

**AUGUST 12, 2002**

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, AUGUST 12, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Charles E. Wilson, City Commissioner  
 Horacio (Hoss) Castillo, City Commissioner  
 Filemon "Phil" Esquivel, Jr., Mayor  
 Arturo Pecos, City Commissioner  
 Al Garcia, City Commissioner (\*\* arrived after the meeting was in session)

**CITY STAFF PRESENT:**

Hector M. Hinojosa, City Manager  
 Diana F. Valadez, City Secretary  
 Courtney Alvarez, City Attorney  
 Dora Byington, Director of Purchasing  
 Jennifer Detloff, Director of Development Services  
 Stanley Fees, City Engineer  
 A.L. Noyola, Health Director  
 Artemio Alvarez, Risk Manager  
 Corando Garza, Assistant City Manager / Fire Chief  
 Joel Saenz, Code Enforcement Officer  
 Sam Granato, Chief of Police  
 Dianne Leubert, Solid Waste Superintendent

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, City Commissioner Arturo Pecos led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the Special Meeting held Thursday, June 06, 2002, the Regular Meeting held Monday, July 08, 2002, and the Special Meeting held Monday, July 15, 2002.

There being no corrections, a motion was then made by Commissioner Pecos and seconded by Commissioner Charles E. Wilson to approve the minutes as presented. The motion passed by a 4/0 vote. Commissioner Al Garcia was not present at this time.

**II. PETITIONS, GRIEVANCES, AND PRESENTATIONS.**

**1. WORKSHOP ON MASTER PLAN. (DIRECTOR OF DEVELOPMENT SERVICES).**

Ms. Jennifer Detloff, Director of Development Services, briefed the Commission on the different options available to assist staff in developing a master plan. She stated that it would be in the best interest of the City to use the services of a consultant to accomplish this task.

Commissioner Wilson suggested that Coastal Bend College be included as part of the Master Plan Committee.

Commissioner Horacio (Hoss) Castillo stated that there are grant funds available to assist cities in developing a master plan.

Ms. Detloff stated that she would begin the process and also explore funding alternatives for a master plan.

2. UPDATE ON MOBILE HOME PARKS ORDINANCE REVISIONS. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff stated that in order to improve conditions and standards of local mobile home parks, the Planning Department was asked to review and revise the existing trailers and trailer park ordinance. She stated that a public hearing has been scheduled for August 14<sup>th</sup> to solicit input on the ordinance from the mobile home park users. Ms. Detloff stated that the ordinance would be presented to the Planning and Zoning Commission in September.

Commissioner Castillo expressed a concern with the proposed ordinance because it does not specify a difference between existing and new mobile home parks.

3. PRESENTATION BY TEXAS A & M UNIVERSITY – KINGSVILLE CONCERNING MPDES PHASE II REGULATIONS ON STORM WATER DISCHARGE. (CITY ENGINEER).

Mr. Stanley Fees, City Engineer informed the Commission that Dr. Andrew Ernest, P.E. and Mr. Javier Guerrero with Texas A & M University Kingsville were present to make a presentation.

Mr. Guerrero presented an overview of the storm water permit compliance process. He explained potential revenue/funding sources for the permitting process.

Mayor Filemon "Phil" Esquivel, Jr., thanked Texas A & M University Kingsville for creating a partnership with the City in implementing this plan.

4. MAYOR AND CITY COMMISSIONER'S REPORTS. (CITY COMMISSION).

Commissioner Garcia briefed the Commission on items discussed at a TML Meeting he recently attended in Austin.

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

5.1 REPORT REGARDING TRAINING SESSION BY REBUILD AMERICA, INC., MR. MIKE MYERS, ON WEDNESDAY, AUGUST 14, 2002 AT 8:30 A.M.

Mr. Hector M. Hinojosa, City Manager, stated that a training session is scheduled for August 14<sup>th</sup> concerning Senate Bill 5 that covers the requirement to adopt the 2000 International Energy Conservation Code. He stated that the code also requires the City to have a certified inspector on staff. Mr. Hinojosa recommended that members of the City Commission attend this session.

#### IV. PUBLIC COMMENT ON AGENDA ITEMS.

##### 1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.

Mrs. Dianne Leubert, 715 West Nettie, addressed the Commission regarding agenda item number two. She stated that the Board of Directors of Kingsville Animal Rescue Kleberg, Inc. (ARK) was requesting waiver of the adoption fees. She stated that currently \$19.00 is charged to ARK as an adoption fee for animals they adopt from the animal shelter. She requested favorable consideration by the Commission regarding this item.

#### V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

##### 1. CONSIDER RESOLUTION CREATING A NEIGHBORHOOD EMPOWERMENT ZONE. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff stated that in order for the City of fulfill its obligations under the previously executed Economic Incentive Agreement with Lowe's; a resolution creating a neighborhood empowerment zone must be approved. She stated that the designation of a neighborhood empowerment zone only pertains to lot five for the Lowe's project. Ms. Detloff recommended approval.

Commissioner Castillo stated that he is opposed to any tax abatement and could not support this issue.

**A motion was then made by Commissioner Garcia and seconded by Commissioner Pecos to approve Resolution #R-2002-33, creating a neighborhood empowerment zone. The motion passed by a 3/2 vote. Commissioner's Wilson and Castillo cast the dissenting votes.**

##### 2. CONSIDER WAIVER OF ANIMAL ADOPTION FEES FOR ANIMAL RESCUE KLEBERG (ARK). (COMMISSIONER GARCIA).

Commissioner Garcia stated that he supports this issue because it is an alternative solution to better the lives of abandoned and stray animals. He stated that during the process of researching this item it was discovered that there is no ordinance that regulates the collection of these fees, and the fees that have been collected are going to Kleberg County.

Mayor Esquivel stated that he supports this issue; however the Kleberg County Commissioner's Court should be the entity to waive the fees since they are the ones receiving that revenue. He suggested that the Commission send Kleberg County a letter supporting this issue.

Commissioner Wilson stated that he would prefer that a resolution be submitted to Kleberg County requesting that the adoption fees be waived.

**A motion was then made by Commissioner Garcia and seconded by Commissioner Castillo to authorize the City Attorney to draft a letter and a resolution supporting the efforts of the ARK organization and requesting that Kleberg County waive the animal adoption fees. The motion passed by a unanimous vote.**

##### 3. CONSIDER RE-APPOINTMENTS TO THE LIBRARY BOARD. (LIBRARY DIRECTOR).

Mr. Hinojosa stated that Mr. Joe Davis and Mrs. Betty Eshom have expressed an interest to continue serving on the Library Board. He recommended the Commission approve their reappointments.

Upon a motion by Commissioner Garcia and second by Commissioner Castillo, the Commission unanimously approved the reappointments of Mr. Davis and Mrs. Eshom to the Library Board.

**4. DISCUSS AND ACT ON PRODUCING A CITY NEWSLETTER. (MAYOR ESQUIVEL).**

Mayor Esquivel stated that there were different options available in order to produce a newsletter. He stated that he would like the City to take advantage of option one which is free of charge and would be an insert in the Kingsville Record.

**A motion was made by Mayor Esquivel and seconded by Commissioner Garcia to authorize staff to proceed in producing a newsletter that would be an insert in the Kingsville Record.**

Upon a question raised by Commissioner Garcia, Mayor Esquivel responded that the newsletter would be printed on a quarterly basis.

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

**5. DISCUSS AND ACT ON CITY OF KINGSVILLE WEB PAGE. (INFORMATION SYSTEMS TECHNICIAN).**

Mr. David Gibson, Computer Technician, showed on the projector, the newly designed web page. He stated that he has placed informational items on the City's web page as well as changed the image of the entire page.

All the members of the Commission made favorable comments about the new design on the web page.

**A motion was made by Commissioner Pecos and seconded by Commissioner Castillo to authorize staff to change the format of the City's web page. The motion passed by a unanimous vote.**

**6. DISCUSS AND ACT ON ACCEPTING CERTIFIED TOTAL APPRAISED, ASSESSED AND TAXABLE VALUES OF ALL PROPERTY AND TOTAL TAXABLE VALUES OF NEW PROPERTY IN THE CITY OF KINGSVILLE AS CERTIFIED BY THE KLEBERG COUNTY APPRAISAL DISTRICT. (CITY MANAGER).**

Mr. Hinojosa stated that the Kleberg County Appraisal District submitted the taxable values of all property and the total taxable values of new property in the City of Kingsville. He stated that the total net taxable value was \$491,810,645. Mr. Hinojosa recommended that the Commission accept the tax roll as it was submitted by the Appraisal District.

**Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission voted unanimously to accept the certified total appraised, assessed and taxable values of all property and total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District.**

**7. DISCUSS AND ACT ON A PROPOSED TAX RATE; IF PROPOSED TAX RATE WILL EXCEED THE ROLLBACK RATE OR 103 PERCENT OF THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER); AND TAKE A RECORD VOTE. (CITY MANAGER).**

Mr. Hinojosa explained to the Commission the different possible tax rates to support the proposed budget. He stated that the effective tax rate was \$0.69527. Mr. Hinojosa explained that the tax rate with a one percent increase would be \$0.70222, with a one cent per \$100 tax increase would be \$0.70527, and the highest tax rate that may be adopted without notices and a public hearing would be \$0.71612. Mr. Hinojosa recommended that the Commission use the same rate that was used for the current budget year which is \$0.70145.

Commissioner Castillo recommended the Commission direct staff to use the tax rate of \$0.71612. However, Mayor Esquivel disagreed and stated that he would not support a tax increase. Mayor Esquivel stated that staff must create other sources of revenues besides tax money.

**A motion was then made by Mayor Esquivel and seconded by Commissioner Pecos to approve the proposed tax rate of \$0.69527 to allow staff to proceed in preparing the FY2002-2003 Annual Budget. The motion passed by a 3/2 vote. Commissioner's Wilson and Garcia cast the dissenting votes.**

**8. CONSIDER AUTHORIZING CITY MANAGER TO PROCEED WITH PROPOSAL BY JOHNSON CONTROLS, INC. FOR AN ECONOMICAL FEASIBLE SOLUTIONS STUDY FOR INFRASTRUCTURE IMPROVEMENTS. (CITY MANAGER).**

Mr. Hinojosa stated that he was prepared to proceed with the economical study for infrastructure improvements by Johnson Controls. He stated that Johnson Controls submitted a timeline for approval. Mr. Hinojosa recommended that the Commission authorize him to proceed with the proposal.

**Upon a motion by Commissioner Wilson and second by Commissioner Garcia, the Commission voted unanimously to authorize the City Manager to proceed with the proposal submitted by Johnson Controls, Inc. for an economical feasible solutions study for infrastructure improvements. The motion passed by a unanimous vote.**

**9. 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 MANAGER).**

**10. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS REGARDING THE APPOINTMENT OF AN INTERIM CITY ATTORNEY. (CITY ATTORNEY).**

The Executive Sessions began at 7:45 p.m. and ended at 8:46 p.m.

The Commission reconvened into open session.

**11. CONSIDER APPOINTMENT OF INTERIM CITY ATTORNEY AND ALL MATTERS RELATED THERETO FOR COVERAGE OF LEGAL DEPARTMENT ACTIVITIES DURING CITY ATTORNEY'S MEDICAL LEAVE. (CITY COMMISSION).**

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to appoint Mr. Michael Guerra as Interim City Attorney and all matters related thereto for coverage of the Legal Department during the City Attorney's medical leave. The motion passed by a 3/2 vote. Commissioner's Wilson and Garcia cast the dissenting votes.

It was the consensus of the Commission to consider item number twelve and thirteen at the same time.

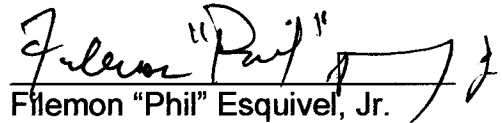
12. CONSIDER RESPONSE TO STWA CONTRACT NEGOTIATIONS PROPOSING EQUITABLE MODIFICATIONS TO CURRENT WATER SUPPLY CONTRACT. (CITY MANAGER).

13. CONSIDER SOUTH TEXAS WATER AUTHORITY REQUEST FOR PAYMENT OF ESCROW MONEYS. (COMMISSIONER CASTILLO).

Mayor Esquivel stated that no action would be taken on these two items until the negotiating teams have had a chance to meet.

## VI. ADJOURNMENT.

The meeting adjourned at 8:48 p.m.

  
 Filemon "Phil" Esquivel, Jr.  
 Mayor

ATTEST:

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 Diana F. Valadez, City Secretary