

DECEMBER 17, 2001

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, DECEMBER 17, 2001 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 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, Director of Finance
 Dora Byington, Director of Purchasing
 Stanley Fees, City Engineer
 Corando Garza, Assistant City Manager / Fire Chief
 Sammy Maldonado, Utilities Superintendent
 Artemio Alvarez, Risk Manager
 Dianne Leubert, Solid Waste Superintendent
 A.L. Noyola, Health Director
 John Garcia, Garage Superintendent
 Coeta Montgomery, Director of Personnel

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. Gil Rodriguez, School Board Member, 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.

1. None.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

1. CITIZENS OPPORTUNITY TO COMMENT ON ALL AGENDA OR NON-AGENDA ITEMS.

Mr. Gil Rodriguez, President-Elect of the Kingsville Chamber of Commerce addressed the Commission. He stated that the Chamber Board recently approved a resolution supporting and encouraging the improvements to General Cavazos. Mr. Rodriguez stated that a message needs to be sent out that Kingsville is proactive.

Mrs. Carolla Serrato, Executive Director of the South Texas Water Authority, addressed the Commission regarding a contribution for the General Cavazos improvements. She stated that the Water Authority Board would discuss this issue at their January 24th meeting.

It was the consensus of the Commission to move to agenda item number thirteen at this time.

13. 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 ADMINISTRATION AND ENFORCEMENT OF CITY OBLIGATIONS UNDER THE SOUTH TEXAS WATER AUTHORITY SUPPLY CONTRACT. (CITY ATTORNEY).

The Commission began the Executive Session at 6:11 p.m. and concluded at 6:57 p.m.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER AWARDDING BID FOR A COMPACTOR FOR THE LANDFILL DEPARTMENT. (BID #22-27). (DIRECTOR OF PURCHASING).

Mr. Hector Hinojosa, City Manager, requested that the Commission table this agenda item. He stated that staff needs additional time to review this item.

Upon a motion by Commissioner Arturo Pecos and second by Commissioner Al Garcia, the Commission voted 4/1 to table this agenda item. The motion passed by a 4/1 vote. Commissioner Stanley Laskowski cast the dissenting vote.

2. CONSIDER AWARDDING BID FOR A WATER TANK TRUCK FOR THE LANDFILL DEPARTMENT. (BID #22-28). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing stated this item authorizes the purchase of a water tank truck for the Landfill Department. This action will expend \$47,969 and funds for this purchase would be paid by the bond proceeds. Mrs. Byington recommended the bid be awarded to Crosstown Ford from Corpus Christi, Texas.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission voted unanimously to award the bid for a water tank truck as recommended by staff.

3. CONSIDER REMOVING FROM THE TABLE A PROFESSIONAL SERVICES CONTRACT FOR THE FINAL DESIGN, PLANS AND SPECIFICATIONS FOR FM 1356 BETWEEN US 77 AND 6TH STREET WITH S & B INFRASTRUCTURE, LTD. (CITY MANAGER).

A motion was made by Commissioner Pecos and seconded by Mayor Filemon "Phil" Esquivel, Jr., to remove from the table the following agenda item. The motion passed by a unanimous vote.

3.1 CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR THE FINAL DESIGN, PLANS AND SPECIFICATIONS FOR FM 1356 BETWEEN US 77 AND 6TH STREET WITH S & B INFRASTRUCTURE, LTD PENDING FUNDING APPROVAL BY THE TEXAS CAPITAL FUND AND ADJACENT PROPERTY OWNERS. (CITY MANAGER).

Mr. Hinojosa stated that the Texas Capital Fund Grant application was submitted and it appears that funding is favorable. He stated that out of twelve grant applications, the City of Kingsville's application is in the top seven. Mr. Hinojosa stated that the City is requesting the adjacent property owners contribute an additional \$75,000 to help pay for the design plans and specifications for the General Cavazos improvements. He requested that the Commission authorize him to enter into the proposed agreement pending funding approval of the Texas Capital Fund Grant and the additional \$75,000 received from adjacent property owners.

Mr. Dick Messbarger, Executive Director of the Economic Development Council, stated that several business owners are prepared to make a financial commitment to help pay for the cost of the design plans for the proposed improvements to General Cavazos. He stated that whether or not the Lowe's store builds in Kingsville, the improvements to General Cavazos must be done.

Upon a question raised by Commissioner Pecos, Mr. Victor Salas, Director of Finance, responded that if the Texas Capital Fund Grant does not get funded, the City would be responsible for paying the \$75,000 from the City budget. Commissioner Villarreal stated that he has a problem with the taxpayers of this City to pay for this additional expense.

Upon a question raised by Commissioner Laskowski, Mr. Messbarger responded that \$75,000 has been committed by the private sector, and would prefer that the private sector not fund the entire amount of \$150,000.

A motion was made by Commissioner Pecos and second by Mayor Esquivel to authorize the City Manager to enter into a professional services contract with S & B Infrastructure, pending funding approval by the Texas Capital Fund and adjacent property owners.

Mr. Daniel Rios, Professional Engineer, with S & B Infrastructure was present and addressed the Commission. He stated that if the City has acquired only \$75,000 at this point, then his company is prepared to do the work that is worth \$75,000, allowing the entire project to be broken up into certain phases.

Commissioner Laskowski stated that he would prefer to use the private funding money to begin the design plans on General Cavazos from 6th Street to Brahma Boulevard. He stated that if the Texas Capital Fund Grant is funded, then that money could be used for the remainder of General Cavazos from Brahma Boulevard to Highway 77.

Both Commissioner Pecos and Mayor Esquivel withdrew their motion made earlier.

There were two other motions made. A motion was made by Commissioner Pecos and seconded by Commissioner Rene "Mr. V" Villarreal to amend and approve the agreement with the amendment under 2.1 – Scope of Work - identified in Exhibit "B" – Services to be Provided by the Engineer, and as authorized by the City Manager through work authorizations, a copy attached hereto and made a part of this agreement.

The other motion was to authorize the City Manager to enter into a professional services contract for the final design, plans and specifications for General Cavazos between U.S. 77 and 6th Street with S & B Infrastructure, Ltd, pending funding of \$75,000 approval by the Texas Capital Fund or adjacent property owners providing that the City Manager does not exceed work authorization in excess of funds received or approved by the grant.

Both motions passed by a unanimous vote.

4. CONSIDER FINAL PASSAGE OF ORDINANCES ADOPTING 2000 INTERNATIONAL VERSIONS OF THE FOLLOWING CODES: (CITY ENGINEER).

- 4.1 2000 INTERNATIONAL PLUMBING CODE
- 4.2 2000 INTERNATIONAL MECHANICAL CODE
- 4.3 2000 INTERNATIONAL BUILDING CODE
- 4.4 2000 INTERNATIONAL GAS CODE; AND
- 4.5 2000 INTERNATIONAL FIRE CODE

Mr. Stanley Fees, City Engineer, recommended that the above named codes be adopted. He said that the codes replace the 1997 codes that are currently used.

A motion was made by Commissioner Pecos and seconded by Commissioner Laskowski to approve Ordinance #ORD-2001-30, #ORD-2001-31, #ORD-2001-32, #ORD-2001-33, and #ORD-2001-34, adopting the 2000 International Codes identified above. The motion passed by a unanimous vote.

5. CONSIDER APPROVAL OF ADMINISTRATIVE PURCHASING POLICY #3.1, CHANGING THE COMPETITIVE BID LIMIT FROM \$15,000 TO \$25,000 AS APPROVED BY STATE LAW ON SEPTEMBER 01, 2001. (DIRECTOR OF PURCHASING).

Mrs. Byington stated that this item authorizes a change in the competitive bid limit from \$15,000 to \$25,000 as approved by State Law on September 1st. She recommended that the revised administrative purchasing policy be approved.

Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission unanimously approved the Administrative Purchasing Policy #3.2, changing the competitive bid limit from \$15,000 to \$25,000.

6. CONSIDER RESCINDING AUTHORIZATION TO USE \$51,666 OF CITY FUNDS AS CASH MATCH FOR GRANT REQUESTS AND AUTHORIZING KLEBERG COUNTY PARKS DEPARTMENT TO EXPEND SUCH FUNDS AS PART OF THE PROPOSED CAPITAL IMPROVEMENTS FOR 2002-2003. (CITY MANAGER).

Mrs. Susan Ivy, Director of the Parks and Recreation Department, stated that the City Commission recently approved the Park Master Plan. She said that she was advised by the Parks & Wildlife staff that reorganizing the grant application would give the grant a better chance for funding. She stated that the Parks & Wildlife staff suggested that an application be made for the development of the Corral Street Park which would include a new pool, playground equipment, basketball court, volleyball court and picnic facilities.

Mrs. Ivy requested approval of the modified plan and dedication of financial support to complete the project.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to rescind authorization to use \$51,666 of City funds as cash match for grant requests and authorize the Kleberg County Parks Department to expend such funds as part of the proposed capital improvements for 2002-2003. The motion passed by a unanimous vote.

6.1 CONSIDER APPROVAL OF THE CITY OF KINGSVILLE PARK PLAN AND PRIORITIZING FOR PROPOSED CAPITAL IMPROVEMENTS FOR 2002-2003 AS RECOMMENDED BY THE TEXAS PARKS AND WILDLIFE. (CITY MANAGER).

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve the City of Kingsville Park Plan and prioritizing proposed capital improvements for 2002-2003 as recommended by the Texas Parks and Wildlife. The motion passed by a unanimous vote.

7. CONSIDER RESOLUTIONS AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE COASTAL BEND COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF REQUESTING FUNDING FOR GRANT YEAR 2002. (SOLID WASTE SUPERINTENDENT).

7.1 FOR A CONTRACT TO GRIND AND MULCH BRUSH WASTE AT THE CITY LANDFILL.

7.2 FOR LITTER ABATEMENT EQUIPMENT.

Mrs. Dianne Leubert, Solid Waste Superintendent, stated that a resolution is necessary in order to submit the proposed grant applications. One grant would be written for a contract to grind and mulch the brush waste that has accumulated at the landfill, and the other grant would be for a mobile motion detection camera to place in areas where illegal dumping is a problem. Mrs. Leubert recommended approval of both resolutions.

A motion was made by Commissioner Villarreal and seconded by Commissioner Garcia to approve Resolution #R-2001-50, for a contract to grind and mulch brush waste at the City landfill and Resolution #R-2001-51, for litter abatement equipment. The motion passed by a unanimous vote.

8. CONSIDER BOARD APPOINTMENT TO THE BOARD OF DIRECTOR'S OF THE KINGSVILLE ECONOMIC DEVELOPMENT COUNCIL (EDC) AND APPROVE AMENDMENTS TO THE BYLAWS AS PROPOSED BY THE EDC. (MAYOR ESQUIVEL).

Mr. Dick Messbarger stated that the new bylaws approved by the EDC Board gives each public entity the option to serve either on the Board or the Advisory Board.

There was a discussion on whether or not Commission action was necessary. Commissioner Laskowski stated that he would like a City representative to be a voting member on the EDC Board of Directors.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve the City Manager as a voting member when the voting member position becomes open or upon future nominations, and continue with Mayor Esquivel as an advisory board member. The motion passed by a unanimous vote.

9. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 5, HISTORICAL DISTRICTS AND LANDMARKS, SECTIONS 15-5-16(A), 15-5-18 AND 15-5-19(C), PROVIDING FOR A NINE MEMBER BOARD, TERMS FOR MEMBERS, AND VOTING AT MEETINGS. (CITY COMMISSION).

Mayor Esquivel stated this item is being considered in order to expand the size of the Historical Development Board. **He stated this was an introductory item only, and final passage would be considered at the next meeting.**

10. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY REPEALING:

10.1 SECTIONS 3-7-20 THROUGH 3-7-36, SUBSTANCE ABUSE POLICY. (CITY ATTORNEY); AND

10.2 SECTION 3-7-5, SEXUAL HARASSMENT POLICY. (CITY ATTORNEY).

Mr. Perez stated that the proposed ordinances were only being introduced at this time. He stated that these policies would be considered as a resolution and adopted under the new Human Resource Initiatives for the City of Kingsville.

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

11. CONSIDER RESOLUTIONS PROVIDING FOR THE ADOPTION OF HUMAN RESOURCE INITIATIVES FOR THE CITY OF KINGSVILLE. (DIRECTOR OF PERSONNEL).

11.1 AUTHORITY AND ADOPTION; POLICY 110 – PERSONNEL PHILOSOPHY, EQUAL EMPLOYMENT OPPORTUNITY, AND AFFIRMATIVE ACTION.

11.2 ADMINISTRATION AND DEFINITIONS; POLICY 210 – RESPONSIBILITY TO ESTABLISH SALARY ADVANCEMENTS AND RATES; POLICY 220 – UNCLASSIFIED PERSONNEL; POLICY 230 – PERSONNEL ADMINISTRATION; AND POLICY 240 – DEFINITIONS.

11.3 HOLIDAYS, LEAVES AND ABSENCES; POLICY 720 – DESIGNATION OF HOLIDAYS.

Mrs. Coeta Montgomery, Director of Personnel stated that policies have been updated according to State law. She recommended approval of the proposed personnel policies.

A motion was made by Commissioner Laskowski and second by Commissioner Pecos to approve Resolution #R-2001-52, #R-2001-53, and #R-2001-54. The motion passed by a unanimous vote.

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


Mr. Hinojosa stated that the new format of water bills would soon be distributed. He stated that the format would allow for certain messages be typed on the bill.

14. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS WITH THE CITY MANAGER AND CITY ATTORNEY. (MAYOR ESQUIVEL).

The Executive Session began at 8:50 p.m. and concluded at 9:45 p.m.

VI. ADJOURNMENT.

The meeting adjourned at 9:47 p.m.



Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:

Diana F. Valadez
City Secretary