

APRIL 24, 2000

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, APRIL 24, 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  
 Dora Byington, Director of Purchasing  
 Cesar Garcia, Director of Personnel  
 Corando Garza, Fire Chief  
 Juan M. Bosquez, Finance Director  
 Ricardo Guzman, Director of Public Works  
 Carol Ann Anderson, Director of Tourism  
 Estella Garcia, Director of Collections  
 A.L. Noyola, Health Director  
 Artemio Alvarez, Risk Manager  
 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, Mr. Pena, 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. QUARTERLY REPORT BY KINGSVILLE CONVENTION AND VISITOR'S BUREAU (DIRECTOR OF TOURISM).**

Mrs. Carol Ann Anderson, Director of the Kingsville Convention and Visitor's Bureau addressed the Commission regarding her report. She briefed the Commission on events that are scheduled as well as events that she has attended. Mrs. Anderson stated that the Board of Director's recently held a board retreat and was very successful. She said they would be meeting to discuss and prioritize all the items that were discussed during the retreat. She also stated that a workshop will be held soon by Mr. Don Hansen of the Texas Hotel/Motel Association and Mr. Scott Joslove Chief of the Municipal Affairs Division of the office of the Attorney General for the State of Texas. They will be speaking on the Texas Tax Code pertaining to Hotel Occupancy Taxes. She said that all the Commission members would be invited to this workshop.

There was a discussion on the use of hotel/motel taxes to sponsor sporting events such as softball tournaments. Mrs. Anderson stated that perhaps after the workshop regarding hotel/motel taxes is held she would have more answers. She stated that the KCVB could help with sporting events as long as the monies are used for advertising only.

Mr. Ruben Perez, City Attorney, stated that there are limitations on using the hotel/motel taxes, and the KCVB must be careful on what events they sponsor.

Commissioner Charlie Wilson stated that the City has a current contract with the Kleberg County Parks Department and perhaps that contract could be amended to provide certain funding for events such as softball tournaments.

Mrs. Anderson concluded her report by thanking members of the Commission for their time.

Mayor Filemon "Phil" Esquivel stated that at this time there was an urgent matter that needed to be taken care of regarding the tax notes. He asked if there were any public comments from members of the audience regarding item #1 and #1A.

There were no comments from members of the audience regarding item #1 and #1A at this time.

The Commission then moved to agenda item #1 and #1A at this time.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE APPROVING \$1,400,000 CITY OF KINGSVILLE, TEXAS TAX NOTES, SERIES 2000 AND A PAYING AGENT/REGISTRAR AGREEMENT IN CONNECTION THEREWITH, AND ALL OTHER MATTERS RELATED THERETO INCLUDING IMMEDIATE EFFECTIVENESS. (CITY MANAGER).

1A. APPROVING PURCHASE CONTRACT RELATING TO THE \$1,400,000 CITY OF KINGSVILLE, TEXAS TAX NOTES, SERIES 2000. (CITY MANAGER).

Mr. Donald Gonzales, Financial Advisor, thanked the Commission for expediting this process. He stated that all of this paperwork needs to be back in San Antonio this evening. Mr. Gonzales discussed the proposed interest rate for the borrowing proceeds.

Mr. Hector M. Hinojosa, City Manager described all the equipment that will be purchased. He recommended approval of the proposed ordinance and the purchase contract.

**A motion was made by Commissioner Al Garcia and seconded by Commissioner Arturo Pecos to approve Ordinance #20007, approving \$1,400,000 City of Kingsville, Texas Tax Notes, Series 2000 and a paying agent/registrar agreement in connection therewith; and all other matters related thereto including immediate effectiveness; and the Purchase Contract relating to the \$1,400,000 City of Kingsville Tax Notes, Series 2000. The motion passed by a unanimous vote.**

Mr. Perez informed the Commission that the ordinance is being passed on an emergency basis, and therefore will take immediate effect. This is being done so no publication will be necessary.

The Commission took a short recess at this time, 7:05 p.m.

The Commission reconvened at 7:19 p.m.

### III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

A. PRESENTATION BY KLEBERG COUNTY EXTENSION AGENT (AGRICULTURAL) REGARDING AFRICANIZED BEES. (CITY MANAGER).

Mr. John Ford, County Extension Agent informed the Commission about the current plan that was developed in 1991. He said it was the first city-county plan that was developed and has been in use since then. Mr. Ford stated that neither the City nor the County should be in the pest control business. It was determined that the current plan be revised and presented to the City Commission for approval at a later date.

### IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mayor Esquivel asked if there were any comments from members of the audience regarding agenda item number 2-8 and 10-11.

Mr. Felipe Garza, 1500 West Johnston, stated that he would like to defer his comments until the Commission considers agenda item number ten.

There were no other comments from the members of the audience.

### V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING THE FISCAL YEAR 1999-2000 BUDGET FOR THE CITY OF KINGSVILLE UTILITY CONSTRUCTION FUND. (CITY MANAGER).

Mr. Hinojosa stated this budget amendment is necessary to provide certain improvements to the North Wastewater Treatment Plant. The money will be used from the remaining funds from the \$2,000,000 loan the City acquired from the Texas Water Development Board in 1996. Mr. Hinojosa recommended approval.

**Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved Ordinance #20008 amending the Fiscal Year 1999-2000 Budget for the City of Kingsville Utility Construction Fund.**

3. INTRODUCTION OF AN ORDINANCE AMENDING FISCAL YEAR 1999-2000 ANNUAL BUDGET FOR ALL CITY DEPARTMENTS. (CITY MANAGER).

Mr. Hinojosa stated that normally there are two budget amendments approved during the budget year in order to balance the budget at the end of the year. He stated that Mr. Bosquez, Finance Director would be making the presentation on this item.

Mr. Bosquez stated that the General Fund and Utility Fund Expenditure Accounts with a negative balance are brought up to a positive or zero balance with the proposed ordinance. Mr. Bosquez explained the itemized budget amendments for each department. He 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.**

**4. CONSIDER AWARDING BID FOR A SEDAN FOR THE TASK FORCE DEPARTMENT. (DIRECTOR OF PURCHASING).**

Mrs. Dora Byington, Director of Purchasing, stated this item authorizes the purchase of a sedan for the Task Force Department. This action will expend \$15,880.83 and funds are available in the Task Force budget. Mrs. Byington recommended this vehicle be purchased through the Houston-Galveston Area Council of Governments.

**Upon a motion by Commissioner Villarreal and second by Commissioner Garcia, the Commission unanimously authorized the purchase of a sedan as recommended by staff.**

**5. CONSIDER RESOLUTION AUTHORIZING INTERVENTION IN CENTRAL POWER AND LIGHT COMPANY'S TRANSMISSION AND DISTRIBUTION RATE CASE AT THE PUBLIC UTILITY COMMISSION OF TEXAS. (CITY ATTORNEY).**

Mr. Perez stated that recent legislation requires that all investor owned electric utilities in our area must file cases before the PUC to establish a transmission and distribution rate. This is required in anticipation of the deregulation of the electric industry. Mr. Perez stated that in the future, a consumer will be able to select a different provider for electric power. All electric power will be provided through a single transmission service that will continue to be regulated. All providers of electricity shall be assessed the same amount for transmission of electricity. Mr. Perez stated that the attached resolution will retain the services of Geoffrey Gay and Steve Porter of the law firm Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, to review CPL filing and to represent the City of Kingsville at the PUC. Mr. Perez recommended approval of the proposed resolution.

**A motion was made by Commissioner Wilson and seconded by Commissioner Villarreal to approve Resolution #200012, authorizing intervention in Central Power and Light Company's transmission and distribution rate case at the Public Utility Commission of Texas. The motion passed by a unanimous vote.**

**6. CONSIDER RESOLUTION AUTHORIZING THE ALLOCATION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT FOR USE IN SUPPORT OF THE SAN PATRICIO COUNTY SUBSTANCE TREATMENT SERVICES FOR JUVENILE OFFENDERS. (CITY MANAGER).**

Mr. Hinojosa stated that each year the Governor's Criminal Justice Division awards Juvenile Accountability Incentive Block Grants to local units of government. This year the award to the City of Kingsville is \$13,944. The use of these funds requires the creation of a Juvenile Crime Enforcement Coalition (JCEC) consisting of representatives from the police, sheriff, prosecutors, state and local probation services, juvenile courts, schools, businesses, and religious and businesses involved in crime prevention. In the past the City and Kleberg County have waived their right to apply for such funds and have allocated their funds to support the application of San Patricio County Juvenile Crime Enforcement Coalition. Mr. Hinojosa stated that the City of Kingsville has utilized the services of this program by placing local juveniles who have required this type of treatment. He stated that Kleberg County has waived its rights to these funds and is also supporting the San Patricio program. Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Garcia and second by Commissioner Villarreal, the Commission unanimously approved Resolution #200013, authorizing the allocation of juvenile accountability incentive block grants for use in support of the San Patricio County Substance Treatment Services for juvenile offenders, and authorizing the City Manager to submit a waiver of application for the right to apply for such block grants for grant year 2000.

7. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN WOMACK & CO., P.C. FOR FINANCIAL SERVICES. (CITY MANAGER).

Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved Resolution #200014 authorizing the City Manager to enter into a contract with John Womack & Co., P.C. for financial services.

8. CONSIDER RESOLUTION SUPPORTING THE KINGSVILLE INDEPENDENT SCHOOL DISTRICT 2000 CAPITAL IMPROVEMENT PROGRAM AND SUPPORT OF THE \$30,000,000 BOND PROPOSITION. (MAYOR ESQUIVEL).

Mayor Esquivel stated that the proposed bond issue for the Kingsville Independent School District consists of one proposition which provides improvements and renovations to each of the district's 11 campuses, auxiliary facilities, and athletic complexes. The primary needs which are addressed by the proposition are special program rooms, new classrooms, renovations to school building interiors and exteriors, upgrading of schools to address safety, security, and health issues, as well as a large amount of technology equipment for classrooms. Mayor Esquivel stated that the proposed bond election is important and encouraged everyone to vote on this issue. He recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved Resolution #200015, supporting the Kingsville Independent School District 2000 Capital Improvement Program and support of the \$30,000,000 bond proposition.

9. EXECUTIVE SESSION. UNDER SECTION 551.071, TEXAS GOVERNMENT CODE, CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING CONTEMPLATED LITIGATION REGARDING CHIEF OF POLICE. (CITY ATTORNEY).

The Commission went into Executive Session at 8:26 p.m. and reconvened into open session at 8:58 p.m.

10. CONSIDER FINAL PASSAGE 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 recommended approval of the proposed ordinance.

Upon a motion by Commissioner Pecos and second by Commissioner Villarreal, the Commission unanimously approved Ordinance #20009, creating a non-classified service position (Captain); classifying such position, ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department.

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

Mr. Hinojosa stated that the proposed ordinance is an introduction to abolish the captain's position that was previously created. He recommended approval.

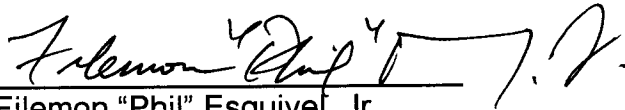
**Mayor Esquivel stated this was an introductory item only and final passage will be considered at the next regular meeting.**

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

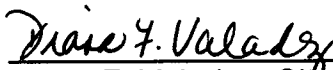
Mr. Hinojosa reported the number of citizens that have voted early for the City General Election. He urged everyone to either vote early or on Election Day.

## VI. ADJOURNMENT.

The meeting then adjourned at 9:05 p.m.

  
 Filemon "Phil" Esquivel, Jr.  
 Mayor

**ATTEST:**

  
 Diana F. Valadez, City Secretary