

September 18, 2002

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD WEDNESDAY, SEPTEMBER 18, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Filemon "Phil" Esquivel, Jr., Mayor  
 Charlie Wilson, City Commissioner  
 Horacio Hoss Castillo, City Commissioner  
 Arturo Pecos, City Commissioner  
 Al Garcia, City Commissioner

**CITY STAFF PRESENT:**

Hector Hinojosa, City Manager  
 Diana Valadez, City Secretary  
 Luke Womack, City Auditor  
 Michael Guerra, Acting City Attorney  
 Caron Vela, Accountant  
 Vilma Castillo, Collections Manager  
 Sam Granato, Chief of Police  
 Stanley Fees, Director of Engineering  
 Corando Garza, Asst. City Manager/Fire Chief  
 Diana Gonzales, Director of Personnel  
 Sammy Maldonado, Utilities Superintendent  
 Jennifer Detloff, Director of Development Services

**I. Preliminary Proceedings.**  
**OPEN MEETING**

The meeting was opened at 6:00 P.M.

**INVOCATION/ PLEDGE OF ALLEGIANCE - (Mayor Esquivel)**

Mr. Luke Womack, City Auditor led the members of the audience in an invocation. Immediately thereafter, Mrs. Fugate led the Pledge of Allegiance.

**MINUTES OF PREVIOUS MEETING(S) - Required by Law**

None.

**II. Public Hearing - (Required by Law).**

1. None.

**III. Petitions, Grievances, and Presentations.**

**1. Mayor and City Commissioner's Reports. (City Commission).**

Mayor Esquivel briefed the Commission and members of the audience about a meeting he attended in Corpus Christi regarding Homeland Security.

**2. City Manager's Report. (City Manager).**

Mr. Hector Hinojosa stated that Senator Eddie Lucio would be in town tomorrow attending a town meeting at 5:30 p.m. at the Biology Earth Science Building.

City Manager's Report was revisited after agenda item #8.1.

Mr. Hinojosa requested for Commission to give him some direction in order to get the budget approved.

Mayor Esquivel stated that he does not have a problem with the presented budget. He further stated that the city did reduce the tax rate.

#### IV. Public Comment on Agenda Items.<sup>3</sup>

1. Comments on all agenda and non-agenda items.

No public comments were made.

#### V. Items for consideration by Commissioners.<sup>4</sup>

Mayor Esquivel requested for agenda item #6 to be moved up to item #1.

6. Consider approval of an advance funding agreement for a transportation enhancement project (Kingsville Depot Transportation Museum and Visitor Welcome Center), between the State of Texas, Texas Department of Transportation and the City of Kingsville. (Director of Development Services).

Commissioner Wilson stated that he will be abstaining from voting on agenda item #6.

Mr. Ben Glusing presented a check in the amount of \$8,400 after the Kleberg County Heritage Foundation committed itself to match 20% from local funds. He further briefed the Commission on the sponsoring entity of the project.

**Motion made by Commissioner Garcia seconded by Commissioner Pecos. Motion passed by a 4/0 vote with Commissioner Wilson abstaining.**

Mayor Esquivel requested to move on to agenda item #3.

3. Consider final passage of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2002 and ending September 30, 2003. (City Manager).

Mr. Luke Womack stated that the 8-liner money was removed from the budget, waiting for final passage of the 8-liner ordinance. He stated that some adjustments to salary employees have been done.

Mr. Hinojosa stated that last year the compensation plan changed based on longevity based on the time in a certain position. He stated that longevity should start when you begin working with the City and not when you started a certain position. He further stated that some reclassifications will come at the next meeting, and the certain positions that will be reclassified.

Mr. Womack stated that \$5,000 was added for Halo Flight. He stated that employees will receive a \$100 increase for safety incentive.

Mayor Esquivel asked about the Parks & Recreation Dept.

Mr. Womack stated that there was an adjustment to \$230,000 and put \$10,000 back in the volunteer.

Commissioner Pecos asked if the \$30,000 is for water or cash money.

Mr. Womack stated that it will be cash money.

Mr. Hinojosa stated that in the past two years the City has an agreement with the County that they will be credited for \$30,000 for water.

**Commissioner Wilson made a motion that on line item 100-312.00/car allowance, be changed to sporting events funding that specifically be taken from non-ad valorem taxes that would replace the \$150,000 that was taken out of the Landfill closure to reduce it by \$50,000. Motion was seconded by Commissioner Pecos.**

Mayor Esquivel stated that it basically means to remove the car allowance that the City Commission is receiving.

**Motion A failed by a 2/3 vote with Mayor Esquivel and Commissioners Castillo and Garcia casting the dissenting votes.**

Mayor Esquivel asked if there was a second motion.

Mayor Esquivel stated that the safety incentives would be increased from \$75 to \$375.

**Motion made by Commissioner Castillo to eliminate management salary of 3% increase. He stated that he does not support an increase for management level employees. Motion was seconded by Commissioner Pecos.**

Mr. Hinojosa stated that last year management level employees were not given an increase.

**Motion B failed by a 2/3 vote with Mayor Esquivel and Commissioners Wilson and Garcia casting the dissenting votes.**

Commissioner Garcia stated that he is concerned about getting money out of the landfill closure fund.

**Motion made by Commissioner Garcia and seconded by Mayor Esquivel to approve the budget as presented by staff.**

Motion C failed by a 2/3 vote with Commissioners Wilson, Castillo, and Pecos casting the dissenting votes. Due to a lack of motion the item will be taken care of on Monday.

Mayor Esquivel requested to move on to agenda item #1.

**1. Consider final passage of an ordinance adopting Chapter XI, Article 4, Games and Amusement Devices, providing for a permit fee for certain game and amusement devices. (City Manager).**

Mr. Hinojosa requested for agenda item # 1 to be tabled due to staff needing more time for research to be done.

Mr. Michael Guerra stated that whether operators with existing permits from the City would be under this ordinance effective October 1, 2002. He further stated that those with existing permits are good until December 31<sup>st</sup>.

**Motion made by Commissioner Castillo seconded by Commissioner Garcia to table agenda item #1. Motion passed by a unanimous vote.**

Mayor Esquivel moved on to agenda item #4.

**4. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2002 and ending September 30, 2003, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).**

No action was taken on agenda item #4.

**5. Consider removing from the table the resolution declaring intentions to reimburse certain expenditures with borrowing proceeds. (City Manager).**

Mr. Hinojosa stated that the Kingsville Police Department needs to get hooked up with the communications division in Corpus Christi. He stated that the money will be paid out of the drug fund and later pay the drug fund back.

Chief Granato briefed the Commission on the radio system.

Mayor Esquivel asked if they would be going out for bids.

Chief Granato stated that it is not necessary. Only the workstations will go out for bids. He continued to brief the Commission on the expenditures that will take place for the system.

**Motion made by Commissioner Wilson seconded by Commissioner Pecos to remove agenda item #5 from the table. Motion passed by a unanimous vote.**

**5.1 Consider resolution declaring intentions to reimburse certain expenditures with borrowing proceeds. (City Manager).**

**Motion made by Commissioner Garcia seconded by Commissioner Pecos to approve agenda item #5.1. Motion passed by a unanimous vote.**

Mayor Esquivel requested to move on to agenda item #2.

**2. Consider final passage of an ordinance amending Chapter V, Article 2, Sewers, providing for an increase in sewer and sewer tap rates, the addition of a duplex classification as well as after hours turn-on charge and labor fee. (City Manager).**

Mr. Hinojosa explained some of the memo, the gallons of usage and the dollar amount being levied. He further briefed the Commission about other charges such as tapping fees.

Commissioner Pecos asked what the average consumption of water for a single family residence. Ms Vilma Castillo, Collections Manager stated on the average about 5,000 gallons.

Commissioner Castillo stated that for 7,000 gallons, it will be a \$4.00 increase.

Mayor Esquivel stated that his main concern is citizens who are on a fixed income and how they will be able to pay their water bill if this increase is approved.

**Motion made by Commissioner Castillo seconded by Commissioner Pecos. Motion passed by a unanimous vote.**

Mayor Esquivel further proceeded to move on to agenda item #7.

**7. Consider contract for professional services for management and administration of Texas Community Development Program Grant. (City Manager).**

Mr. Hinojosa stated that this is a proposal for a management contract of \$300,000 grant that the city is applying for. He further stated that two proposals have been submitted one from Ms. Mary Mora and the other was Carlos Colina Vargas and Enrique Hernandez. He further stated that he would like to recommend Ms. Mary Mora with negotiation on the contract.

**Motion made by Commissioner Castillo seconded by Commissioner Pecos to discuss the item.**

Commissioner Garcia stated that on the proposal from Mr. Vargas he states that he has had extensive work in this area. He stated that several projects that have been completed by Mr. Vargas. He stated that when the Commission discussed this project a few weeks ago, it was mentioned by Ms. Mora that there wouldn't

be a cost to enter into this grant and now all of sudden the City is getting a \$25,000 fee for working on the grant and would like some clarification on this situation.

Commissioner Castillo stated that this fee is for the preparation of the application.

Ms. Mora stated that the fee was to prepare the application but if the City does not receive the grant the City would not have to pay her anything.

Commissioner Garcia stated that he does not understand why Ms. Mora has been recommended after dealing with Commissioner Castillo in different grants in the past. He stated that he sees this as a conflict. He further stated that the whole process has not been handled properly.

Commissioner Castillo stated that he has a contract with Kleberg County and Ms. Mora has a separate contract with Kleberg County. He further stated that he does work with Ms. Mora on some projects but his responsibility is to Kleberg County and not to Ms. Mora. He stated that he doesn't see any conflict with hiring Ms. Mora. He further asked the Acting City Attorney Michael Guerra if he saw any conflict in hiring Ms. Mora.

Mr. Guerra stated that the competition is there between different communities all the time. He further stated that he does not see any conflict in hiring Ms. Mora.

Mayor Esquivel stated that he sits on the regional review committee and it is a competitive issue and feels that the key is to make sure that a good presentation is done in order to get this grant.

Commissioner Garcia stated that he is concerned about the relationship between Commissioner Castillo and Ms. Mora and finds that to be a conflict.

**Motion made by Commissioner Wilson to accept a contract for professional services for management and administration of Texas Community Development Program Grant with Carlos Colina Vargas and Enrique Hernandez. Motion was seconded by Commissioner Garcia. Motion failed by a 2/3 vote with Mayor Esquivel and Commissioners Castillo and Pecos casting the dissenting votes.**

**Motion made by Commissioner Pecos to accept a contract for professional services for management and administration of Texas Community Development Program Grant with Ms. Mary Mora. Commissioner Castillo seconded the motion. Motion passed by a 3/2 vote with Commissioners Garcia and Wilson casting the dissenting votes.**

**8. Discuss and authorize City Manager to enter into a contract with Mr. Raul Rubio for consulting services and acquisition of grant funding for:**

**8.1 Planning study from the Economic Development Administration. (Commissioner Castillo).**

**8.2 Infrastructure improvements from the Economic Development Administration. (Commissioner Castillo).**

Commissioner Castillo stated that the City had Mr. Raul Rubio before he also indicated that he can acquire some grants for the City's efforts for a master plan, and infrastructure plan. He further stated that an infrastructure grant would be essential to the City.

**Motion made by Commissioner Castillo to approve agenda item #8.1 contract for Professional Services with Mr. Raul Rubio for planning grant applications for Economic Development Administration. Motion was seconded by Commissioner Pecos.**

Commissioner Wilson asked if this line item had been budgeted. Mr. Hinojosa stated not to his knowledge.

Commissioner Wilson stated that since a budget has not been approved it wouldn't be in the budget. He further stated that after approving these contracts, agenda item #8.1 calls for an immediate disbursement of \$15,000 upon entering into this contract and if the grant is successful an additional \$15,000 would need to be paid. He further asked if this amount had been budgeted in any other area. He further asked if staff had been directed to stop all unnecessary purchases.

Mr. Hinojosa stated that, that has been directed to staff.

Mr. Raul Rubio briefed the Commission on the dollar amount he will be applying for and what his success rate is in applying for grants.

**Motion for agenda item #8.1 passed by a 3/2 vote with Commissioners Wilson and Garcia casting the dissenting votes.**

**Motion made by Commissioner Pecos seconded by Commissioner Castillo to approve agenda item #8.2. Motion passed by a 3/2 vote with Commissioner Wilson and Garcia casting the dissenting votes.**

Mayor Esquivel requested to go back to City Manager's Report.

## VI Adjournment.

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Filemon "Phil" Esquivel, Jr.,  
Mayor

ATTEST:

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Diana Valadez, City Secretary