

MAY 29, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD TUESDAY, MAY 29, 2001 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Stanley Laskowski, 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
 Victor Salas, Finance Director
 Dora Byington, Director of Purchasing
 Artemio Alvarez, Risk Manager
 Stanley Fees, Director of Planning
 Sammy Maldonado, Utilities Superintendent
 Dianne Leubert, Solid Waste Superintendent
 Corando Garza, Assistant City Manager / Fire Chief

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. Victor Salas, Finance Director, led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the Special Meetings held Monday, March 21, 2001, March 27, 2001, and Thursday, April 26, 2001 and the Regular Meeting held Monday, April 23, 2001.

A motion was made by Commissioner Stanley Laskowski and seconded by Commissioner Rene "Mr. V" Villarreal to approve the minutes as presented.

Mayor Filemon "Phil" Esquivel, Jr. referred to the minutes of April 23, 2001. He asked the City Manager on the status of an agreement with the Kingsville Independent School District.

Mr. Ruben Perez, City Attorney advised the Commission that the minutes were submitted to the Commission for approval only. He said that if there is a particular item that needs to be discussed from those minutes, the item needed to be placed on an agenda as a discussion item.

Mayor Esquivel questioned the minutes of April 23rd regarding agenda item number four on page four of the minutes. He stated that during the discussion he mentioned that the \$3.5 million allocated to the overpass project from the Texas Department of Transportation would be returned to the State Project Fund. He also stated that the \$1.5 million cash match from the City of Kingsville would be paid back with a payment of \$10,000 per year for twenty years. The funds would be reallocated and would not be spent in Kingsville. He requested that the minutes be amended to reflect the statements he made during the meeting.

The Commission proceeded to vote on the motion made by Commissioner Laskowski. The motion passed by a unanimous vote.

Mayor Esquivel requested that Mrs. Diana F. Valadez, City Secretary, listen and review the audio tape of the Regular Meeting held on the 23rd of April. He stated that if in fact the tape revealed that he made the statements regarding the \$3.5 million returning to the State Project Fund that the minutes be returned to the Commission for correction.

II. PUBLIC HEARING - (REQUIRED BY LAW).

1. RECEIVE COMMENTS ABOUT THE CITY'S PROPOSED PROJECT TO RESTORE THE RAILROAD PASSENGER DEPOT AND TO CREATE A TRANSPORTATION HISTORY MUSEUM & VISITOR WELCOME CENTER IN THE BUILDING LOCATED IN THE 100 BLOCK OF EAST KLEBERG. (CITY MANAGER).

Mayor Esquivel officially opened the public hearing at 6:15 p.m. He asked for public comments regarding the nomination of the City Visitor Welcome Center and Transportation History Museum in the Historic Kingsville Depot Building.

Mr. Ben Glusing, President of the Kleberg County Heritage Foundation addressed the Commission. He stated that he would reserve his comments until the Commission considered the resolution supporting the nomination on agenda item number one.

No other comments were received. There were no statements of opposition to the project.

Mayor Esquivel closed the public hearing at 6:18 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. PRESENTATION REGARDING PROPERTY EXCHANGE AGREEMENT WITH KLEBERG FIRST NATIONAL BANK AND THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Joe Henkel, President of Kleberg First National Bank addressed the Commission regarding the Bank's proposed renovation project. He requested that the Commission approve a trade agreement to exchange the property where the old detective's building is located on the northwest corner of Yoakum and 6th Street. He stated that in exchange of that property, the City would acquire the parking lot directly behind the City Hall building. Mr. Henkel stated that the City would be getting 42,000 square feet of parking.

The Commission proceeded to review the appraisals done on the properties being exchanged. Mr. Hinojosa stated that the Bank was requesting that the City also give up the right to Park Street. He stated that he is concerned about the property where the old detective's building is located. Mr. Hinojosa stated that he is not sure what could be underground such as tanks or perhaps contaminated soil. He stated that he is also concerned about traffic on Park Street, and at the request of Commissioner Garcia, a traffic count is currently being done.

Mr. Henkel stated that he needs some type of Commission approval for the property exchange in order for the renovation project to be submitted as part of the train depot grant application to the Texas Department of Transportation.

There was a discussion regarding possible uses for the parking lot behind City Hall and how the City could benefit from taking ownership of that property.

It was determined that staff would proceed with the following; a traffic study; soil contaminant study; set up public hearing regarding closure of Park Street; and prepare agreements to exchange the property where the old detective's building is located for the parking lot directly behind City Hall.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Johnny Smolik, a member of the audience, invited everyone to attend a tree planting ceremony in memory of WW2 Veterans on Saturday, June 02, 2001 at Kenedy Park.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A NOMINATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR FUNDS TO DESIGN AND CONSTRUCT A CITY VISITOR'S WELCOME CENTER AND TRANSPORTATION HISTORY MUSEUM IN THE HISTORIC KINGSVILLE DEPOT BUILDING LOCATED ON KLEBERG AVENUE. (CITY MANAGER).

Ms. Brooke Sween-McGloin, Architect, addressed the Commission regarding the City Visitor's Welcome Center and Transportation History Museum. She stated that she was representing the Kleberg County Heritage Foundation. She stated that the Foundation is requesting that the City Commission submit a nomination for the Statewide Transportation Enhancement Program. Ms. Sween-McGloin advised the Commission that whether or not the project is approved with the closure of Park Street, she needs authorization from the Commission by June 11, 2001. She proceeded to explain the project in detail. She also stated that if a public hearing is conducted to determine whether or not Park Street is closed, she recommended that the hearing be conducted prior to June 11th.

Mr. Ben Glusing, President of the Kleberg County Heritage Foundation addressed the Commission. He stated that the Foundation is requesting that the City of Kingsville be the nominating entity for this project. He stated that the Foundation is not concerned whether or not Park Street is closed. Mr. Glusing stated that the Foundation has been preparing this grant application since February and they are now ready to finalize the project. He said that they have secured pledges of financial support to guarantee the 20% of the total project cost. Mr. Glusing stated that the City's match could consist of in-kind services such as repairs to the driveway that is adjacent to the building.

Upon a question raised by Commissioner Laskowski, Mr. Glusing responded that the pledges of financial support that they have acquired would not be available if Kleberg Bank became part of the grant application.

Mayor Esquivel stated that the Commission could approve the resolution supporting the nomination of the grant application.

A motion was then made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Resolution #R-2001-16, authorizing the City Manager to submit a nomination to the Texas Department of Transportation for the Statewide Transportation Enhancement Program for funds to design and construct a City Visitor's Welcome Center and Transportation History Museum in the Historic Kingsville Train Depot Building located on Kleberg Avenue. The motion passed by a unanimous vote.

2. RESOLUTION IN SUPPORT OF GRANT REQUEST BEFORE THE COASTAL BEND BAYS & ESTUARIES PROGRAM, INC. REGARDING THE ASSOCIATED DOWNSTREAM WETLAND PROJECT FOR THE KINGSVILLE SOUTH WASTEWATER TREATMENT FACILITY. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager stated the proposed resolution authorizes the submission of a grant application to the Coastal Bend Bays and Estuaries Program. The purpose of the grant is for the enhancement of wetland resources and public bird viewing facilities along the Santa Gertrudis Creek. Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Resolution #R-2001-17, authorizing the submission of the grant application.

3. CONSIDER MOTION TO APPROVE THE REPROGRAMMING OF FUNDS FROM THE CERTIFICATES OF OBLIGATION SERIES 1998 (CAP 98) TO PURCHASE A TWENTY-FOUR HOUR COMPOSITE SAMPLER. (UTILITIES SUPERINTENDENT).

Mr. Hinojosa stated that there is \$4,582.00 available in the station controls line item and \$3,309.00 in the sanitary sewer replacement project line item under the CAP 98 Fund. He said that \$7,000.00 is needed to purchase a twenty-four hour composite sampler. Mr. Hinojosa recommended approval of the reprogramming of funds.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved the reprogramming of funds as requested by staff.

4. APPOINTMENTS TO PLANNING AND ZONING COMMISSION, ELECTRICAL BOARD, AND BOARD OF HISTORICAL DEVELOPMENT. (DIRECTOR OF PLANNING).

Mr. Stanley Fees, Director of Planning, briefed the Commission regarding the appointments necessary in order to fill the vacancies on the following Boards and Commissions.

Historical Board: Three positions have expired. Mr. Hal Ham has chosen not to continue serving on this board. Mr. Fees recommended that Ms. Gail Birdwell (current member), Ms. Jeannette Price (current member), and Mr. Ben Glusing (new candidate) be appointed to serve on the Historical Development Board.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve the appointments to the Historical Board as recommended by staff. The motion passed by a unanimous vote.

Planning and Zoning Commission: Four positions have expired. Mr. Fees recommended that Mr. Faustino Erebia, Mr. Bill Aldrich, Mr. Edward Sailor, and Dr. Rajab Chaloo (all current members) be appointed to serve on the Planning and Zoning Commission.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve the appointments to the Planning and Zoning Commission as recommended by staff. The motion passed by a unanimous vote.

Electrical Board: The terms of all five board members have expired on the Electrical Board. Mr. O.J. Rodriguez and Mr. Abel Benavidez, Jr. have chosen not to continue serving on this board. Mr. Fees recommended that Mr. Rick Ley (master electrician), Mr. Joe Boehm (electrical engineer), Mr. Terry Schlomach (journeyman electrician), Mr. Michael Mora (electrical engineer), and Mr. Ramon Perez (citizen member) be appointed to serve on the Electrical Board.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the appointments to the Electrical Board as recommended by staff. The motion passed by a unanimous vote.

5. CONSIDER FINAL PLAT APPROVAL OF H.C. BALL ADDITION. (DIRECTOR OF PLANNING).

Mr. Fees stated that the record owner, Bethel Temple Gulf Latin American Council of the Assemblies of God proposes to subdivide a 7.08 acre tract of land out of Farm Lot 7, Section 10, K.T. & I. Subdivision. The subdivision fronts on East King Avenue and the subdivider proposes to extend a water line along the north side of East Kenedy Avenue and along the east side of 19th Street to provide service to the subdivision. The new waterline will include the addition of two fire hydrants. This will provide adequate fire protection coverage. Mr. Fees stated that the Planning and Zoning Commission recommended approval of the proposed plat.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve the final plat of H.C. Ball Addition. The motion passed by a unanimous vote.

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

6.1 LEGISLATIVE REVIEW REQUESTED BY MAYOR ESQUIVEL.

Mr. Hinojosa stated that there were certain items that Mayor Esquivel requested relating to the budget and tax rate that were inadvertently omitted from the legislative review. He stated this information would be corrected and submitted to the Commission at a later date.

6.2 UPDATE FROM HISTORICAL BOARD MEETING CONDUCTED ON MAY 23, 2001 REGARDING THE PROPOSED CONDEMNATION OF STRUCTURES LOCATED IN THE 200 AND 300 BLOCK OF EAST RICHARD.

Mr. Hinojosa stated that the Historical Board met on May 23, 2001 regarding the proposed condemnation of the structures located at 229 East Richard, 308 East Richard, and 318 East Richard. The Board agreed to request that the City Commission allow the Board additional time to obtain information about possible avenues to assist in repairing the structures. Board members will be making contact with a representative of the Smithsonian Institute to perform a study of the structures and also pursue possible funding sources for repairs and restoration.

6.3 UPDATE ON ARRANGEMENTS FOR THE ISSUANCE OF BONDS, BIDDING OF CONSTRUCTION CONTRACTS, AND OTHER MATTERS REGARDING LANDFILL EXPANSION.

Mr. Hinojosa stated that the bond rating presentation would take place here in Kingsville rather than in New York. He stated that the date the presentation would take place would be announced later.

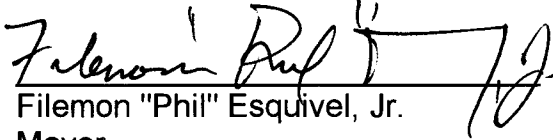
Mr. Hinojosa also briefed the Commission that he has decided to allow City employees to actually do the backfill and the landfill. He stated that the employees would be supervised. Mr. Hinojosa informed the Commission that Mr. Donald Gonzales, Financial Advisor, was no longer working with Southwest Securities and that Mr. Steve Elliot had taken over the account with the City of Kingsville. There was a discussion on actually how much money would be borrowed with the certificates of obligations. Mayor Esquivel wanted to include additional money with the borrowing proceeds to cover street repairs to Ailsie Street, Second Street, and Armstrong Street.

6.4 UPDATE ON PENDING LITIGATION REGARDING LEROY EVANS, JR., VS. THE CITY OF KINGSVILLE, C.A. NO. C—00-37.

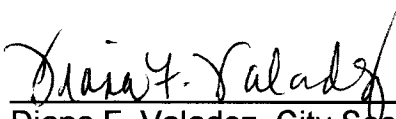
Mr. Ruben Perez, City Attorney reported that Mr. Evans had lost his case with the City of Kingsville. He stated that there could be a possibility that the case would be appealed.

VI. ADJOURNMENT.

The meeting then adjourned at 8:32 p.m.


 Filemon "Phil" Esquivel, Jr.
 Mayor

ATTEST:


 Diana F. Valadez, City Secretary