

JULY 08, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JULY 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:

Charles E. Wilson, City Commissioner
 Horacio (Hoss) Castillo, 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
 Courtney Alvarez, City Attorney
 Dora Byington, Director of Purchasing
 Sammy Maldonado, Utilities Superintendent
 Sam Granato, Chief of Police
 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, City Commissioner Al Garcia 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 on Monday, May 28, 2002 and Monday, June 10, 2002.

There being no corrections, a motion was then made by Commissioner Arturo Pecos and seconded by Commissioner Horacio (Hoss) Castillo to approve the minutes as presented. The motion passed by a unanimous vote.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. PUBLIC HEARING REGARDING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR A TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP) GRANT. (CITY MANAGER).

Mayor Filemon "Phil" Esquivel, Jr., opened the public hearing. He asked if there was anyone present in the audience that wanted to address the Commission.

Ms. Mary Mora, grant writer, stated that she is preparing the grant application for submission to the Office of Rural Community Affairs. She stated that the grant could be written for water and/or sewer projects.

Mayor Esquivel stated that he would like the application written for a water line replacement project, especially in the older part of town.

Commissioner Castillo stated that Mayor Esquivel serves on the Coastal Bend Council of Governments Regional Review Committee and in the past has been instrumental in placing the applications by the City of Kingsville on the funding range.

There being no further discussion, Mayor Esquivel closed the public hearing at 6:10 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. None.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

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

Mrs. Carolla Serrato, Executive Director of the South Texas Water Authority read a prepared statement and publicly apologized to City Manager Hector Hinojosa regarding a recent statement she made in a newspaper article.

V. ITEMS FOR CONSIDERATIONS BY COMMISSIONERS.

1. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT TO RENDER CERTAIN SERVICES IN CONNECTION WITH THE 2001 TEXAS CAPITAL FUND INFRASTRUCTURE GRANT PROJECT, CONTRACT #721092. (CITY MANAGER).

Mr. Hector Hinojosa stated that approval on this item is necessary in order to move the project forward. He stated that according to the ranking that City Staff prepared, Alpha Engineering was ranked the highest. Mr. Hinojosa stated that the criteria used in ranking the firms were the qualifications of the firm, their experience on State projects and familiarity with the City of Kingsville.

A motion was made by Commissioner Pecos and seconded by Mayor Esquivel to authorize the City Manager to enter into a professional engineering services agreement with Alpha Engineering to render certain services in connection with the 2001 Texas Capital Fund Infrastructure Grant Project. The motion failed by a 2/2/1 vote. Commissioner Charles E. Wilson and Commissioner Al Garcia cast the dissenting votes, and Commissioner Castillo abstained from voting.

A motion was then made by Commissioner Castillo and seconded by Commissioner Wilson to re-advertise for engineering services for this project. The motion failed by a 2/3 vote. Commissioner's Pecos and Garcia and Mayor Esquivel cast the dissenting votes.

Mayor Esquivel stated that he would like to know what the problem is and why Commissioner's Garcia and Wilson are voting against Alpha Engineering.

Commissioner Garcia responded that there is a problem; however he would prefer not to bring it up in public. Commissioner Wilson stated that he simply wants staff to rank only the two top firms, which are Alpha Engineering and Goldston Engineering.

Another motion was then made by Mayor Esquivel and seconded by Commissioner Wilson to schedule a special meeting to expedite this contract as well as to analyze the top two firms, Alpha Engineering and Goldston Engineering Company. This motion passed by a 4/1 vote. Commissioner Pecos cast the dissenting vote.

2. CONSIDER AUTHORIZING THE CITY MANAGER TO INCLUDE INFORMATION ON THE CITY'S WEB PAGE REGARDING HOMELAND DEFENSE AND EMERGENCY MANAGEMENT SITUATIONS. (COMMISSIONER PECOS).

Commissioner Pecos stated that he would like to see additional information on the City's Web Page regarding emergency situations.

Mr. Hinojosa stated that additional information could be placed on the web page, and staff would begin working on revising the web page.

No action was taken on this item.

3. CONSIDER INTRODUCTION OF ORDINANCE AMENDING CHAPTER XI, ARTICLE 7, FOOD SALES AND ESTABLISHMENTS, PROVIDING FOR REGULATION OF FOOD ESTABLISHMENTS INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, TEMPORARY FOOD ESTABLISHMENTS, MOBILE FOOD UNITS, AND ROADSIDE FOOD VENDORS. (HEALTH DIRECTOR).

Mr. A.L. Noyola, Health Director stated that the State has consolidated all of the rules and regulations regarding food sales into one book.

Mayor Esquivel requested a copy of the State guidelines be provided to the Commission.

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

4. CONSIDER INTRODUCTION OF ORDINANCE ADOPTING SECTIONS 7-1-50 THROUGH 7-1-55 PROVIDING FOR TEMPORARY CLOSURE OF STREETS INCLUDING APPLICATION, PERMITS, CONDITIONS FOR PERMITS, ISSUANCE OF PERMITS, REIMBURSEMENT FOR COSTS OF THE CITY, AND REVOCATION OF PERMIT AND APPEAL OF DENIAL OF PERMIT. (COMMISSIONER WILSON).

Commissioner Wilson stated that he requested the ordinance be drafted regarding street closures. He stated that the current ordinance authorizes the Chief of Police to either grant or not grant a street closure. It gives the City no possible way to deny an application.

Mayor Esquivel expressed his concern with the section of the ordinance that regulates neighborhood special events and the requirement that a certain percentage of neighbors must agree to the street closure. He stated that he is also concerned with the requirements for festivals, especially in the downtown area.

There was a discussion regarding block parties associated with National Night Out and La Posada de Kingsville, as an example. It was the consensus of the Commission to notify all non profit organizations regarding the proposed ordinance and invite them to a workshop session at the next meeting.

5. CONSIDER RESOLUTION SUPPORTING THE EFFORTS BY LCS CORRECTIONS SERVICES, INC. TO DESIGN AND CONSTRUCT A JUVENILE DETENTION FACILITY TO BE LOCATED IN KINGSVILLE, KLEBERG COUNTY, TEXAS. (COMMISSIONER CASTILLO).

Sheriff Tony Gonzalez addressed the Commission regarding this item. He stated that two million dollars have been appropriated for this project and urged the Commission to approve a resolution supporting the proposed facility.

A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to approve Resolution #R-2002-28, supporting the efforts by LCS Corrections Services, Inc. to design and construct a juvenile detention facility to be located in Kingsville, Kleberg County, Texas. The motion passed by a unanimous vote.

6. CONSIDER OUT-OF-STATE TRAVEL FOR MEMBERS OF THE CITY COMMISSION AND CITY STAFF TO ATTEND THE NATIONAL LEAGUE OF CITIES – 79TH CONGRESS OF CITIES AND EXPOSITION IN SALT LAKE CITY, UTAH ON DECEMBER 03-07, 2002. (COMMISSIONER WILSON).

Commissioner Wilson stated that he placed this item on the agenda in order to make the reservations at an early stage. He requested approval.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission unanimously approved the out-of-state travel for members of the City Commission and City Staff to attend the National League of Cities – 79th Congress of Cities and Exposition in Salt Lake City, Utah on December 03-07, 2002.

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

7.1 UPDATE REGARDING MUTUAL AID REQUEST BY THE CITY OF CORPUS CHRISTI REGARDING ASSISTANCE WITH MOSQUITO CONTROL EQUIPMENT AND USE OF AN EMPLOYEE.

Mr. Hinojosa stated that he recently authorized City personnel to assist the City of Corpus Christi with mosquito control equipment. He stated that our staff provided assistance for two days.

7.2 UPDATE ON BUDGET PROCESS FOR FISCAL YEAR 2002-2003 ANNUAL BUDGET.

Mr. Hinojosa briefed the Commission on the budget process, as well as the preliminary property values being used in order to balance the budget.

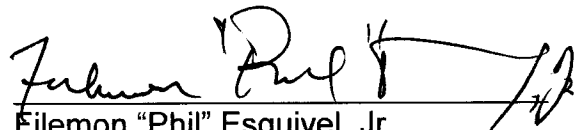
7.3 UPDATE REGARDING CONTRACT FOR THE COLLECTION OF MUNICIPAL COURT FEES AND FINES.

Mr. Hinojosa stated that representatives with the law firm were not able to be present this evening; however an item would be placed on the next agenda.

8. 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 MANAGER).

VI. ADJOURNMENT.

The meeting adjourned at 8:15 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:

Diana F. Valadez, City Secretary