

SEPTEMBER 24, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, SEPTEMBER 24, 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** (arrived after meeting was in session)
 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
 Coeta Montgomery, Director of Personnel
 Yolanda Moran, Director of Development Services
 Stanley Fees, City Engineer
 Dora Byington, Director of Purchasing
 Sammy Maldonado, Utilities Superintendent
 Artemio Alvarez, Risk Manager
 Victor Salas, Director of Finance
 Sam Granato, Chief of Police
 Rene Quintanilla, Fire Captain

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

In the absence of Mayor Filemon "Phil" Esquivel, Jr., Mayor Pro Tem Rene "Mr. V" Villarreal opened the meeting.

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Dick Messbarger, Executive Director of the Economic Development Council 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. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

** Mayor Esquivel arrived at this time, 6:17 p.m.

1. REPORT FROM THE GREATER KINGSVILLE ECONOMIC DEVELOPMENT COUNCIL. (COMMISSIONER GARCIA).

Mr. Dick Messbarger briefed the Commission regarding different issues his office has been working on. He stated that they are very active with the South Texas Spaceport Consortium and also addressed the Naval Base Closure and Realignment process.

2. PRESENTATIONS BY FIRMS SUBMITTING PROPOSALS FOR FINANCIAL ADVISOR SERVICES. (DIRECTOR OF FINANCE).

Mr. Victor Salas, Director of Finance, informed the Commission that four of the five firms were present and were prepared to make their presentation to the Commission. He stated that a representative from M.E. Allison Company contacted him this afternoon and they were unable to attend this meeting due to mechanical problems with their vehicle. He stated that each company would be allowed fifteen minutes to make their presentation.

Upon a question raised by Mayor Esquivel, Mr. Salas responded that a Financial Advisor is a liaison between the City of Kingsville and bond counsel and they also work with bond insurance companies.

The companies that made their presentations were as follows:

Estrada Hinojosa & Company, Inc. – Mr. Donald J. Gonzales
 First Southwest Company – Ms. Ann Burger
 Public Financial Management – Mr. Chris Allen
 Southwest Securities – Mr. Steve Elliott & Mr. Victor Quiroga

IV. PUBLIC COMMENT ON AGENDA ITEMS.

1. CITIZEN'S OPPORTUNITY TO COMMENT ON ALL AGENDA OR NON-AGENDA ITEMS.

No comments were made at this time.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

It was the consensus of the Commission to consider agenda item number one and two at the same time.

1. CONSIDER AWARDING ANNUAL CONTRACT FOR GASOLINE. (BID #22-17). (DIRECTOR OF PURCHASING).

2. CONSIDER AWARDING ANNUAL CONTRACT FOR DIESEL FUEL. (BID #22-18). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing stated these items authorize execution of twelve month contracts for gasoline and diesel fuel. Based on estimated usage, approximately \$196,000 would be expended under this contract for gasoline only. The City will pay an additional \$1,250.00 for the product delivery fee imposed by the passing of House Bill #2687 and #2912. She also stated that based on estimated usage approximately \$72,000 would be expended under this contract for the purchase of diesel fuel only with an additional \$912.50 for the delivery fees.

Mrs. Byington recommended the contract be awarded to Truman Arnold Company from Temple, Texas for regular unleaded gasoline delivered to the Public Works Building, and to SSP Petroleum from Corpus Christi for regular unleaded gasoline delivered to the landfill and diesel fuel delivered to the Public Works Building and the landfill.

A motion was made by Commissioner Villarreal and seconded by Commissioner Arturo Pecos to award the annual contract for gasoline as recommended by staff.

Mayor Esquivel requested that Kleberg County be charged a portion of the product delivery fee, since the Kleberg County Sheriff's Department currently uses the City's gasoline pumps.

The Commission proceeded to vote on the motion, and the motion passed by a unanimous vote.

3. CONSIDER RESOLUTION APPROVING THE CITY OF KINGSVILLE'S 2001 TAX ROLL AS SUBMITTED BY THE KLEBERG COUNTY TAX ASSESSOR-COLLECTOR PURSUANT TO THE TEXAS PROPERTY CODE, CHAPTER 2, SECTION 26.09(E). (DIRECTOR OF FINANCE).

Mr. Salas stated that the proposed resolution approves the 2001 Tax Roll as it was submitted by the Kleberg County Tax Assessor Collector. He recommended approval of the proposed resolution.

Mayor Esquivel stated that for the record, he was not in favor of the tax rate approved by the Commission. He stated that the City's tax base increased by four million dollars and the Commission still approved the higher tax rate.

Commissioner Villarreal responded that the community was well informed of the tax rate being considered by the Commission. He stated that proper public hearings were held and approving the tax rate of .70145 was needed in order to move the City forward.

Upon a motion by Commissioner Stanley Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Resolution #R-2001-35, approving the City of Kingsville's 2001 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Code, Chapter 26, Section 26.09(E).

4. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN WOMACK AND CO., P.C. FOR PROFESSIONAL SERVICES. (DIRECTOR OF FINANCE).

Mr. Salas stated that the proposed agreement provides for auditing services to the City of Kingsville for fiscal year ending September 30, 2001. The fee for the professional services to be provided is \$24,000. The target date for completion of the audit report is February 28, 2002. Mr. Salas recommended approval of the proposed resolution.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Resolution #R-2001-36, authorizing the City Manager to enter into a contract with John Womack and Co., P.C. for professional services.

5. CONSIDER MOTION TO APPROVE LINE ITEM TRANSFERS FOR THE CITY OF KINGSVILLE GENERAL AND UTILITY FUNDS FOR FISCAL YEAR 2000-2001. (CITY MANAGER).

Mayor Esquivel stated that the line item transfers were needed in order to balance the current budget prior to the end of the fiscal year.

Mr. Hector M. Hinojosa, City Manager, stated that he has scheduled a special meeting for Friday, September 28th, to approve this item. He stated that at the current time, there are still adjustments being made to the current budget.

No action was taken on this item. The Commission proceeded to the next agenda item.

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

A. REPORT ON GOAL SETTING WORKSHOP CONDUCTED BY CAMBER ON SEPTEMBER 22, 2001.

Mr. Hinojosa stated that members of the City Commission and City Staff met in a goal setting workshop. He stated that it was a good meeting, and a detailed report would be provided to the Commission at a later date.

B. REPORT ON CURRENT BID PROPOSALS FOR HEALTH INSURANCE COVERAGE.

Mr. Hinojosa stated that the bids for employee health insurance coverage were opened today. He said that staff continues to analyze the bids.

In other matters, Mr. Hinojosa introduced Mrs. Yolanda Moran as the new Director of Development Services and also Mrs. Coeta Montgomery as the new Personnel Director. He welcomed both Mrs. Moran and Mrs. Montgomery to the City of Kingsville.

7. EXECUTIVE SESSION: UNDER SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING POTENTIAL LITIGATION REGARDING THE FOLLOWING MATTERS:

A. POLICY REGARDING THE EXTENSION OF CITY CONTRIBUTION FOR TEXAS WORKERS' COMPENSATION BENEFITS UNDER SECTION 143.073 OF THE LOCAL GOVERNMENT CODE, FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW. (CITY ATTORNEY).

B. ARTHUR ROGERS VS. CITY OF KINGSVILLE EEOC CHARGE NO. #360A001444; AMERICAN ARBITRATION ASSOCIATION CASE NUMBER 70 390 0136 1; EEOC CHARGE NO. 360A11290. (CITY ATTORNEY).

The Commission went into executive session at 8:45 p.m. and concluded at 10:36 p.m.

Mayor Esquivel departed the meeting during the executive session at 10:00 p.m.

The Commission reconvened into open session at 10:37 p.m.

8. CONSIDER REMOVAL FROM THE TABLE THE FOLLOWING AGENDA ITEM. (CITY COMMISSION).

A. CONSIDER APPROVAL OF EXTENSION OF CITY CONTRIBUTION FOR THE CONTINUATION OF TEXAS WORKERS' COMPENSATION BENEFITS TO ALONZO LOPEZ. (RISK MANAGER).

No action was taken on this item.

9. CONSIDER AUTHORIZING PROFESSIONAL SERVICES OF RIC NAVARRO OF THE LAW FIRM DENTON & NAVARRO FOR THE RESOLUTION OF ARTHUR ROGERS VS. CITY OF KINGSVILLE, AMERICAN ARBITRATION ASSOCIATION CASE #70 390 00136 1; AND ALL OTHER MATTERS RELATED THERETO. (CITY ATTORNEY).

Upon a motion by Commissioner Laskowski and second by Commissioner Pecos, the Commission voted 4/0 to approve the professional services of Ric Navarro of the law firm Denton & Navarro for the resolution of Arthur Rogers vs. City of Kingsville, American Arbitration Association Case #70 390 00136 1; and all other matters related thereto. Mayor Esquivel departed the meeting during the Executive Session and was not present to vote on this item.

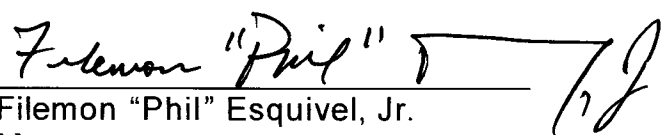
10. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE EVALUATION OF THE FOLLOWING APPOINTED POSITIONS: CITY MANAGER, CITY ATTORNEY, AND MUNICIPAL JUDGE. (MAYOR ESQUIVEL).

A. REVIEW OF EVALUATION STATEMENTS REGARDING CITY ATTORNEY, CITY MANAGER, AND MUNICIPAL JUDGE. (MAYOR ESQUIVEL).

The Commission did not meet in executive session for this item.

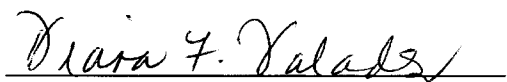
VI. ADJOURNMENT.

The meeting then adjourned at 10:43 p.m.



Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:



Diana F. Valadez, City Secretary