

APRIL 10, 2000

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, APRIL 10, 2000 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE AT 6:00 P.M.

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
 Juan M. Bosquez, Finance Director
 Cesar Garcia, Director of Personnel
 Dora Byington, Director of Purchasing
 Guadalupe Garcia, Fire Marshal
 Corando Garza, Fire Chief
 Ricardo Guzman, Director of Public Works
 Maria Robles, Accountant/Auditor
 Stanley Fees, Director of Planning
 John Garcia, Garage Superintendent
 Estella Garcia, Director of Collections
 Carol Ann Anderson, Director of Tourism

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. Watson, a member of the audience, led the Pledge of Allegiance.

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

There were no minutes available for approval.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. PUBLIC HEARING REGARDING CONDEMNATION PROCEEDINGS FOR A STRUCTURE LOCATED AT 402 WEST DODDRIDGE. (FIRE MARSHAL).

Mayor Filemon "Phil" Esquivel declared the public hearing opened at 6:15 p.m. He stated the City is taking an aggressive approach in cleaning up the City. He said the City is also using the condemnation proceedings as a tool in order to clean up the City.

Mayor Esquivel asked if anyone was present in the audience representing the property at 402 W. Doddridge. There was no one present.

Mr. Guadalupe Garcia, Fire Marshal showed several pictures of the property to be condemned. He stated there are other properties that also need to be condemned and will be submitted to the City Commission for consideration.

Mayor Esquivel declared the public hearing closed at 6:19 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

A. WORKSHOP REGARDING STREET PAVING PROGRAM FOR 2000. (CITY MANAGER).

Mayor Esquivel stated that repairing streets has always been an issue that he is concerned with. He stated that the City now has equipment and it will be easier to repair the streets.

Mr. Ricardo Guzman, Director of Public Works, discussed the report with the Commission. He stated the report identifies streets that need basic repairs and the ones that actually need to be reconstructed.

Upon a question raised by Commissioner Al Garcia, Mr. Guzman responded that plans are to reconstruct Ailsie Street this summer.

Mr. L.C. Mack, a member of the audience stated that Second Street needs to be totally reconstructed because the street is in real bad shape. Mr. Guzman responded that Second Street is in the shape it is in because of the settlement of the boxes. He said that water is leaping through the cracks and causing some cave-ins.

Commissioner Arturo Pecos requested the Commission be given a cost estimate to repair Second Street.

Upon a question raised by Mayor Esquivel, Mr. Guzman responded that putting the ditch along Ceasar Avenue underground would be too costly. He stated that since an additional box was installed for the drainage flow, it has helped the drainage tremendously.

Mrs. Mary Jane Cortez Reeder, 429 East Avenue C, stated that her street was repaired and the crews did a great job. She said that since then the street sweeper has been by and tore up some of the work that was done.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Felipe Garza, 1500 West Johnston, addressed the Commission regarding agenda item number five. He stated that in 1975 he took an oath to defend the laws of the Constitution. He was promoted in 1989 and took the same oath again. He said that he was called into the City Manager's Office and was asked to resign by the City Manager. Mr. Garza stated that he felt this was being done because of an EEOC Complaint that was filed against the City of Kingsville. He stated that he has done the best for the people of this town.

Mr. Carlos Zapata, 501 East Ella, addressed the Commission regarding agenda item number five. He stated that he was born and raised in Kingsville and grew up with Police Chief Felipe Garza. He said they both graduated from H.M. King High School and Texas A & I University. He urged the Commission to look at the Chief of Police and look at his record. He stated that Chief Garza has always done his best with the Kingsville Police Department.

Mr. Robert Stowers, 405 North 2nd Street, addressed the Commission regarding agenda item number 5. He stated that Police Chief Felipe Garza has been appointed to 2 State Commissions. They have recognized his ability to serve and work with others. He stated that Chief Garza has done a fine job throughout the years and asking him to resign would be a mistake. Mr. Stowers asked if the position of Chief of Police could be advertised without a settlement with him being approved.

Mr. Carol Barden, 715 Santa Clara, stated that he has worked with Police Chief Garza for several years. He stated that demoting the Chief is taking the Police Department in the wrong direction. Mr. Barden stated that Chief Garza has been an excellent Chief of Police and it is inappropriate to let him go.

Mr. Henry Jones, representing the Douglass Community supported Police Chief Garza. He stated that Chief Garza has been very helpful and works with the people in the community. He stated that the Chief is very honest and has done a tremendous job in the Douglass Community. Mr. Jones urged the Commission to look into the issue as to why the Chief is being demoted. He stated that the community should also know this information.

Mr. Nick Prado, County Road 2160, stated that he has worked with Police Chief Felipe Garza. He stated that Chief Garza has trained his officers well and has always promoted continuing education for all the offices. He stated that the Kingsville Police Department would be moving in the wrong direction if Chief Garza is demoted.

Mr. Clyde Allen, 722 West Lee, stated that the word out in the community is that under a previous administration the Police Chief was asked to hire a certain assistant chief, and during a certain conversation it was stated that the assistant chief could not be Anglo. Mr. Allen stated that if these comments are true, then only the Commission could look into these statements for the truth. He stated that if the statement is true, then it will be very costly to the community.

Mr. John Smolik, 102 Briargrove, stated that he was upset because Mayor Esquivel was not listening to the citizens. He stated that he would rather see the City Manager fired rather than the Police Chief.

Mr. Marty West, Rt. 2, Box 335, Kingsville, addressed the Commission regarding agenda item number five. He stated that the decision that will be made on item number five will have an effect not just on the Police Chief, but all parties involved. Mr. West stated that during his tenure as Interim City Manager, he appointed Mr. Felipe Garza as Chief of Police, and felt very confident that Mr. Garza was the best choice to fill the position of Chief of Police. He stated that the Chief has been cleared of all the allegations regarding the Police Department. Mr. West thanked Chief Garza for the years of service he has done for the City of Kingsville.

Mr. George Crocker, Corporal, with the Kingsville Police Department, addressed the Commission regarding agenda item number five. He stated that administratively, there are problems at the Police Department. He stated that he is the President of the Kingsville Law Enforcement Association and represents approximately forty officers. He stated that since 1993 there have been forty-one officers that have left employment with the Kingsville Police Department. Mr. Crocker stated there is always a big turnover, and citizens need to understand that when there is a high turn over, there is an administrative problem. Mr. Crocker assured all citizens that Kingsville would not be suffering because of the situation with the Police Chief. Every officer will do everything they can to enforce the laws and assist all the citizens.

There were no other comments from members of the audience.

The Commission took a recess at this time, 7:18 p.m.

The Commission reconvened at 7:25 p.m.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER AWARDING BID FOR A HYDRAULIC RUBBER TIRE EXCAVATOR FOR THE STREET DEPARTMENT. (BID #20-44). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing, stated this item authorizes the purchase of one hydraulic rubber tire excavator for the Street Department. This action will expend \$131,987.00 and funds are available in the annual budget. Mrs. Byington recommended the bid be awarded to H & V Equipment Company from Corpus Christi, Texas.

Upon a question raised by Mayor Esquivel, Mr. Guzman, explained that the equipment being purchased will be utilized to clean the ditches and culverts. It will replace the twenty-year-old excavator the City currently uses.

Upon a question raised by Commissioner Pecos, Mr. Guzman responded that there should not be any problems in getting parts for this machine.

A motion was then made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Pecos to award the bid for the excavator as recommended by staff. The motion passed by a unanimous vote.

2. CONSIDER AWARDING BID FOR A WATER TANK TRUCK FOR THE STREET DEPARTMENT. (BID #20-46). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase of one water tank truck for the Street Department. This action will expend \$47,469.00 and funds for this purchase are available in the annual budget. Mrs. Byington recommended the bid be awarded to Power Equipment International from Corpus Christi, Texas.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously awarded the bid for a water tank truck as recommended by staff.

3. CONSIDER CONDEMNATION OF STRUCTURE LOCATED AT 402 WEST DODDRIDGE. (FIRE MARSHAL).

Mr. Guadalupe Garcia, Fire Marshal, stated that the Howard Nelson Estate owns the structure and one with the estate has made an effort to repair the structure. Mr. Garcia recommended the structure be demolished.

A motion was made by Commissioner Al Garcia and seconded by Commissioner Villarreal to condemn the structure located at 402 West Doddridge. The motion passed by a unanimous vote.

4. CONSIDERATION OF RESOLUTIONS FULFILLING FUND REQUIREMENTS FOR THE TEXAS COMMUNITY DEVELOPMENT PROGRAM. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager stated that the City of Kingsville has applied for two grants. The following four resolutions are necessary actions for the grant awards. The resolutions are also needed in anticipation of the award for the Texas Capital Fund Grant for Calling Solutions, Inc. Mr. Hinojosa stated that the Excessive Force Policy is also a requirement for acceptance of the \$300,000 grant application for water facilities from the Texas Community Development Fund. Mr. Hinojosa recommended approval of all four resolutions.

A. CONSIDER RESOLUTION APPOINTING THE PERSONNEL DIRECTOR OF THE CITY OF KINGSVILLE, CESAR GARCIA, AS THE FAIR HOUSING / EQUAL OPPORTUNITY STANDARDS (EOS) OFFICER. (CITY MANAGER).

B. CONSIDER RESOLUTION DESIGNATING APRIL AS FAIR HOUSING MONTH AND URGING SUPPORT THEREOF. (CITY MANAGER).

C. CONSIDER RESOLUTION AUTHORIZING A PROGRAM OF SPECIFIC AFFIRMATIVE ACTION STEPS TO INCREASE THE UTILIZATION OF BUSINESS CONCERNS LOCATED WITHIN THE CITY OF KINGSVILLE. (CITY MANAGER).

D. CONSIDER RESOLUTION AUTHORIZING A POLICY AGAINST THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS. (CITY MANAGER).

Upon a motion by Commissioner Villarreal and seconded by Commissioner Garcia the Commission unanimously approved Resolution #20008, appointing the Personnel Director of the City of Kingsville, Cesar Garcia, as the Fair Housing / Equal opportunity Standards (EOS) Officer; Resolution #20009 designating April as Fair Housing Month and urging support thereof; Resolution #200010 authorizing a program of specific affirmative action steps to increase the utilization of business concerns located within the City of Kingsville; and Resolution #200011 authorizing a policy against the use of excessive force; establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations.

5. CONSIDER INTRODUCTION OF AN ORDINANCE CREATING A NON-CLASSIFIED SERVICE POSITION; CLASSIFYING SUCH POSITION; RATIFYING CLASSIFICATIONS AND PRESCRIBING THE NUMBER OF POSITIONS IN SUCH CLASSIFICATIONS FOR THE CLASSIFIED SERVICE IN THE POLICE DEPARTMENT. (CITY MANAGER).

Mr. Hinojosa stated that with all due respect of everything that was mentioned this evening, he recommended approval of the proposed ordinance. He stated the ordinance creates the position of Captain in the Police Department. Mr. Hinojosa also mentioned that at a meeting in the future, an additional ordinance will be submitted to abolish this position.

Mayor Esquivel stated that the citizens of Kingsville need to understand the line of command. He stated that the Commission appoints the City Manager, City Attorney and City Judge. The Chief of Police is not accountable to the City Commission. All the department heads are accountable to the City Manager. Mayor Esquivel stated that the Manager is appointed as the leader for this organization. He said that he cares a lot for the Chief and his family, but this is strictly a business decision. The City Manager must create the best team he possibly can get and this item is not a personal item. Mayor Esquivel stated that Chief Garza will be presented a package and will be treated as honorable as possible.

Commissioner Charlie Wilson stated that most of the individuals that have addressed this matter with members of the Commission do not question the City Manager's authority to demote the Police Chief. They are just simply looking for and wanting to hear information regarding the demotion. Commissioner Wilson recommended that each citizen should be dealt with on an individual basis.

Upon a question raised by a member of the audience, Mr. Perez responded that State law requires that a Police Chief appointment be confirmed by the City Commission. It does not require that a demotion be confirmed by the Commission. Mr. Perez stated that the City Manager has the right to select his department heads and also has the right to return the Police Chief to the rank that he held prior to becoming Chief.

Mr. Henry Jones, a member of the audience, stated that Patrolman Crocker said there was a high turn over rate and many officers have left the Kingsville Police Department. He stated that the officers have left because of better paying jobs.

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

6. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE FISCAL YEAR 1999-2000 BUDGET FOR THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Hinojosa stated that this item authorizes a budget amendment in the amount of \$190,962.60. These monies are the remaining funds from the \$2,000,000 loan the City acquired from the Texas Water Development Board in 1996. These monies were borrowed to upgrade the Wastewater Treatment Plant and must be used only for that purpose.

Mr. Guzman stated that some of the pumps at the lift station need to be replaced as well as the lighting. He stated that the UV lighting system also needs to be replaced.

Mr. Hinojosa recommended approval of the proposed ordinance.

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

7. CONSIDER INTRODUCTION OF AN ORDINANCE APPROVING \$1,400,000 CITY OF KINGSVILLE, TEXAS TAX NOTES, SERIES 2000 AND A PAYING AGENT/REGISTRAR AGREEMENT IN CONNECTION THEREWITH. (CITY MANAGER).

Mr. Juan Bosquez, Director of Finance, stated that the proposed ordinance is a financial package that will consist of a five-year package. The debt will begin to be paid in the year 2001 and continue through 2005. Mr. Bosquez recommended approval of the proposed ordinance.

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

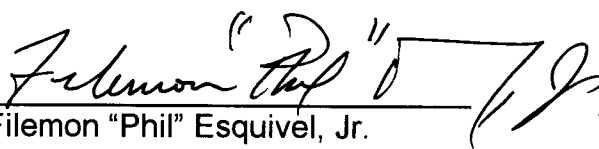
8. CITY MANAGER'S REPORT. (CITY MANAGER).

Mr. Hinojosa stated that this week is Dispatcher's Week and the Kingsville Police Department Dispatchers are observing this week with an open house all week long.

Mr. Hinojosa reminded members of the Commission that appointments need to be made to the Zoning Board of Adjustment and the Planning and Zoning Commission. He requested that names be submitted to him for consideration.

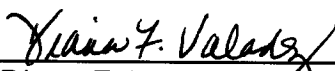
VI. ADJOURNMENT.

The meeting then adjourned at 8:11 p.m.



Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:



Diana F. Valadez, City Secretary