

NOVEMBER 26, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, NOVEMBER 26, 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  
 Al Garcia, City Commissioner

**CITY COMMISSION MEMBER(S) ABSENT:**

Arturo Pecos, City Commissioner

**CITY STAFF PRESENT:**

Hector M. Hinojosa, City Manager  
 Diana F. Valadez, City Secretary  
 Ruben Perez, City Attorney  
 Victor Salas, Director of Finance  
 Coeta Montgomery, Director of Personnel  
 Dora Byington, Director of Purchasing  
 Stanley Fees, City Engineer  
 Sammy Maldonado, Utilities Superintendent  
 Corando Garza, Assistant City Manager / Fire Chief  
 Dianne Leubert, Solid Waste Superintendent  
 Guadalupe Garcia, Fire Marshal  
 Artemio Alvarez, Risk 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. Hector M. Hinojosa, City Manager, led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the following meetings.

Regular Meeting - June 11, 2001  
 Regular Meeting – June 25, 2001  
 Regular Meeting – July 09, 2001  
 Regular Meeting – July 23, 2001  
 Regular Meeting – August 13, 2001  
 Regular Meeting – August 27, 2001

Special Meeting – June 14, 2001  
 Special Meeting – June 18, 2001  
 Special Meeting – July 11, 2001  
 Special Meeting – July 16, 2001  
 Special Meeting – July 26, 2001  
 Special Meeting – July 31, 2001  
 Special Meeting – August 01, 2001  
 Special Meeting – August 06, 2001  
 Special Meeting – August 14, 2001

Special Meeting – August 17, 2001  
 Special Meeting – August 20, 2001  
 Special Meeting – August 22, 2001

There being no corrections, a motion was made by Commissioner Stanley Laskowski and seconded by Commissioner Rene "Mr. V" Villarreal, to accept the minutes as presented. The motion passed by a 4/0 vote. Commissioner Arturo Pecos was absent from this meeting.

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

### 1. PUBLIC HEARING REGARDING GRANT APPLICATION WITH THE TEXAS DEPARTMENT OF AGRICULTURE / TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR TEXAS COMMUNITY DEVELOPMENT PROGRAM – TEXAS CAPITAL FUND INFRASTRUCTURE DEVELOPMENT PROGRAM. (MAYOR ESQUIVEL).

Mayor Esquivel opened the public hearing at 6:05 p.m. He asked if there was anyone in the audience that wanted to address the Commission regarding the Texas Capital Fund Infrastructure Development Program.

Mr. Bill Aldrich, 236 North Pasadena Drive, stated that the proposed construction of the new Lowe's Store will put his business and others out of business. He stated that he was not sure if denying the grant would stop Lowe's from coming to Kingsville. Mr. Aldrich stated that the City Commission should not be responsible for putting existing businesses out of business. He stated that if Lowe's is interested in opening their business in Kingsville, they should build the store without the City of Kingsville providing any incentives.

Ms. Julie Rosebrock, 2000 Shelly, stated that the opening of Shelly Street would probably have an affect on the traffic at the high school. She asked if contact had been made with the School District regarding possible access to the back parking lot of the High School. Ms. Rosebrock stated that there would definitely be an increase in traffic, but did not object to the proposed development. She stated that economic development is needed in every City.

Ms. Yolanda Zapata, 1923 Rettye, stated that she lives one street east of Shelly Street. She stated that the opening of Shelly Street is probably the most wonderful thing that could happen. She stated that Shelly Street would be a straight road to the hospital for emergency situations as well as Wal-Mart and other retail stores in the area. She encouraged the Commission to approve the proposed grant application.

Mr. Rudy Galvan, 1908 Kelly, stated that the only residents from the immediate neighborhood would use the extension of Shelly Street to get to General Cavazos. He stated that perhaps with the new construction and development of Shelly Street it would help the area being illuminated at night.

Upon a question raised by Mrs. Judy Arnold of 1908 Shelly Street, Mr. Stanley Fees responded that only the new part of Shelly Street would be wider than the existing street.

Mayor Esquivel stated that he understands the concerns expressed by Mr. Aldrich, however the Commission must make a decision that is best for all the citizens of Kingsville. He stated that the Commission is in favor of progress and wants to increase the tax base to help bring in tax dollars.

There was a discussion regarding the cost associated with the design work for the proposed improvements to General Cavazos and the possibility of other business prospects interested in building in this area.

Mayor Esquivel stated that several business owners are willing to participate in the cost associated with the design plans for the improvements to General Cavazos. He stated that the Commission must be aggressive and must move forward.

There being no further discussion, Mayor Esquivel closed the public hearing at 7:06 p.m.

2. PUBLIC HEARING REGARDING A REQUEST TO REZONE THE PREMISES AT 407 EAST LEE AVENUE FROM "R-1" RESIDENTIAL DISTRICT TO "C-1" NEIGHBORHOOD SERVICE DISTRICT TO OPERATE A FLOWER SHOP. (DIRECTOR OF DEVELOPMENT SERVICES).

Mr. Stanley Fees, City Engineer, stated that the purpose of this rezoning is to operate a flower shop. He stated that the Planning and Zoning Commission recommended approval of the proposed rezoning.

Mayor Esquivel closed this public hearing at 7:14 p.m.

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

1. REPORT ON CITY MATCHING OR IN KIND CONTRIBUTION TO GRANT APPLICATION – TRANSPORTATION MUSEUM & VISITOR WELCOME CENTER 2001 NOMINATION TO THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM BY THE CITY OF KINGSVILLE. (CITY MANAGER).

Mr. Hinojosa stated that at the last meeting, the Commission directed staff to review the enhancement program application to determine who would be responsible for the grant cash match. He stated that upon further review, it was confirmed that the Kleberg County Heritage Foundation is providing the 20% cash match.

2. PRESENTATION BY KLEBERG COUNTY APPRAISAL DISTRICT REGARDING RECENT CHANGES AFFECTING THE TAXPAYERS AND GOVERNMENTAL TAXING ENTITIES. (COMMISSIONER GARCIA).

Ms. Tina Flores, Chief Appraiser with the Kleberg County Appraisal District addressed the Commission and explained some of the recent changes affecting the governmental taxing entities. She stated that if anyone had any questions to contact her at the Appraisal District.

3. UPDATE ON FINANCIAL STATUS OF CITY. (DIRECTOR OF FINANCE).

Mr. Hinojosa stated that a complete report regarding the financial status of the City would be discussed at the next meeting.

4. DISCUSS TRUCK ROUTE ORDINANCE AMENDED ON NOVEMBER 13<sup>TH</sup>. (MAYOR ESQUIVEL).

There was no discussion on this item.

### IV. PUBLIC COMMENT ON AGENDA ITEMS.

There were no comments made at this time.

## V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER RESOLUTION APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TEXAS CAPITAL FUND INFRASTRUCTURE GRANT PROGRAM. (MAYOR ESQUIVEL).

Ms. Kim Lacey with Municipal Development Services advised the Commission that by approving the proposed resolution, the Commission is only authorizing the application to move forward and does not commit the City to expend any funds. She recommended approval of the proposed resolution.

**A motion was made by Mayor Esquivel and seconded by Commissioner Laskowski to approve Resolution #R-2001-42, approving an application for funding through the Texas Department of Housing and Community Affairs Texas Capital Fund Infrastructure Grant Program. The motion passed by a 4/0.**

2. CONSIDER INTRODUCTION OF AN ORDINANCE REZONING LOTS 5 AND 6, BLOCK 26, ORIGINAL TOWNSITE, 407 EAST LEE FROM CLASS "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO CLASS "C-1" NEIGHBORHOOD SERVICE DISTRICT. (DIRECTOR OF DEVELOPMENT SERVICES).

Mr. Fees stated that the applicant is proposing to rezone the property in order to operate a flower shop. He stated that the applicant's mother operated a flower shop at this address for more than fifty-four years until 1995 at which time the business was leased to continue operating the flower shop business. Mr. Fees recommended approval of the proposed ordinance.

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

3. CONSIDER PROPOSED AMENDMENTS TO PROFESSIONAL SERVICES CONTRACT WITH LINEBARGER GOGGAN BLAIR PENA & SAMPSON, L.L.P. FOR COLLECTION OF MUNICIPAL COURT FEES & FINES. (DIRECTOR OF FINANCE).

4. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER III, ARTICLE 6, MUNICIPAL COURT BY ADOPTING SECTION 3-6-9, PROVIDING FOR MUNICIPAL COURT COLLECTION FEE FOR DEFENDANTS WITH DELINQUENT MUNICIPAL COURT PAYMENT ORDERS IN THE AMOUNT OF 30% OF EACH DELINQUENT PAYMENT ORDER AND PROVIDING FOR SEVERABILITY. (DIRECTOR OF FINANCE).

Mr. Victor Salas, Director of Finance, stated that the City currently has a contract with the law firm of Linebarger Goggan Blair Pena & Sampson for the collection of Municipal Court delinquent fines and warrants. He stated that under the current contract the law firm will receive 25% of collected fines as their compensation. During the last legislative session a bill passed authorizing cities to impose an additional 30% collection penalty on fines and warrants. Mr. Salas stated that the collection penalty is meant to have the delinquent parties support the cost of collecting delinquent accounts.

Mayor Esquivel stated he would like to see the ordinance adopted by allowing the law firm to collect 25% and the City to receive the additional 5%. He requested that the Commission table this item to allow staff additional time to review the ordinance with the law firm.

**A motion was made by Mayor Esquivel and seconded by Commissioner Al Garcia to table these agenda items. The motion passed by a 4/0 vote.**

5. CONSIDER RESOLUTION APPROVING INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR THE 2002-2003 GRANT YEAR. (CHIEF OF POLICE).

Mr. Bill Quellhorst, Assistant Commander with the Task Force stated that the grant application is for the 2002-2003 fund year. He recommended approval of the proposed grant application.

**Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission voted 4/0 to approve Resolution #R-2001-43, authorizing the Mayor to enter into the South Texas Specialized Crimes & Narcotics Task Force Interlocal Agreement between the City of Kingsville, Texas and the Cities of Alice, Premont, Orange Grove, and Falfurrias, and the Counties of Kleberg, Brooks, Jim Wells, and Kenedy.**

6. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PREPARE A STORM WATER POLLUTION PREVENTION PLAN FOR THE CITY OF KINGSVILLE LANDFILL. (CITY MANAGER).

Mr. Hinojosa stated that the Texas Natural Resource Conservation Commission (TNRCC) initiated the Texas Pollutant Discharge Elimination System (TPDES). These regulations address storm water discharges from industrial facilities. He stated that the City of Kingsville has 90 days from the effective date to prepare the required Storm Water Pollution Prevention Plan and submit a Notice of Intent for permit coverage. Mr. Hinojosa recommended that the Commission authorize Secor Engineering to prepare Task 1 of the agreement which includes the Storm Water Pollution Prevention Plan for a total amount of \$5,880. Mr. Hinojosa also stated that perhaps the remaining tasks could be awarded to a different engineering firm.

Mayor Esquivel stated this is just another unfunded mandate imposed by TNRCC.

**A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to authorize the City Manager to enter into an agreement with Secor Engineering to prepare a storm water pollution prevention plan for the landfill in the amount of \$5,880.00.**

7. CONSIDER A RESOLUTION ESTABLISHING THE CITY OF KINGSVILLE INVESTMENT POLICY AND INVESTMENT STRATEGIES; DESIGNATING THE CITY MANAGER, DIRECTOR OF FINANCE, AND THE CITY ACCOUNTANT AS THE AUTHORIZED CITY REPRESENTATIVES WITH FULL AUTHORITY FOR INVESTMENT PURPOSES. (DIRECTOR OF FINANCE).

Mr. Salas stated that the proposed resolution establishes the investment policy for the City of Kingsville. He recommended that the policy be adopted along with the disclosure forms.

**A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2001-44, establishing the City of Kingsville Investment Policy and Investment Strategies including the disclosure forms. The motion passed by a 4/0 vote.**

8. CONSIDER RESOLUTION NOMINATING CERTAIN PERSON(S) AS CANDIDATE(S) FOR ELECTION TO THE BOARD OF DIRECTOR'S FOR THE KLEBERG COUNTY APPRAISAL DISTRICT. (CITY MANAGER).

Mr. Hinojosa recommended that the Commission allocate all of the City of Kingsville's 723 votes to Commissioner Al Garcia. He stated that the Commission previously approved a resolution nominating Commissioner Garcia to the Board of Director's. Mr. Hinojosa stated that the proposed resolution authorizes the Commission to distribute the City's votes as the Commission wishes.

**A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Resolution #R-2001-45, allocating all of the City's 723 votes to Commissioner Al Garcia for the Board of Director's of the Kleberg County Appraisal District. The motion passed by a 3/0/1 vote. Commissioner Garcia abstained from voting.**

9. CONSIDER INTRODUCTION OF ORDINANCES ADOPTING 2000 INTERNATIONAL VERSIONS OF THE FOLLOWING CODES. (DIRECTOR OF DEVELOPMENT SERVICES).

- 9.1 2000 INTERNATIONAL GAS CODE; AND
- 9.2 2000 INTERNATIONAL FIRE CODE

Mr. Fees stated that the above mentioned codes must be adopted in order for the City to be updated and using the most current codes available. He recommended approval.

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

10. CONSIDER APPOINTMENTS TO THE HISTORICAL DEVELOPMENT BOARD AND THE ZONING BOARD OF ADJUSTMENT. (DIRECTOR OF DEVELOPMENT SERVICES).

**A motion was made by Commissioner Garcia and seconded by Commissioner Laskowski to table this agenda item. The motion passed by a 4/0 vote.**

It was the consensus of the Commission to take a short break at this time – 8:17 p.m.  
The Commission returned to the meeting at 8:28 p.m.

11. CONSIDER RESOLUTION ADOPTING THE FOLLOWING POLICIES AS PART OF THE CITY OF KINGSVILLE'S HUMAN RESOURCE INITIATIVES FOR A DISPUTE RESOLUTION PROCESS: (CITY ATTORNEY).

- 11.1 POLICY 910 DISCIPLINARY PROCESS
- 11.2 POLICY 920 DISCIPLINARY ACTION HEARING AND APPEAL
- 11.3 POLICY 930 COMPLAINT RESOLUTION PROCEDURES FOR PERSONS WITH DISABILITIES
- 11.4 POLICY 940 THE EMPLOYEE ACHIEVEMENT & MANAGEMENT REVIEW POLICY
- 11.5 POLICY 950 CLASSIFICATION SYSTEM

Mrs. Coeta Montgomery, Director of Personnel distributed a copy of all of the above mentioned policies to the Commission. She advised them that the proposed policies would be considered by the Commission at the next meeting. Mrs. Montgomery requested that the policies be reviewed prior to the next meeting.

**No action was taken on this item.**

12. CONSIDER REMOVING FROM THE TABLE A RESOLUTION PROVIDING FOR THE REAPPOINTMENT OF THE CITY ATTORNEY.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to remove from the table the following agenda item. The motion passed by a 4/0 vote.

12.1 CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR SERVICES OF THE CITY ATTORNEY. (CITY ATTORNEY).

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve the proposed resolution attached with the professional services agreement as submitted by Mr. Ruben Perez, City Attorney.

Mayor Esquivel raised some questions regarding the need for the agreement as well as the compensation and method of payment associated with the agreement. He stated that he would like this item tabled to allow the Commission additional time to find out whether or not an errors and omissions liability insurance would be needed and submitted by Mr. Perez.

The Commission proceeded to vote on the motion to approve the agreement as submitted by Mr. Perez. The motion failed by a 2/2 vote. Commissioner Garcia and Mayor Esquivel cast the dissenting votes.

Another motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to table this item and re-consider the item at the next meeting. The motion passed by a 4/0 vote.

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

13.1 DISCUSS THE DEVELOPMENT OF A PROPOSED HOUSING PROJECT ON EAST CORRAL AVENUE.

Mr. Hinojosa stated that the Kingsville Affordable Housing Corporation was submitting a proposal for state funding to build a housing complex on East Corral. He stated that the Commission would probably be hearing more about the proposed housing project in December.

13.2 DISCUSS CITY COMMISSION MEETING DATES FOR DECEMBER 2001 AND JANUARY 2002.

Mr. Hinojosa explained to the Commission the possibility of changing the meeting dates in December and January because of the holidays.

14. 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:

14.1 CITY OF SAN JUAN, ET AL VS. CENTRAL POWER AND LIGHT COMPANY, CAUSE NO. C-2510-96-D, IN THE 206<sup>TH</sup> JUDICIAL DISTRICT COURT OF HIDALGO COUNTY, TEXAS. (CITY ATTORNEY).

The Commission began the executive session at 9:06 p.m. and concluded the session at 9:33 p.m.

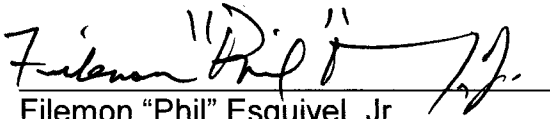
The Commission returned to the open session of the meeting at 9:34 p.m.

15. CONSIDER INTRODUCTION OF AN ORDINANCE SETTING AND RELEASING CLAIMS AGAINST CENTRAL POWER AND LIGHT COMPANY CONCERNING FRANCHISE FEE PAYMENTS. (CITY ATTORNEY).

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

**VI. ADJOURNMENT.**

The meeting then adjourned at 9:40 p.m.

  
Filemon "Phil" Esquivel, Jr.  
Mayor

**ATTEST:**

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Diana F. Valadez, City Secretary