

**MARCH 20, 2000**

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, MARCH 20, 2000 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Charlie Wilson, 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  
 Dora Byington, Director of Purchasing  
 Stanley Fees, Director of Planning  
 Artemio Alvarez, Risk Manager  
 Guadalupe Garcia, Fire Marshal  
 Corando Garza, Fire Chief  
 Juan Bosquez, Finance Director  
 Estella Garcia, Director of Collections  
 Dianne Leubert, Recycling 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, Mayor Filemon "Phil" Esquivel, Jr., 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, February 14, 2000, and Monday, February 28, 2000.

There being no corrections, a motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Arturo Pecos to accept the minutes as presented. The motion passed by a unanimous vote.

**II. PUBLIC HEARING – (REQUIRED BY LAW).**

**1. PUBLIC HEARING REGARDING CONDEMNATION PROCEEDINGS FOR STRUCTURES LOCATED AT 507 EAST LEE, 928 EAST AVENUE B, 1123 EAST AVENUE B, 1115 EAST HENRIETTA, AND 619 EAST CORRAL AVENUE. (FIRE MARSHAL).**

Mayor Filemon "Phil" Esquivel Jr. declared the public hearing opened at 6:20 p.m. He asked if anyone was present in the audience to discuss any of the particular properties being condemned.

Mr. Reyes, a member of the audience, informed the Commission that he is the owner of the property located at 1115 East Henrietta. He stated he wants to repair the structure and requested that the Commission grant him a three month extension to help him repair and restore this structure.

Mr. Reyes was the only person that was present regarding the proposed condemnations.

Mayor Esquivel then closed the public hearing at 6:22 p.m.

### III. PETITIONS, GRIEVANCES, REMONSTRANCES.

#### 1. UPDATE FROM STAFF ON FOLLOWING QUESTIONS AT THE REQUEST OF THE MAYOR AND COMMISSIONERS.

##### A. PRESENTATION BY MR. HENRY JONES REGARDING CITY SERVICES IN THE VICINITY OF THE DOUGLASS COMMUNITY CENTER AND 2<sup>ND</sup> STREET. (CITY MANAGER).

Mr. Henry Jones addressed the Commission regarding the condition of streets and alleys in the vicinity of the Douglass Community Center and 2<sup>nd</sup> Street. He showed a video of certain alleys that have a lot of debris piled in different locations. He expressed some concerns that most of the streets need to be reconstructed and not just patched up.

Mayor Esquivel stated that the City recently purchased equipment of its own to make all the necessary repairs. He stated that in the past the City has had to borrow such equipment, sometimes delaying the projects. Mayor Esquivel stated that the City is trying its best in addressing all the needs of the community. He said citizens need to take advantage of programs such as the Adopt a Truck Program and the white goods program in order to help clean up the City. Mayor Esquivel stated that on the first and third Saturday of each month there is no charge at the landfill to dispose of debris for the citizens of Kingsville. He said citizens simply have to take the debris to the landfill.

Commissioner Villarreal requested an update be given to the Commission on what streets have actually been completed. He stated that the Commissioners were given a report sometime ago, but would like to know what streets have been completed since then.

Mr. L.C. Mack, 629 West Fordyce, stated that when the streets are repaired in his neighborhood, they are not properly repaired. He said the streets are in worse condition after they are fixed. He also stated that the alleys are in poor condition and vehicles cannot enter the alleys because of so much junk that the City has failed to pick up.

Mr. Leonard Watson, 707 East Ella, addressed the Commission regarding the need of an overpass. He stated that the Commission needs to address the issue of an overpass between the east and west side because it is desperately needed.

In concluding this workshop, Mayor Esquivel informed the public that City crews would be addressing the areas shown in the video.

##### B. UPDATE FROM CITY MANAGER REGARDING PROPOSED AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND KENEDY COUNTY REFERENCE TO TASK FORCE JURISDICTION IN KENEDY COUNTY. (CITY MANAGER).

Mr. Hector Hinojosa, City Manager stated that for the last two months the City, the Task Force, and Kenedy County have all been negotiating a contract. He stated that the problem began when Sheriff Cuellar with the

Kenedy County Sheriff's Department, resigned from the Board of Director's of the Task Force. He stated that the Task Force continued working at the checkpoint under the auspices of the Kleberg County Sheriff's Department. Mr. Hinojosa stated that all three agencies would continue to work on an agreeable contract. He stated that he would keep the Commission informed during the negotiations.

#### **IV. PUBLIC COMMENT ON AGENDA ITEMS.**

Mr. Dick Messbarger, Executive Director of the Economic Development Council stated that the Board of Directors adopted a resolution endorsing the rezoning of the 22.25 acres of land on South Brahma. He said this was a project that is needed for Navy personnel. He stated that the contractor has been selected and rezoning is needed in order to begin the project. Mr. Messbarger stated that he respected the opinions of the surrounding property owners, however the south area of Kingsville has expanded and progress must be made.

Mr. Tom Short, President of the Board of Directors of the Chamber of Commerce stated that their Board of Directors also endorsed the proposed rezoning. He stated that for many years the Chamber has worked very hard to expand Kingsville and this project would certainly contribute to the progress. Mr. Short stated that the proposed housing project for the Navy would provide families a choice to live in Kingsville rather than Corpus Christi.

Mr. Julian Calzada, 1238 East Kenedy, addressed the Commission regarding the overpass issue. He stated that the election held in January should be honored, and requested that the Commission respect the will of the people that voted against the overpass.

Mayor Esquivel responded that the outcome of the January election did repeal the resolution that would have provided funds for the overpass. He stated that there was a 200-vote difference and many people were confused with the wording on the ballot. Mayor Esquivel stated that the City is growing to the South and a lot of people are traveling from the west to the east side for jobs, housing, and health care. He said that he is looking at funding alternatives to build this overpass. Mayor Esquivel stated that general fund dollars would not be used to fund the construction of the overpass.

Mr. Harry Anthony, President of the Navy League, addressed the Commission regarding the proposed rezoning of 22.25 acres of land. He stated that the housing complex is needed in order to provide adequate housing for Navy personnel. He requested the Commission give favorable consideration to the proposed rezoning.

Mr. Joe Henkel, President of Kleberg Bank stated he was present to support the rezoning of the property for the Navy housing. He urged the Commission to give favorable consideration.

Mr. Bill Straiton stated that at a previous meeting he made a statement that if the City could find the 1.5 million dollars with no strings attached, the City should build the overpass. He said that since that meeting he has taken a lot of heat for making that statement. Mr. Straiton stated that he meant what he said, however a lot of other people do not support the statement he made.

Mr. Leo Villarreal, 3303 South Brahma Boulevard, stated that he was present to oppose the proposed rezoning on South Brahma for the Navy housing complex. He stated that he has no problems with the quality of the complex or the growth. The problem is that there is no master plan to coordinate that area for the expansion of streets, sewer and water lines. He said that Farm Road 1717 is a two-lane street that needs to be expanded the construction of this housing project and the construction of a proposed Plaza that will be also be constructed adjacent to Wal-Mart. He stated that housing is needed for the Navy, however there is no master plan for improvements in the area. Mr. Villarreal stated that there are many issues that need to be studied, therefore recommended that the Commission table this rezoning issue.

Captain Twomey, 554 McCain, stated that the new Navy housing is desperately needed and did not realize the shortage of housing that Kingsville had. He stated that if the rezoning is not approved the complex will be built a neighboring City. He urged the Commission to give the rezoning favorable consideration.

Mr. Joe Cisneros, 1514 East Huisache, stated he was speaking as a private citizen. He said that through his employment he speaks to many individuals associated with Naval Air Station Kingsville. He stated that the new housing is desperately needed and the project is important to the future of this community.

Mrs. Charlene Smolik stated that she is very familiar with problems at Texas Terrace Navy Housing. She stated that she is concerned that if the new housing complex is built, the Navy will abandon all of Texas Terrace. Mrs. Smolik said that if the new complex is built, then Texas Terrace should be demolished.

Mrs. Lorrell Ryan, 910 Trant Road, stated that she does not oppose to the new housing complex. She simply requested that the City consider certain recommendations she presented to Mayor Esquivel in a written letter. She stated that some of the recommendations do not cost very much.

Mr. Robert Kirby, 924 Trant Road, stated that the proposed project is the right project, at a wrong location. He stated that the proposed project will cause an increase in traffic on Farm Road 1717 and that road should be expanded.

Mr. Jim Dawson, 1910 John Street, requested the Commission support the Navy in the proposed development. He stated that if this project is not built here in Kingsville, the Navy will build it elsewhere.

Mr. Rudy Galvan, 1908 Kelly, stated this is about the first time that there has been a cross section of the community present at a City Commission meeting. He recommended the Commission get several citizens present at this meeting together and help develop a master plan for the City.

Mr. Stanley Lawkowski, 1904 Kelly, stated that the Commission needs to put effort into finding funds to repair and widen Farm Road 1717 for this new housing complex. He said money should be spent on improvements that are needed.

Mayor Esquivel stated that the Commission continues to get bashed that they are not trying to improve the City. He stated that they are always looking at funding sources to make necessary improvements to the City.

The Commission then took a recess at 7:53 p.m. The Commission reconvened the meeting at 8:05 p.m.

## V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING IN REFERENCE TO 22.25 ACRES OUT OF FARM LOTS 5 & 6, SECTION 22, K.T. & I. SUBDIVISION FROM CLASS "AG" AGRICULTURAL DISTRICT TO CLASS "C-2" COMMERCIAL DISTRICT AND "R-3" MULTI FAMILY DISTRICT 3. (DIRECTOR OF PLANNING).

Mr. Stanley Fees, Director of Planning, stated that Mr. Tommie Trant, applicant, is proposing to rezone 22.25 acres out of Farm Lots 5 & 6, Section 22, K.T. & I. Subdivision from Class "AG" Agricultural District to Class "C-2" Commercial District. He stated that the property located to the north, south and east is zoned as Agricultural District. The property located across Brahma Boulevard to the west is zoned R-1 Single Family District. Mr. Fees stated that the rezoning would not cause a significant change in traffic patterns. There will be a significant increase in traffic volume that will take place once the property is developed. The Texas Department of Transportation is in the process of developing construction plans for Farm Road 1717 to be widened to five lanes with curb and gutter. TxDot has the project listed on their 2000 Unified Transportation Program as a Priority 2 Project. This means the project can be designed but no funds are available for construction at this time. Construction funds become available after the project has been ranked as a Priority 1 Project. Mr. Fees stated that the Planning and Zoning Commission voted 5/0 to approve the request with one member abstaining.

Mr. Hunt representing Hunt Construction stated this was a joint effort between the Navy and the City of Kingsville. Mr. Hunt showed the Commission a slide presentation regarding the proposed building complex.

Upon a question raised by Commissioner Pecos, Mr. Hunt responded that this was the best site because the property has all utilities and only needs the rezoning approved to begin the project.

Upon a question raised by Commissioner Garcia, Captain Twomey responded that other companies bided on this project, however, Hunt Construction offered the best deal with the best design layout.

Mayor Esquivel had some questions regarding the infrastructure. Mr. Fees responded that there is sufficient infrastructure to handle the additional units. Mayor Esquivel stated that Farm Road 1717 is a State maintained road, and the City does not have any jurisdiction on that road. He said the City would lobby State officials to help speed this expansion project up.

Mayor Esquivel requested that the contractor meet with surrounding property owners to discuss certain issues the property owners are concerned with.

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

The Commission took another recess at this time. The Commission reconvened at 8:43 p.m.

2. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR A DAY NURSERY, SUBJECT TO A SINGLE CONDITION THAT THE PREMISES BE LICENSED NOT TO EXCEED TWELVE CHILDREN; LOCATED AT 503 EAST LEE AVENUE. (DIRECTOR OF PLANNING).

Mr. Fees stated that Mrs. Raquel Garcia is requesting a special use permit be granted to allow the operation of a day nursery. He stated that Mrs. Garcia is in the process of becoming registered with the State of Texas to have a maximum of 12 children at the nursery. Mr. Fees stated that the Planning and Zoning Commission voted 6/0 to approve the request.

Upon a question raised by Commissioner Wilson, Mr. Fees responded that if the special use permit is approved, it is approved only for Mrs. Garcia and no one else.

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

3. CONSIDER MOTION REQUESTING THAT TEXAS DEPARTMENT OF TRANSPORTATION RETAIN THE 3.5 MILLION STATE FUNDING FOR THE OVERPASS PROJECT AND THAT STAFF BE INSTRUCTED TO EXPLORE ALTERNATIVE SOURCES OF FUNDING FOR THE CITY OF KINGSVILLE PORTION (APPROXIMATELY 1.5 MILLION). (MAYOR ESQUIVEL).

Mayor Esquivel stated that Mr. Billy Parks, District Engineer, had been present at a meeting in February, and he informed the Commission that the Texas Department of Transportation (TxDot) needed some direction on what TxDot should do with the money that was available for the proposed overpass. The 3.5 million available cannot be used for anything else other than the overpass. Mayor Esquivel stated this motion would give direction to TxDot and to the City Manager to explore alternative sources to fund the City's portion of 1.5 million dollars.

**A motion was then made by Commissioner Pecos and seconded by Mayor Esquivel to request that the Texas Department of Transportation retain the 3.5 million State funding for the overpass project and that staff be instructed to explore alternative sources of funding for the City of Kingsville portion.**

Commissioner Villarreal stated that the only problem is that the voters spoke out, and voted not to use public dollars. He stated that no matter what source is used to fund this project, it would still affect our taxpayers dollars.

Mayor Esquivel stated that during the rezoning issue, it was repeatedly stated that Kingsville is growing to the South. That is more reason that an overpass is needed connecting the west and east side of Kingsville at all times.

There was a discussion on whether or not to add a deadline on the motion. Mayor Esquivel stated that a deadline should not be placed because the legislature does not meet until January 2001.

**The Commission then proceeded to vote on the motion. The motion passed by a 4/1 vote. Commissioner Villarreal cast the dissenting vote.**

**4. CONSIDER RESOLUTION ENTERING INTO AN INTERLOCAL AGREEMENT FOR E9-1-1 SERVICE, PSAP EQUIPMENT AND ADDRESSING MAINTENANCE WITH THE COASTAL BEND COUNCIL OF GOVERNMENTS. (CHIEF OF POLICE).**

Mr. Felipe Garza, Chief of Police, addressed the Commission. He stated that the Coastal Bend Council of Governments (CBCOG) is mandated by Legislative action to sign contracts with each of its Public Safety Answering Points (PSAP). The CBCOG is responsible for coordinating activities with its members on Emergency 9-1-1 Services. Chief Garza stated that the Kingsville Police Department will abide by contract requirements, and respectfully recommended that the City of Kingsville enter into this contract with the Coastal Bend Council of Governments.

**Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved Resolution #20006, entering into an interlocal agreement for E9-1-1 Service, PSAP Equipment and Addressing/Addressing Maintenance with the Coastal Bend Council of Governments.**

It was the consensus of the Commission to consider agenda items number five, six, seven, and nine at this time. Mayor Esquivel stated that item number eight would be considered separately.

**5. CONSIDER CONDEMNATION OF STRUCTURE LOCATED AT 507 EAST LEE AVENUE. (FIRE MARSHAL).**

**6. CONSIDER CONDEMNATION OF STRUCTURE LOCATED AT 928 EAST AVENUE B. (FIRE MARSHAL).**

**7. CONSIDER CONDEMNATION OF STRUCTURE LOCATED AT 1123 EAST AVENUE B. (FIRE MARSHAL).**

**9. CONSIDER CONDEMNATION OF STRUCTURE LOCATED AT 619 EAST CORRAL. (FIRE MARSHAL).**

Mr. Guadalupe Garcia, Fire Marshall, recommended condemnation of the structures located at 507 East Lee, 928 East Avenue B, 1123 East Avenue B and 619 East Corral. He stated that the property owners have been notified and have made no effort to repair the structures.

**A motion was then made by Commissioner Villarreal and seconded by Commissioner Pecos to condemn the structures identified above as recommended by the Fire Marshal. The motion passed by a unanimous vote.**

**8. CONSIDER CONDEMNATION OF STRUCTURE LOCATED AT 1115 EAST HENRIETTA. (FIRE MARSHAL).**

Mayor Esquivel stated that Mr. Reyes, the property owner, has requested a three-month extension. He stated that since Mr. Reyes is showing some interest in repairing the structure, that perhaps the Commission should not condemn this structure at this time.

Mr. Garcia stated that about three years ago, Mr. Reyes showed some interest in making the necessary repairs, but never did make the repairs. Mr. Garcia recommended that the Commission condemn the property, but allow the property owner ninety days to make the necessary repairs. He stated that if the repairs are not done, then the City could proceed with the condemnation.

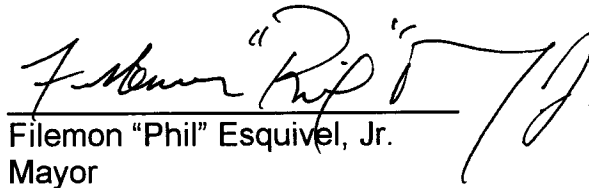
A motion was then made by Commissioner Villarreal and seconded by Commissioner Pecos to condemn the structure at 1115 East Henrietta, and grant the property owner ninety days to submit proper evidence that he will conform to the City's request to repair the structure. The motion passed by a 4/1 vote. Mayor Esquivel cast the dissenting vote because he objected to the Commission authorizing the condemnation of the structure. He preferred to allow the owner additional time to repair the structure.

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

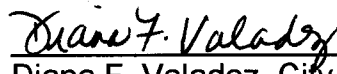
Mr. Hector M. Hinojosa, City Manager, requested that all Kingsville citizens fill out and return their Census 2000 Questionnaires. He stated that submitting the Census is very important for Kingsville.

**VI. ADJOURNMENT:**

The meeting then adjourned at 9:30 p.m.

  
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Filemon "Phil" Esquivel, Jr.  
Mayor

**ATTEST:**

  
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Diana F. Valadez, City Secretary