

APRIL 08, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, APRIL 08, 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

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
 Diana F. Valadez, City Secretary
 Ruben Perez, City Attorney
 Dianne Leubert, Solid Waste Superintendent
 Coeta Montgomery, Director of Personnel
 Jennifer Detloff, Director of Development Services
 Sam Granato, Chief of Police
 Dora Byington, Director of Purchasing
 Stanley Fees, City Engineer
 Sammy Maldonado, Utilities Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Artemio Alvarez, Risk Manager

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Ms. Daisy Sosa, Kingsville Record Reporter, led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the Regular Meeting held Monday, December 10, 2001, the Special Meeting held Thursday, January 10, 2002, the Regular Meeting held Monday, January 14, 2002, the Special Meeting held Wednesday, January 23, 2002, and the Regular Meeting held Monday, January 28, 2002.

Commissioner Stanley Laskowski noted a correction on page four of the minutes of January 10, 2002. He stated that the number of cubic yards that needed to be transferred was 44,000 cubic yards and not 142 cubic yards.

There being no further corrections, a motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Laskowski to approve all the minutes as presented with the correction noted on the minutes of January 10, 2002. The motion passed by a unanimous vote.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE CITY OF KINGSVILLE BY MR. LUKE WOMACK OF JOHN WOMACK & CO., P.C. (CITY MANAGER).

Mr. Luke Womack briefed the Commission on the highlights of the financial report. Some of the items he mentioned were:

- a. Contact City's Financial Advisor to use revenue that is currently is the debt service fund, perhaps a certificates of obligation for capital expenditures;
- b. Mr. Victor Salas, Director of Finance, implemented an excellent cash management plan.
- c. Cash reserves are still weak; the amount in the reserves should be at least \$750,000.
- d. A new computer system was implemented, and the staff is still familiarizing themselves with this new system.
- e. Purchases should be made only when there is an approved purchase order to make sure there is money in the line item.
- f. All uncollectable accounts should be written off.

Mr. Womack concluded his report by thanking all City staff that assisted his team in completing this year's audit.

IV. PUBLIC COMMENTS ON AGENDA ITEMS.

An attorney representing Lowe's Home Center addressed the Commission regarding agenda item number eleven. He stated that they need an additional two weeks to review the proposed contract. He requested that this item be placed on the April 22nd agenda.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

It was the consensus of the Commission to consider agenda item number eight at this time.

8. CONSIDER AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH JOHN WOMACK AND COMPANY FOR ADDITIONAL ACCOUNTING PROCEDURES AND RECONCILIATION WORK REQUIRED TO COMPLETE THE 2001 AUDIT. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager, stated that Mr. Womack encountered additional tasks in completing this year's audit. He recommended that the contract be amended to allow the additional payment of \$10,443.55.

Upon a motion by Commissioner Arturo Pecos and second by Commissioner Laskowski, the Commission voted unanimously to authorize the City Manager to amend the contract with John Womack and Company for additional accounting procedures and reconciliation work required to complete the 2001 Audit.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 14.338 ACRES OUT OF FARM LOT 13, SECTION 17, K.T.&I. SUBDIVISION FROM "AG" AGRICULTURAL DISTRICT TO CLASS "C-4" COMMERCIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION. (CITY ENGINEER).

Mr. Stanley Fees, City Engineer, stated that Planning and Zoning Commission approved the rezoning for commercial use for the Lowe's project only. He stated that the developer on behalf of Lowe's Home Centers submitted a request to withdraw the rezoning request for multi-family development. Mr. Fees recommended approval of the proposed rezoning for commercial development.

Upon a motion by Commissioner Villarreal and seconded by Commissioner Laskowski, the Commission unanimously approved Ordinance #ORD-2002-09, amending the zoning ordinance by rezoning 14.338 acres out of Farm Lot 13, Section 17, K.T.&I. Subdivision from "AG" Agricultural District to Class "C-4", Commercial District.

It was the consensus of the Commission to consider agenda item number two and three at the same time.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2000 VERSION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS. (CITY ENGINEERS).

3. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2000 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE. (CITY ENGINEER).

Mr. Fees stated that the proposed ordinances allow the City of Kingsville and local contractors to use the most current codes available. He recommended approval of both ordinances.

A motion was made by Commissioner Laskowski and seconded by Commissioner Garcia to approve Ordinance #ORD-2002-10, adopting the 2000 version of the International Residential Code for One and Two Family Dwellings, and approve Ordinance #ORD-2002-11, adopting the 2000 version of the International Energy Conservation Code. The motion passed by a unanimous vote.

4. CONSIDER RESOLUTION SUPPORTING THE CITIZEN CORPS AND DEVELOPMENT OF A LOCAL LEVEL CITIZEN CORPS COUNCIL PROMOTING CITIZEN PARTICIPATION IN COMMUNITY SAFETY. (MAYOR ESQUIVEL).

Mayor Filemon "Phil" Esquivel, Jr., stated that the purpose of this resolution is to endorse the President's initiative to develop local level Citizen Corps Councils to promote a systematic, efficient, and effective method for providing public education, stimulating widespread participation, and organizing volunteer programs to increase the safety of our community. He recommended approval of the proposed resolution.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2002-14, supporting the Citizen Corps and development of a local level Citizen Corps Council promoting citizen participation in community safety, with the assistant of the Citizen's Police Academy Alumni Association. The motion passed by a unanimous vote.

5. CONSIDER INTRODUCTION OF AN ORDINANCE CREATING CERTAIN CLASSIFIED SERVICE POSITIONS, RATIFYING CLASSIFICATIONS AND PRESCRIBING THE NUMBER OF POSITIONS IN SUCH CLASSIFICATIONS FOR THE CLASSIFIED SERVICE IN THE POLICE DEPARTMENT. (CHIEF OF POLICE).

Mr. Sam Granato, Chief of Police, stated that the U.S. Department of Justice awarded the Kingsville Police Department a COPS in Schools Grant for 4 new, additional full-time officers at an estimated cost of \$407,700. He stated that the grant award start date is March 01, 2002. He stated that he is requesting that the amount of patrol officers be increased from thirty-two officers to thirty-six officers.

Upon a question raised by Commissioner Garcia, Chief Granato responded that he is currently reviewing the list of officers available for hire at this time. He stated that some of the officers might already be commissioned and pre-trained.

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

6. CONSIDER RESOLUTION APPROVING AN INCREASE IN THE PRESENT MAXIMUM ACCESS LINE RATES TO THE NEW CPI ADJUSTED MAXIMUM RATES AND AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE PUBLIC UTILITY COMMISSION AN AUTHORIZATION TO IMPLEMENT AN INCREASE IN THE ACCESS LINE RATES FOR THE CITY. (CITY MANAGER).

Mr. Hinojosa stated that the Public Utility Commission of Texas has increased the Maximum Line Rates cities may charge based on a consumer price index adjustment. He stated that the City of Kingsville must elect whether or not to raise the access line rates as allowed by the Public Utility Commission. Mr. Hinojosa stated that if the Commission does not want to raise the rates, then the resolution does not need to be approved, and the rates would remain the same.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve the proposed resolution. The motion failed by a 2/3 vote. Mayor Esquivel and Commissioner Pecos and Commissioner Al Garcia cast the dissenting votes.

7. CONSIDER RESOLUTION AUTHORIZING THE TRANSFER OF \$130,581.45 FROM THE CITY'S OTHER INCOME ACCOUNT RECEIVED FROM THE CP&L FRANCHISE FEE SETTLEMENT TO THE CITY LANDFILL CLOSURE ACCOUNT. (COMMISSIONER LASKOWSKI).

Commissioner Laskowski stated that major problems occurred last year at the south side wastewater treatment plant. He stated that funds were borrowed from the landfill closure account to pay for the repairs, and those funds were never paid back to the landfill closure account.

Mr. Hinojosa stated that the plans were to pay the account back from the utility fund; however the utility fund did not do very good.

A motion was made by Commissioner Laskowski and seconded by Commissioner Garcia to approve Resolution #R-2002-15, authorizing the transfer of \$130,581.45 from the City's Other Income Account to the City's Landfill Closure Account. The motion passed by a unanimous vote.

9. CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS DEPARTMENT OF ENERGY AND THE CITY OF KINGSVILLE TO PERFORM A PRELIMINARY ENERGY ASSESSMENT SERVICE AND ENERGY MASTER PLANNING INVESTIGATION FOR ALL CITY OF KINGSVILLE FACILITIES. (CITY ENGINEER).

Mr. Fees stated that the State Energy Conservation Office in cooperation with the Texas Department of Energy (TxDOE) has implemented a plan to reduce energy consumption throughout the State of Texas. He said they are interested in performing an assessment service and investigation for all City facilities. Mr. Fees stated that the investigation would determine what improvements are needed at each facility to create energy savings. Once these improvements are determined and designed, the City could apply for a loan from TxDOE to fund the construction of the improvements. Mr. Fees recommended approval.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to authorize the City Manager to execute a Memorandum of Understanding between the Texas Department of Energy and the City of Kingsville to perform a preliminary energy assessment service and energy master planning investigation for all City of Kingsville facilities. The motion passed by a unanimous vote.

10. EXECUTIVE SESSION: UNDER SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DISCUSS AND DELIBERATE THE OFFER OF FINANCIAL INCENTIVES TO BUSINESS PROSPECTS WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS. (CITY COMMISSION).

The Executive Session began at 7:25 p.m. and ended at 8:18 p.m.

The Commission reconvened into open session at this time.

11. CONSIDER APPROVAL OF ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH LOWE'S GRANTING CERTAIN FINANCIAL INCENTIVES FOR LOCATING A NEW BUSINESS IN THE CITY. (CITY COMMISSION).

No action was taken on this item.

12. CONSIDER REMOVING FROM THE TABLE A RESOLUTION AMENDING AN AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE GREATER KINGSVILLE AREA ECONOMIC DEVELOPMENT COUNCIL TO AUTHORIZE THE ADMINISTRATION OF A WORKFORCE JOB TRAINING GRANT. (CITY COMMISSION).

A motion was made by Commissioner Laskowski and seconded by Commissioner Pecos to remove from the table the following agenda item. The motion passed by a unanimous vote.

12.1 CONSIDER APPROVAL OF RESOLUTION AMENDING AN AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE GREATER KINGSVILLE AREA ECONOMIC DEVELOPMENT COUNCIL TO AUTHORIZE THE ADMINISTRATION OF A WORKFORCE JOB TRAINING GRANT. (CITY COMMISSION).

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2002-16, approving a Texas Workforce Job Training grant to the Economic Development Council equal to the City's portion of the delinquent taxes, including interests and penalties, on the Calling Solutions personal property. The motion passed by a 4/1 vote. Commissioner Garcia cast the dissenting vote.

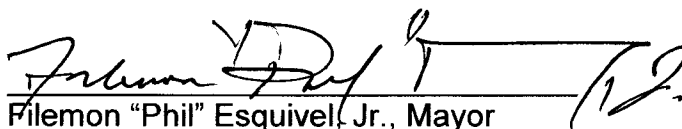
13. CITY MANAGER'S REPORT. (CITY MANAGER).

13.1 UPDATE ON TRAILER PARK ORDINANCES.

Mr. Hinojosa stated that City Staff is currently working on this item.

VI. ADJOURNMENT.

The meeting adjourned at 8:30 p.m.


Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana F. Valadez, City Secretary