esquivel stated since the Commission supported the proposed housing project, he would be sending a letter of support to submit with the grant application.

2. PRESENTATION REGARDING THE INSTALLATION OF A PROPOSED HIGH SPEED WIRELESS INTERNET ANTENNA ON A WATER TOWER. (CITY MANAGER).

Mr. Hinojosa stated this company was no longer interested in doing business in Kingsville. He requested that the Commission move to the next agenda item.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mrs. Peggy Hayes, Executive Director of the Kingsville Chamber of Commerce addressed the Commission. She invited members of the Commission and the citizens of Kingsville to attend the 51st Annual Livestock Show.

Mayor Esquivel and members of the City Commission that attended the National League of Cities conference on December 4th briefed those present about the meetings and workshops they attended.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE SETTling AND RELEASING CLAIMS AGAINST CENTRAL POWER AND LIGHT COMPANY CONCERNING FRANCHISE FEE PAYMENTS. (CITY ATTORNEY).

Mr. Ruben Perez, City Attorney stated that the proposed ordinance provides for a settlement agreement together with thirty other cities. He recommended approval of the proposed ordinance.

Upon a question raised by Mayor Esquivel, Mr. Perez stated that the amount the City would be receiving is approximately \$135,000. He stated that the total settlement with all the cities involved was rather large, however this is the portion that the City of Kingsville would receive.

Upon a motion by Commissioner Laskowski and second by Commissioner Rene "Mr. V" Villarreal, the Commission unanimously approved Ordinance #ORD-2001-27, settling and releasing claims against Central Power and Light Company concerning franchise fee payments.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE REZONING LOTS 5 AND 6, BLOCK 26, ORIGINAL TOWNSITE, 407 EAST LEE FROM CLASS "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO CLASS "C-1" NEIGHBORHOOD SERVICE DISTRICT. (CITY ENGINEER).

Mr. Fees stated that a flower shop business has operated on this property for many years. He stated the property owner would like to re-open the business. Mr. Fees stated that the Planning and Zoning Commission recommended approval of the proposed rezoning application.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Ordinance #ORD-2001-28, rezoning Lots 5 and 6, Block 26, Original Townsite, 407 East Lee from Class "R-1" Single Family Residential District to Class "C-1" Neighborhood Service District.

3. CONSIDER REMOVING FROM THE TABLE PROPOSED AMENDMENTS TO PROFESSIONAL SERVICES CONTRACT WITH LINEBARGER GOGGAN PENA & SAMPSON, L.L.P. FOR COLLECTION OF MUNICIPAL COURT FEES & FINES. (DIRECTOR OF FINANCE).

Upon a motion by Commissioner Garcia and second by Commissioner Arturo Pecos, the Commission voted unanimously to remove from the table the proposed amendments to professional services contract with Linebarger Goggan Pena & Sampson, L.L.P. for collection of municipal court fees and fines.

3.1 CONSIDER PROPOSED AMENDMENTS TO PROFESSIONAL SERVICES CONTRACT WITH LINEBARGER GOGGAN BLAIR PENA & SAMPSON, L.L.P. FOR COLLECTION OF MUNICIPAL COURT FEES & FINES. (DIRECTOR OF FINANCE).

Mr. Victor Salas, Director of Finance stated that the City currently has a contract with this law firm for the collection of Municipal Court delinquent fines and warrants. Under the current contract the law firm would receive 25% of collected fines as their compensation. During the last legislative session a bill passed authorizing cities to impose an additional 30% collection penalty on fines and warrants. The collection penalty is meant to have the delinquent parties support the cost of collecting delinquent accounts. Mr. Salas recommended approval of the proposed contract.

Upon a motion by Commissioner Laskowski and second by Commissioner Pecos, the Commission unanimously approved the proposed amendments to the professional services contract with Linebarger Goggan Blair Pena & Sampson, L.L.P. for collection of Municipal Court Fees and Fines.

4. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER III, ARTICLE 6, MUNICIPAL COURT BY ADOPTING SECTION 3-6-9, PROVIDING FOR MUNICIPAL COURT COLLECTION FEE FOR DEFENDANTS WITH DELINQUENT MUNICIPAL COURT PAYMENT ORDERS IN THE AMOUNT OF 30% OF EACH DELINQUENT PAYMENT ORDER AND PROVIDING FOR SEVERABILITY. (DIRECTOR OF FINANCE).

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Ordinance #ORD-2001-29, amending Chapter III, Article 6, Municipal Court by adopting Section 3-6-9, providing for Municipal Court Collection Fee for defendants with delinquent Municipal Court payment orders in the amount of 30% of each delinquent payment order and providing for severability.

5. CONSIDER AWARDING BID FOR THE LEASE OF SEVEN PICK-UP TRUCKS FOR THE TASK FORCE. (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing, stated this item authorizes the lease of seven pick-up truck for the Task Force. She stated this action would expend \$37,800 and funds for these vehicles would be expended from the Task Force budget. Mrs. Byington recommended the bid be awarded to Advantage Rent-A-Car from Kingsville.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to award the bid for the lease of the pick-up trucks as recommended by staff. The motion passed by a unanimous vote.

6. CONSIDER RESOLUTION PROVIDING FOR THE ADOPTION OF A POLICY PROHIBITING RACIAL PROFILING BY LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGSVILLE. (CITY ATTORNEY).

Mr. Perez stated that the proposed resolution adopts a state mandated policy. He recommended approval.

Police Chief Sam Granato stated that the Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure which prohibits Texas peace officers from engaging in racial profiling. He also recommended approval of the resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #R-2001-46, providing for the adoption of a policy prohibiting racial profiling by law enforcement officers of the City of Kingsville.

7. CONSIDER RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CRIMINAL JUSTICE DIVISION, OFFICE OF THE GOVERNOR, STATE OF TEXAS, FOR THE PURPOSE OF REQUESTING FUNDING FOR GRANT YEAR 2002-2003 FOR THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE. (CHIEF OF POLICE).

Chief Granato read an invitation that was received from the U.S. Attorney General inviting him to an award presentation. He stated that two task force agents would be receiving an award from the DEA regarding some cases the agents worked on. Chief Granato stated that the task force agents perform an outstanding job and often do not receive recognition.

Upon a question raised by Mayor Esquivel, Chief Granato responded that not all agencies have signed off on the grant. He stated that he is still waiting for Kleberg County to approve the grant. Chief Granato stated that there have been some problems, and the Kleberg County Sheriff has not been willing to sign the grant application. He requested that the Commission approve the application at this time, and later approve any amendments if necessary.

A motion was made by Commissioner Villarreal and seconded by Commissioner Garcia to approve Resolution #R-2001-47, authorizing the submission of an application to the Criminal Justice Division for the purpose of requesting funding for grant year 2002-2003 for the South Texas Specialized Crimes and Narcotics Task Force.

At the request of Commissioner Garcia the following is a verbatim statement he made at this time.

"I attended the meeting this morning at Kleberg County with the Commissioners and all. I have never seen a more deliberate attempt to sabotage a grant in my life that was produced by our local Sheriff Tony Gonzalez. It is appalling for me to see him approach this particular grant situation that has been in existence for nine or ten years and coming up at the last minute deliberately sabotaging what has been done. As it was brought up before, what is this grant actually doing? As we know, it is doing what we all want to see done; it gets drugs off the streets because it is affecting our kids. It is affecting grown ups that don't know any better because they can't get a decent damn job, go to work, and have to rely on this underground economy to get them working again. Getting the money into their hands that are ill gotten. I'm tired of seeing this community and every community in this Country being divided by law enforcement officials that are supposed to be upholding the law and have pledged their oath to this State and to this community to uphold that law. It is absolutely ridiculous..., absolutely ridiculous. I am tired of seeing that. Last year we had to run into the same problem again. We saw the same thing being produced by our local Sheriff. It leads me to believe is he really on the law enforcement side? I'm tired of seeing this. It is time for our local Sheriff to be a Sheriff and to abide by the laws of this State and of this community, to cut out drugs as one of his duties. I mean I'm just tired of it. That's all I have to say. Thanks."

Commissioner Villarreal stated he concurred with the comments made by Commissioner Garcia.

The Commission proceeded to vote on the motion. The motion passed by a unanimous vote.

It was the consensus of the Commission to consider item number eight and nine at the same time.

8. CONSIDER RESOLUTION ADOPTING A TRUST AGREEMENT FOR THE CITY OF KINGSVILLE EMPLOYEE BENEFIT PLAN TRUST. (CITY ATTORNEY).

9. CONSIDER RESOLUTION ADOPTING AND APPROVING A PLAN DOCUMENT SETTING FORTH THE REQUIREMENTS FOR COVERAGE, ELIGIBILITY FOR BENEFITS, AMOUNT AND DURATION OF BENEFITS, AND PROVISIONS DEALING WITH PAYMENT OF BENEFITS AND PLAN ADMINISTRATION FOR THE EMPLOYEE BENEFIT PLAN TRUST. (CITY ATTORNEY).

Mr. Perez stated that the Commission awarded the health insurance contract with Entrust. He stated that following items simply approve the agreements between the City of Kingsville and Entrust. Mr. Perez recommended approval of both items.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2001-48, adopting a trust agreement for the City of Kingsville Employee Benefit Plan and approving a plan document setting forth the requirements for coverage, eligibility for benefits, amount and duration of benefits, and provisions dealing with payment of benefits and plan administration for the Employee Benefit Plan Trust. The motion passed by a 4/0/1 vote. Mayor Esquivel abstained from voting on this item.

10. CONSIDER REMOVING FROM THE TABLE APPOINTMENTS TO THE HISTORICAL DEVELOPMENT BOARD AND THE ZONING BOARD OF ADJUSTMENT. (CITY ENGINEER).

Upon a motion by Commissioner Villarreal and second by Commissioner Garcia, the Commission voted unanimously to remove from the table the appointments to the Historical Development Board and the Zoning Board of Adjustment.

10.1 CONSIDER APPOINTMENTS TO THE HISTORICAL DEVELOPMENT BOARD AND THE ZONING BOARD OF ADJUSTMENT. (CITY ENGINEER).

Mayor Esquivel stated that several resumes were received from individuals wanting to serve on these boards. He stated that he would like to see the Historical Board ordinance amended to expand the size of the board.

Commissioner Villarreal stated that by expanding the board, it would be more difficult to have a quorum present at the scheduled meetings. He stated that at times the boards do not meet because of a lack of a quorum. Commissioner Villarreal stated that expanding the board would not help.

A motion was made by Commissioner Garcia and seconded by Commissioner Villarreal to appoint Mrs. Clara Mae Marcotte, Mrs. Lupita Perez, and Mrs. Gloria Cantu to the Historical Board and appoint Mr. Leo Alarcon to the Zoning Board of Adjustment.

Commissioner Pecos stated that since the Commission has been exploring alternatives to revitalize Richard Street, that perhaps the Commission should consider appointing Mr. Dan Gonzalez to the board since he owns a business on Richard Street.

Mayor Esquivel stated that is the reason he would like to see the board increased to allow the Commission an opportunity to make additional appointments.

The Commission proceeded to vote on the motion. The motion passed by a unanimous vote.

11. CONSIDER RESOLUTION ADOPTING THE FOLLOWING POLICIES AS PART OF THE CITY OF KINGSVILLE'S HUMAN RESOURCE INITIATIVES FOR A DISPUTE RESOLUTION PROCESS. (CITY ATTORNEY).

11.1 POLICY 910 DISCIPLINARY PROCESS

11.2 POLICY 920 DISCIPLINARY ACTION HEARING AND APPEAL

11.3 POLICY 930 COMPLAINT RESOLUTION PROCEDURES FOR PERSONS WITH DISABILITIES

11.4 POLICY 940 THE EMPLOYEE ACHIEVEMENT & MANAGEMENT REVIEW POLICY

11.5 POLICY 950 CLASSIFICATION SYSTEM REVIEW

Mr. Perez stated that the above policies have been revised. He recommended approval.

Commissioner Laskowski recommended a revision to Policy #940. He stated that the first paragraph should read that "the employee achievement and management review policy (team review process) does not provide legal rights to employees. Only the City Commission, in enacting the City Charter and Code". He stated that the remainder of the paragraph should be deleted.

A motion was then made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Resolution #R-2001-49, adopting all of the policies identified in this agenda item, with the change noted in Policy #940. The motion passed by a unanimous vote.

12. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES OF THE CITY ATTORNEY. (CITY ATTORNEY).

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to authorize the City Manager to enter into a professional services agreement for services of the City Attorney.

Upon a question raised by Commissioner Pecos, Mr. Perez responded that the total cost increased because of the number of hours stated in the contract. He said that if he works over forty hours, he would only be paid for the forty hours, and the additional hourly compensation would make up the difference.

There was a discussion regarding the hourly rate charged by attorneys and other professionals.

The Commission proceeded to vote on the motion to approve the contract. The motion failed by a 2/3 vote. Mayor Esquivel and Commissioner's Pecos and Garcia cast the dissenting votes.

13. CONSIDER OUT-OF-STATE TRAVEL FOR MAYOR ESQUIVEL TO ATTEND THE U.S. CONFERENCE OF MAYORS 70TH WINTER MEETING ON JANUARY 23-26, 2002 IN WASHINGTON D.C. AND NEW YORK CITY. (MAYOR ESQUIVEL).

Mayor Esquivel requested authorization to attend the conference in Washington, D.C. He stated that the meeting is being held in Washington and part of the meeting will also be held in New York City.

Upon a motion by Commissioner Laskowski and second by Commissioner Pecos, the Commission voted unanimously to approve the out-of-state travel requested by Mayor Esquivel.

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

14.1 LANDFILL PROJECT UPDATE.

Mr. Hinojosa stated that the landfill project continues and the anticipated completion date is the end of January.

14.2 PROPOSED CHANGES TO MUNICIPAL COURT OPERATIONS.

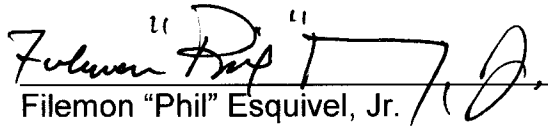
Mr. Hinojosa stated that the Municipal Court would be changing the court dates beginning January 1st. He stated that court would also be held on Wednesday mornings.

14.3 UPDATE ON GENERAL CAVAZOS AND SHELLY STREET EXPANSION PROJECT.

Mr. Hinojosa reported that a meeting is scheduled this week with property owners of General Cavazos Boulevard. He stated that Mr. Chester Kyle has contributed \$10,000 for the engineering plans for the proposed improvements.

VI. ADJOURNMENT.

The meeting adjourned at 8:45 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:

Diana F. Valadez, City Secretary