

JANUARY 14, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JANUARY 14, 2002 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 (** arrived after meeting in session)

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
 Ruben Perez, City Attorney
 Diana F. Valadez, City Secretary
 Victor Salas, Director of Finance
 Dora Byington, Director of Purchasing
 Stanley Fees, Director of Planning
 Coeta Montgomery, Director of Personnel
 Sammy Maldonado, Utilities Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Dianne Leubert, Solid Waste Superintendent

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. Charles Kalinec, a member of the audience, led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) – REQUIRED BY LAW

The Commission was presented with the minutes of the Regular Meetings held Monday, September 24, 2001, and Monday, October 08, 2001 and the Special Meetings held Thursday, September 27, 2001 and Friday, September 28, 2001.

There being no corrections, a motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Arturo Pecos to approve the minutes as presented. The motion passed by a 4/0/1 vote. Commissioner Al Garcia abstained because he arrived after the meeting was in session.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. PUBLIC HEARING REGARDING A REQUEST TO REZONE THE PROPERTY LOCATED IN THE 1500 BLOCK OF EAST CORRAL AVENUE FROM CLASS "R-1" RESIDENTIAL DISTRICT TO CLASS "R-3" MULTI-FAMILY RESIDENTIAL DISTRICT FOR FUTURE DEVELOPMENT OF A NEW 120-UNIT HOUSING PROJECT. (CITY ENGINEER).

Mayor Filemon "Phil" Esquivel, Jr., opened the public hearing at 6:11 p.m.

Mayor Esquivel stated that the proposed housing project would be located in the 1500 Block of East Corral. He asked if anyone in the audience had any comments.

There was no one present to discuss this item.

Mayor Esquivel closed the public hearing at 6:14 p.m.

IV. PUBLIC COMMENTS ON AGENDA ITEMS.

1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.

Mr. Anse Windham, 628 Escondido Road, provided the Commission with some aerial photo shots of the new sector of the City landfill.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 5, HISTORICAL DISTRICTS AND LANDMARKS, SECTIONS 15-5-16(A), 15-5-18 AND 15-5-19(C) PROVIDING FOR A NINE MEMBER BOARD, TERMS FOR MEMBERS, AND VOTING AT MEETINGS. (CITY COMMISSION).

Mayor Esquivel stated that the purpose of this ordinance is to increase and expand the size of the Historical Board. He stated that there were several citizens interested in serving on this Board.

Commissioner Villarreal stated that the individuals that expressed an interest in serving and were not chosen should stay on a waiting list. He felt that by expanding the board, it would be more difficult to meet a quorum.

A motion was then made by Commissioner Pecos and seconded by Commissioner Stanley Laskowski to approve Ordinance #ORD-2002-01, amending chapter XV, Article 5, Historical Districts and Landmarks, Sections 15-5-16(A), 15-5-18 and 15-5-19(C) providing for a nine member board, terms for members, and voting at meetings. The motion passed by a 4/1 vote. Commissioner Villarreal cast the dissenting vote.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY REPEALING:

2.1 SECTIONS 3-7-20 THROUGH 3-7-36, SUBSTANCE ABUSE POLICY. (CITY ATTORNEY); AND

2.2 SECTION 3-7-5, SEXUAL HARASSMENT POLICY. (CITY ATTORNEY).

Mr. Ruben Perez, City Attorney stated that the proposed ordinances repeal the Substance Abuse and Sexual Harassment Policies. He stated that agenda item number three would approve the new policies by resolution.

A motion was made by Commissioner Laskowski and seconded by Commissioner Pecos to approve Ordinance #ORD-2002-02, Repealing Sections 3-7-20 through 3-7-36, Substance Abuse Policy and #ORD-2002-03, repealing Section 3-7-5, Sexual Harassment Policy. The motion passed by a unanimous vote.

3. CONSIDER RESOLUTIONS PROVIDING FOR THE ADOPTION OF HUMAN RESOURCE INITIATIVES FOR THE CITY OF KINGSVILLE. (DIRECTOR OF PERSONNEL).

3.1 POLICY 810 – NO HARASSMENT POLICY

3.2 POLICY 820 – NO RETALIATION POLICY

3.3 POLICY 830 – SUBSTANCE ABUSE POLICY

Mr. Perez stated that the "No Harassment Policy" is required by State Law. He stated that a few changes were made and any new language in the policy is underlined.

Mrs. Coeta Montgomery, Director of Personnel, reviewed the new policies with the Commission. She recommended the following changes in the No Harassment Policy: Under the section "How To Report Harassment" be changed to "Statement of Harassment Required". In the same section, last paragraph, last sentence to read: "If the Employee does not feel that such a step is appropriate, however, the Employee should report the problem elsewhere, as previously discussed. This sentence adds the word previously and omits the word below.

Commissioner Laskowski recommended that under the Section Retaliation, the last sentence be worded as follows: Any Employee found to have retaliated against another person will be subject up to and including discharge.

Commissioner Garcia stated that the City should have training for all employees so they would be able to recognize harassment.

Upon a question raised by Commissioner Pecos, Mr. Hinojosa stated that employees are chosen for a drug test by computer randomly. Mrs. Montgomery stated that a major change in the policy is the mandatory termination and also the rehabilitation clause.

A motion was made by Commissioner Villarreal and seconded by Commissioner Pecos to approve Resolution #R-2002-01, adopting the No Harassment Policy with the recommended changes made above by staff and Commissioner Laskowski, approve Resolution #R-2002-02, approving the No Retaliation Policy and approve Resolution #R-2002-03, approving the Substance Abuse Policy. The motion passed by a unanimous vote.

4. CONSIDER RESOLUTION AUTHORIZING THE ALLOCATION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS FOR USE IN SUPPORT OF THE SAN PATRICIO COUNTY SUBSTANCE TREATMENT SERVICES FOR JUVENILE OFFENDERS; AUTHORIZING THE CITY MANAGER TO SUBMIT A WAIVER OF APPLICATION FOR THE RIGHT TO APPLY FOR SUCH BLOCK GRANTS FOR FISCAL YEAR 2001. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager, stated that each year the Governor's Criminal Justice Division awards Juvenile Accountability Incentive Block Grants to local governmental entities. This year the award to the City of Kingsville is \$9,335. Mr. Hinojosa recommended that the City waive its rights to apply for this grant and assign its right to the Juvenile Crime Enforcement Coalition of San Patricio County in support of its juvenile substance abuse program.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Resolution #R-2002-04, authorizing the allocation of Juvenile Accountability Incentive Block Grants for use in support of the San Patricio County Substance Treatment Services for juvenile offenders; authorizing the City Manager to submit a waiver of application for the right to apply for such block grant.

5. CONSIDER RESOLUTION CREATING A POSITION OF EQUIPMENT OPERATOR II IN THE WASTEWATER DEPARTMENT AND ESTABLISHING A PAY RANGE; AND ELIMINATING A POSITION OF EQUIPMENT OPERATOR II IN THE WATER DEPARTMENT. (DIRECTOR OF PERSONNEL).

Mrs. Montgomery stated that the request is for a position transfer and not a reclassification. She stated this will enhance the operations of both departments. Mrs. Montgomery recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved Resolution #R-2002-05, transferring a position of Equipment Operator II in the Wastewater Department and establishing a pay range; and eliminating a position of Equipment Operator II in the Water Department.

6. CONSIDER AWARDING BID FOR THE PURCHASE OF TWO VEHICLES FOR THE POLICE DEPARTMENT PATROL DIVISION. (BID #22-30). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing, stated this item authorizes the purchase of two vehicles for the Patrol Division. This item will expend \$40,586 for two Ford Crown Victoria sedans. She stated that \$11,165 was received from the insurance company as payment for the vehicle which was totaled and the rest of the funds would be transferred from other line items within the Police Department's annual budget. Mrs. Byington recommended the bid be awarded to Eddie Yaklin Motors in the amount of \$40,586.00.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously awarded the bid for two vehicles for the Police Department as recommended by staff.

7. CONSIDER INTRODUCTION OF AN ORDINANCE CHANGING THE ZONING ON THAT PROPERTY COMMONLY KNOWN AS 1500 EAST CORRAL AVENUE (A 10-ACRE TRACT OUT OF A 22 ACRE TRACT IN FARM LOT 11, SECTION 6, K.T. & I. SUBDIVISION), FROM CLASS "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO CLASS "R-3" MULTI-FAMILY RESIDENTIAL DISTRICT. (CITY ENGINEER).

Mr. Stanley Fees, City Engineer, stated that the property owner is requesting the zoning change to Multi-Family Residential District for the proposed 120-unit housing project. He stated that the Planning and Zoning Commission approved the rezoning application.

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

8. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER IX, ARTICLE 10, STREETS AND SIDEWALKS, PROHIBITING SPORTS GOALS THAT INTERFERE WITH TRAFFIC ON STREETS, ALLEYS AND TRAVEL WAYS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. (CITY MANAGER).

Mr. Hinojosa stated that the Assistant City Manager recently rode in the sanitation trucks during regular pick up days. It was realized that there were many basketball hoops out in the streets and are a problem for Sanitation drivers. Mr. Hinojosa also stated that it was a safety issue, because it would keep children out of the streets.

Commissioner Laskowski requested that a copy of the ordinance be given to those people that actually have the basketball hoops so they could be made aware of the new regulations.

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

9. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CODE OF ORDINANCES, SECTIONS 7-1-25 AND 7-1-26 OF CHAPTER VII, ARTICLE 1, TRAFFIC REGULATIONS; PROVIDING FOR A DEFINITION OF COMMERCIAL BUS AND ADDITIONAL INFORMATION ON TRUCK RESTRICTIONS. (CITY MANAGER).

Mr. Hinojosa stated that approximately a month ago, a change was made to the truck route ordinance, but did not include commercial buses. He stated that commercial buses need to be identified in the ordinance. Mr. Hinojosa recommended approval of the proposed ordinance.

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

10. CONSIDER FINAL RE-PLAT OF LOT 1A, BLOCK 5, CLYDE ADDITION. (CITY ENGINEER).

Mr. Hinojosa requested that no action be taken on this item.

11. CONSIDER FORMAL ACCEPTANCE OF THE CITY ATTORNEY'S RESIGNATION FROM CITY EMPLOYMENT. (CITY COMMISSION).

Mayor Esquivel stated that he requested this item be placed on the agenda.

Commissioner Laskowski stated that he wants to retain Mr. Perez for a longer period of time. He said that something should be worked out in order to keep him employed longer.

Commissioner Garcia stated that Mr. Perez made a decision to move on. He said that Mr. Perez has been an asset to the City, and said that he respects the decision Mr. Perez has made. Commissioner Garcia thanked Mr. Perez for all the good work he has done for the City of Kingsville.

Commissioner Villarreal stated that he would like to work out an agreement with Mr. Perez. He stated that Mr. Perez' work has been invaluable.

Commissioner Pecos stated that he concurs with Commissioner's Garcia and Villarreal, however, when an individual submits a letter of resignation, he has thought about that decision.

Mayor Esquivel stated that Mr. Perez could still be available on a contract basis. He stated that he appreciates the work that Mr. Perez has done for the City of Kingsville.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski, not to accept the resignation of the City Attorney. The motion passed by a 3/0/2 vote. Mayor Esquivel and Commissioner Garcia abstained from voting.

Mr. Perez thanked the Commission and Staff for the opportunity to be employed as the City Attorney. He stated that the City employs good professionals; however, they must be paid well. Mr. Perez stated that he could not afford to spend forty hours a week with the City of Kingsville. He stated that an attorney must be hired right away, because a single attorney could not handle the workload.

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

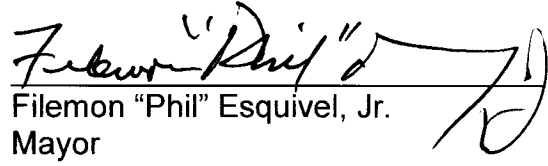
Mayor Esquivel stated that City staff hosted four of the football players that played in the Cactus Bowl. He thanked Mr. Hinojosa and all other staff involved for making the evening a success. He stated that the football players had really enjoyed the evening.

13. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS REGARDING THE POSITION OF THE CITY ATTORNEY. (CITY COMMISSION).

The Executive session began at 8:10 p.m. and concluded at 8:55 p.m.

VI. ADJOURNMENT.

The meeting adjourned at 9:00 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:

Diana F. Valadez, City Secretary