

MAY 12, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 12, 2003 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 5:30 P.M.

CITY COMMISSION PRESENT:

Filemon "Phil" Esquivel, Mayor
Charles E. Wilson, Commissioner
Arturo Pecos, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

John Garcia, Interim City Manager
Irene Ramirez, Interim City Secretary
Courtney Alvarez, City Attorney
Sammy Maldonado, Water Superintendent
Stanley Fees, City Engineer
Sam Granato, Chief of Police
George Crocker, Sargeant
Caron Vela, Interim Finance Director
Corando Garza, Asst. City Manager/Fire Chief

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING

The meeting was opened by Mayor Esquivel.

CONVENE INTO PETITIONS, GRIEVANCES, AND PRESENTATIONS – ITEM IV - #1 / WORKSHOP SESSION REGARDING WATER PLANNING AND GROUND WATER CONSERVATION DISTRICT.

6:00 P.M. – Regular Session of the agenda continues.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)

Mr. John Garcia lead everyone in prayer, followed by Theresa led the Pledge of Allegiance, and Commissioner Pecos the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Commissioner Pecos made a motion to approve the minutes of April 28, 2003.

Commissioner Wilson stated he had one correction on the 1st page, stated time needs to be clarified.

Mayor Esquivel stated a public hearing had started at 5:30 P.M.

Commissioner Wilson stated he would second with that correction.

Commissioner Garcia stated agenda item #15, stating that under that particular item the chief had mentioned Sheriff Tony Gonzalez specifically and Carlos Valdez, District Attorney specifically need to be included. Also to refer to Modesto Gonzales, Jr., by name.

Mayor Esquivel stated the amendment would be included and asked for a second. Commissioner Wilson seconded the motion. Mayor Esquivel stated he would like added, the comment "acted as private citizen and protected on the first amendment".

Mayor Esquivel made a motion on his comments, seconded by Commissioner Wilson.

Mayor Esquivel stated that there were three (3) different amendments on the minutes which had been first and second.

On the comments (the last amendment) by Mayor Esquivel, the motion carried 4/0.

On the amendment made by Commissioner Garcia, the motion carried 4/0.

Commissioner Wilson withdrew his amendment regarding the time of meeting.

The motion carried, 4/0.

II. PUBLIC HEARING - (REQUIRED BY LAW).¹

None

III. PUBLIC COMMENT ON AGENDA ITEMS.³

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

None

IV. PETITION, GRIEVANCES, AND PRESENTATIONS.²

1. Workshop / Discussion by Carola Serrato of the South Texas Water Authority on Water for Texas, dealing with water planning and ground water conservation districts. (Interim City Manager).

This item was moved at the beginning of meeting.

2. Presentation on Seismic Testing Project Update by Dick Merchant, Project Manager, Veritas DGC Land. (Interim City Manager).

Mr. Dick Merchant, Project Manager of the Kingsville seismic testing project gave presentation. Mr. Merchant reviewed what is actually going to be done, how long it will take, and the economic impact on Kingsville. Mr. Merchant works for Veritas DGC land, which is doing this work for the Exxon Mobile Company. He added his workforce would be based in Kingsville and staying at local hotels. He stated June 15th would be the starting date of project for marking the spots.

Commissioner Garza raised a question about the use of explosives. Mr. Merchant stated that energy sources are used.

Ms Jennifer Detloff stated this company has met with staff regarding concerns.

3. Presentation on creating an Animal Control Advisory Committee by April Guest. (Interim City Manager).

Ms Teresa Mayorga addressed the commission, stating a group of senior animal science majors who were assigned/volunteered to look for ways to improve the City pound. She stated part of the outcome of project was that they recommended creating an Animal Control Advisory Committee. Ms Mayorga stated that April Guest took this project one step further by asking the City/County commissioners implement, but Ms Guest has left to attend veterinary school in College Station, Texas.

Ms Mayorga gave information on the duties of an Animal Control Advisory Committee. She also discussed the goals for City-County pound for 2003.

It was suggested that a joint meeting between the City and County be scheduled; employee have animal control certification/training proof; and for TDH to evaluated the pound and the shelter be evaluated by a veterinarian.

Also discussed were possible committee members, leash laws, set of policies, board packets and agendas, new sign for road, and disposal of animals.

Ms Mayorga stated that the County Commissioners approved this contingent of approval by the City.

Mayor Esquivel asked Mr. Noyola be given a directive to follow up on what operation is being followed on the 75,000 or more population and basic criteria is being followed. He also asked that Mr. Noyola present information to the Health Board.

4. INTERIM CITY MANAGER'S REPORT. (INTERIM CITY MANAGER)

Mr. John Garcia stated that the next meeting is scheduled for the 26th, which is Memorial Day. He stated would like to know what day to schedule the next meeting.

The commission asked that the meeting be scheduled for the 27th.

Mr. Garcia stated that the Fire Department employees and Volunteers had a training exercise, a high angle rescue training.

5. CITY ATTORNEY'S REPORT. (CITY ATTORNEY).

Ms Courtney Alvarez stated she had a very productive meeting with the South Texas Water Authority negotiating team on Wednesday, the 30th, and to remind everybody that there would be a Military Appreciation Day on Saturday, the 17th at Dick Kleberg Park.

6. MAYOR AND CITY COMMISSIONER'S REPORT. (CITY COMMISSION).

Mayor Esquivel congratulated Mr. Corando Garza, newly elected School Board member, and Mr. Juan Escobar, State Representative.

Ms. Peggy Hayes, with the Kingsville Chamber of Commerce addressed the commission, stating that the Centennial Committee will have a full year starting July 4th. She stated most events will be on July 3rd, due to the 4th being a Sunday. She stated there would be a parade, a dedication of depot and old bandstand, and a picnic. She stated they are urging all businesses and clubs to buy a banner.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.⁴

1. Consider resolution waiving notice requirement for Kleberg County Appraisal District proposed budget amendment and approving proposed budget amendment. (Interim City Manager).

Ms Flores, Kleberg County Appraisal District Director stated a resolution was sent to all entities that provide monies into their budget. She added that a 2003 amendment was for funding a mapping system and for funding for roof repairs.

Ms Flores stated the total cost of project is \$50,860.95; and the appraisal district would contribute \$21,774.95 to this project from the monies it receives from copies, interest, mobile home moving permits, etc. and \$28,986 would be funded by the requested amendment. She stated an overall refund of \$72,676.94 would have been returned in 2002 budget. She also stated they refunded the City \$10,386.00, but are asking to keep \$7,106.00, with a refund of \$3,379.00.

Ms Flores discussed all different types of services provided to the public.

Mr. Stanley Fees, City Engineer stated one great benefit is that when a developer comes into town they can be given one map the locality that would show storm sewer, drainage ditches, sewer lines, and pavements that are around. He stated this would be a great asset to the Engineering and Planning departments.

Upon a question raised by Commissioner Wilson, Ms Alvarez stated that she had made revisions to the resolution that was in the agenda packets and she spoke to the financial consults that had no objections to release the \$7,000.00 back to the Appraisal District.

Commissioner Pecos made a motion, seconded by Commissioner Wilson. The motion carried, 4/0.

2. Consider resolution designating voting precincts and polling places, establishing election procedures, and appointing early voting clerk for a Special Recall Election ordered by Judge Federico Garza, Jr. for June 7, 2003. (Interim City Secretary)

Ms Irene Ramirez stated that the legal department had assisted in revising the resolution with the voting precincts and polling place in accordance of the order by Judge Federico Garza, Jr. She stated the City recommends approval.

Commissioner Wilson made a motion to approve, seconded by Commissioner Garcia.

Upon a question raised by Commissioner Wilson, Ms Ramirez stated she would be sending a copy of the letter and resolution for pre-clearance for changing one polling place. She stated there is a slim chance she would receive response from the Department of Justice.

Commissioner Garcia stated the schedule for early voting.

The motion failed, 2/2, with Mayor Esquivel and Commissioner Pecos casting the dissenting votes.

Upon a question raised by Mayor Esquivel, Ms Alvarez stated that the Judge had ordered the election and if the commission failed to do this, then the judge would be contacted again, so he can order it as he indicated by hearing the next step.

3. Consider confirmation of one three-year term appointment on the Civil Service Board / Commission. (Human Resource Director).

Mr. Garcia stated that Dr. Olivarez has asked not to continue on the board.

No action was taken, but will be brought up at the next commission meeting.

4. Consider awarding bid received for a sewer truck. (Bid #23-34). (Director of Purchasing).

Sammy Maldonado, Water Superintendent stated that this item authorizes the purchase of one sewer truck. He added the recommendation is to award bid to the lowest bidder, Grande Truck Center from San Antonio. He stated this item will expend \$171,748.00 with the City's trade-in, a 1992 International sewer truck. He stated staff reviewed specifications, and funds are from the Certificate of Obligations 2002.

Upon a question raised by Commissioner Pecos, Mr. Maldonado stated this truck is used all over the City, for vacuum of sewer mains and storm sewer, and assist other city in emergency situations.

Commissioner Wilson made a motion to adopt staff recommendation, seconded by Commissioner Pecos. The motion carried, 4/0.

5. Consider awarding bid for laptop computers and associated equipment for the Police Department. (Bid #23-36). (Director of Purchasing).

Mr. Garcia stated that Chief Sam Granato and Sgt. George Crocker would be making the presentation.

Chief Granato addressed the commission, stating this is part of the upgrade of their system for their vehicles. He stated funds are identified and part was included in the estimate of equipment for fully equipped police cars. He stated that \$63,000.00 is in the budget for this purchase and the balance coming from equipment for cars and it is part of Certificate of Obligations.

Mayor Esquivel stated the amount being asked for is \$145,000.00. Chief Granato stated that was the total amount for the computer and related equipment for mounting them. Mayor Esquivel stated he wanted to make sure that there is dollars allocated to make up the \$82,052.00 that is needed.

Chief Granato stated there is a surplus of \$4600.00, after all equipment is purchased and paid for.

Sgt George Crocker stated that driver's license and license plates could be accessed with these computers. He stated the new cars had to be outfit with this equipment.

Upon a question raised by Mayor Esquivel as to the projection in reducing overtime, Chief Granato stated that if they are able to get the software from Corpus Christi, that is where the saving will be by the officers not having to go to the police station to enter information. He stated he is hoping for at least 20% reduction in overtime.

Commissioner Pecos stated in would like to see where the \$82,000.00 is coming from. Ms Caron Vela, Interim Finance Director explained.

Commissioner Wilson made a motion to adopt staff recommendation, seconded by Commissioner Garcia. The motion carried, 3/1.

6. Consider awarding bid for Police vehicle equipment. (Bid #23-32). (Director of Purchasing).

Sgt Crocker stated the same equipment that was referred to that includes the light bar and was in the original figure for the complete package car. Sgt Crocker stated the SUV will have an internal lighting system, which is included.

Commissioner Garcia made a motion, seconded by Commissioner Wilson. The motion carried, 3/1, with Commissioner Pecos casting the dissenting vote.

7. Consider awarding bid for mold remediation at the Central Fire Station. (Bid #23-29). (Director of Purchasing).

Chief Corando Garza stated that this item authorizes entering into a contract with the firm receiving the highest-ranking score for mold remediation services at the Central Fire Station. He stated staff recommends Myane Insulation from Premont. Chief Garza stated funds are coming from the Fire Department budget, which are not available. He stated he has made Mr. Garcia and Ms Alvarez aware of this. He requested holding off until after the first of the fiscal year and use monies to purchase radios with the Certificate of Obligations. He stated another issue is that mold is remediated; the problem of the roof is still there at a cost of \$140,000.00.

Mayor Esquivel requested staff look at constructing a new building.

Chief Garza stated the mold situation needs to be addressed.

Mayor Esquivel advised a step be taken back, also the fire fighters safety is at risk.

Commissioner Wilson stated that this bid cannot be awarded because there is no funds budgeted. He stated that an amendment needs to be made to the budget.

Discussion followed to reallocated certificate of obligation monies among different departments.

Commissioner Garcia stated that this particular item be approved contingent on a reallocation pending funding.

Commissioner Pecos suggested to table.

Commissioner Garcia made a motion to approve this line item contingent on reallocation of line item, seconded by Mayor Esquivel. The motion carried, 4/0.

8. Consider removing from the table consideration of final passage of an ordinance amending Chapter XV, Article 6, Zoning, amending Section 15-6-21, Section 15-6-23, Section 15-6-94 and Appendices A & B of the Land Use Charts; adding manufactured home to definition of mobile home, deleting Section 15-6-23 and Section 15-6-94, adding manufactured home and manufactured home park to existing land use chart

category mobile home park or mobile home on lot in Appendix A, amending lot sizes for mobile homes in Appendix B: Space Requirements. (City Commission).

Commissioner Wilson made motion to approve, seconded by Commissioner Garcia. The motion carried, 4/0.

8.1. Consider final passage of an ordinance amending Chapter XV, Article 6, Zoning, amending Section 15-6-21, Section 15-6-23, Section 15-6-94 and Appendices A & B of the Land Use Charts; adding manufactured home to definition of mobile home, deleting Section 15-6-23 and Section 15-6-94, adding manufactured home and manufactured home park to existing land use chart category mobile home park or mobile home on lot in Appendix A, amending lot sizes for mobile homes in Appendix B: Space Requirements. (Director of Development Services).

Ms Jennifer Detloff stated that previously there was confusion as to what was grand-father, what the definition was. She stated that a page under the definitions a section already in Chapter 15 that addresses non-conforming uses and structures, that way the actual definition of non-conforming is a section already in the code and was just brought into the definition section.

Upon a question raised by Mayor Esquivel, Ms Detloff stated that it still get to exist. She stated that if a mobile home park moves all mobile homes from the park, then it can't be a mobile park, but if one is left then it can stay.

Commissioner Garcia to adopt final passage of 8.1, seconded by Commissioner Wilson. The motion carried, 4/0.

9. Consider final passage of an ordinance amending Chapter VII, Article 5, Traffic Schedules, reducing speed limit on certain areas of General Cavazos Boulevard (FM 1356) to 35 miles per hour; providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Engineer/Street Superintendent).

Mr. Stanley Fees, City Engineer stated that this request is from TXDOT due to construction going on currently. He stated signs are in place in anticipation this is approved. He stated the City's recommendation is to approve. He stated he made contact with Lt. Cdr. Shoemaker, Public Works Officer at NAS Kingsville regarding lowering the speed limit and Lt Cdr Shoemaker requested that the speed limit remain at 45 mph. He stated he agrees due to the area not having any heavy business development.

Commissioner Garcia made motion to approve, seconded by Commissioner Wilson. The motion carried, 4/0.

10. Consider resolution designating the Authorized Official and the Project Director for the South Texas Specialized Crimes and Narcotics Task Force. (Interim City Manager).

Mr. Garcia stated that this item clarifies a previous resolution that we had for a project director.

Commissioner Wilson stated that his only change is that the acting City Manager is designated as the authorized official to accept/alter/reject the grant, and the Chief of Police is designated as project director, seconded by Commissioner Garcia.

Commissioner Wilson stated the likelihood for grant approval in only 14 days is unlikely. He added Police Chief is better suited to finish out any paperwork needed.

Commissioner Pecos stated that the commission does not have the power or right not to allow the City Manager to appoint the project director.

Mayor Esquivel stated he did not have the trust or confidence in the Police Chief to be the project director and is basing his opinion on past allegations and working he is aware of now.

The motion failed 2/2, Mayor Esquivel and Commissioner Pecos casting a dissenting vote.

Commissioner Wilson stated this is a resolution that comes before the commission to clear up language of a preexisting resolution, so action is required.

Mayor Esquivel stated that no action is required because City Manager would then have total authority to choose project director.

Commissioner Wilson suggested that the Interim City Manager is hereby designated as the official authorized official to accept/alter/reject the grant and that the language the Assistant City Manager/Fire Chief is designated as the project director to administer the program be stricken, then it achieves the goal that you prefer which to give the authority to act.

Commissioner Garcia stated regardless of the resolution, the City Manager still has authority.

11. Discuss and act on options for South Texas Specialized Crimes and Narcotics Task Force grant application and possible relocation of same to the City of Falfurrias. (Commissioner Garcia).

Commissioner Garcia stated he put this on agenda not knowing about the situation with the Task Force. He wanted to make clarification; unlikely we will retain Task Force. He requested the commission vote so the City of Falfurrias can act on the adoption of the Task Force for their own purpose.

A representative of the Task Force addressed the commission stating the no news is good news. He discussed several issues involving the Task Force.

Discussion followed as to letter to be sent out in support of the Task Force.

Mayor Esquivel made motion to send resolution of support to the City of Falfurrias to be the grantee of the Ed Byrne Memorial Grant fund, seconded by Commissioner Garcia. The motion carried, 4/0.

VI. ADJOURNMENT.

The meeting was adjourned time UNKNOWN.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Irene Ramirez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 12th day of April, 2004.

Charles E Wilson, Presiding Officer

ATTEST:



Edna S Lopez, Interim City Secretary