

NOVEMBER 25, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, NOVEMBER 25, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL / 200 EAST KLEBERG AVENUE.

CITY COMMISSION PRESENT:

Filemon "Phil" Esquivel, Mayor
Horacio "Hoss" Castillo, Mayor Pro-Tem
Arturo Pecos, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

Hector Hinojosa, City Manager
Diana Valadez, City Secretary
Courtney Alvarez, City Attorney
Sam Granato, Chief of Police
Dora Byington, Purchasing Director
Art Alvarez, Risk Manager
Stanley Fees, City Engineer
Jennifer Detloff, Director of Development Services

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

The meeting opened at 6:00 P.M.

INVOCATION PLEDGE OF ALLEGIANCE - (Mayor Esquivel)

Ms. Dora Byington lead everyone in prayer, Commissioner Pecos the Pledge of Allegiance, and Commissioner Garcia the Texas Pledge.

II. PUBLIC HEARING - (REQUIRED BY LAW).¹

1. Rezoning of a 3.46 acre tract of land out of Farm Lots 8 and 9, Section 17, K.T. & L. Subdivision, 2000 Block of Sen. Carlos Truan Boulevard and along the 1900-2000 block ranges of South U.S. Highway 77 Bypass. (Director of Development Services).

Ms. Jennifer Detloff, Director of Development Services addressed the commission, stating Planning and Zoning Board had reviewed this item last week, with quite a bit of discussion. She stated this property is a triangular shape size owned by Neessen Chevrolet.

Mr. Hinojosa, City Manager requested that a workshop be set up.

Ms. Detloff stated these are two separate properties that were brought up for rezoning to C-4, highest use of commercial property. She stated this is the smaller one on 77 Bypass. She added that the adjoining property is 40 acres that they are requesting go into commercial and some type of residential to be determined R1 or R2. She stated residents from area had great deal of comments. Ms Detloff stated P&Z voted unanimously not to approve rezoning. She stated these are two separate lots own by two different families.

Mayor requested comments from the residents in the area.

Mr. Rudy Galvan, 1908 Kelly, lives directly west of property in question, worried about different aspects; major thoroughfare and street is a two-lane road; and drainage problems.

Mr. Otis Myers, 1417 Brenda, echoed comments made by Mr. Galvan, stated that by Perez School, it is already a nightmare due to traffic congestion, and flooding is a problem. He stated not the right thing to do to develop all that area, due to property values dropping.

Mr. Rick Speller, 1835 S. Elizabeth, accustomed to way of life in Kingsville; pays a lot of taxes and glad citizens can speak their peace.

Mr. Tom Watting, 1513 Michael, he stated C4 zoning issue is eventually good, commercial real estate in the future, the main issue is going to C4 because the light opened and a junk yard or tavern could be put in, which would seriously degrade the quality of life and property values.

Mayor Esquivel stated he understood citizens' complaints regarding traffic flow and drainage, which needed further research, but that this area is prime commercial development.

Ms Goldburn, 1110 Elizabeth, stated that development is not only along 77 Bypass. Discussions from residents' comments were that C2 was okay, but not C4.

Ms. Detloff stated that the difference between C4 and C2 is that C4 you do not have to get special lease permit to do auto bodywork or anything like that. She stated people are concerned but it is a large section. She also stated a workshop is needed.

Mayor Esquivel stated no need to continue further.

The public hearing closed at 6:20 P.M.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.²

1. Mayor and City Commissioner's Reports. (City Commission).

1.1. Lighting of City Hall Christmas decorations. (Mayor Esquivel).

Mayor Esquivel commended Mr. Hinojosa, City Hall employees, and Phyllis Elsik for all their work and creative thinking.

People at the meeting were asked to go to the lobby for the lighting of the tree.

1.2. Status report on information technology network system for the City of Kingsville. (Mayor Esquivel).

Mayor Esquivel stated he asked this be put on agenda because at the next meeting there will be a presentation on networking our system. He added the City already

has the software, and employees are being trained. He stated that eventually T1 lines would be brought into the City. He also stated that the City has a super ring completely built around the City, probably about ¼ mile left of fiber optics, maybe more, and is ¾ of the way done. He stated he spoke to SBC Representative and was told that they are not going to invest into technology infrastructure. Mayor Esquivel stated the SBC representative showed some interest when he told him partners could be found.

Mayor Esquivel stated a lot of progress has been made within the last week. He stated his goal is to get computers to needy children.

2. City Manager's Report. (City Manager).

2.1. Status report on emergency warning system (sirens).

Mr. Art Alvarez made a presentation to the commission and stated that in the month of May on Trant Road one siren was down. He added he inspected the siren, which had water in it. He stated that he contacted local companies who were busy, and parts were very hard to come by. He stated it was tested about two weeks ago, but when the Police department tested it, it would not shut off, so the power was killed. He stated problem was found, wires were crossed, and siren is now working fine. Mr. Alvarez stated sirens do need maintenance, but this is not budgeted. He added that sirens are tested on Wednesday, at the same time, and gave locations of sirens.

2.2. Report regarding drainage ditch and creek mowing maintenance schedule.

Mr. Hinojosa stated that he requested for Mr. Stanley Fees, City Engineer to come up with a drainage ditch and creek mowing maintenance schedule.

Mr. Fees made a presentation to the commission. He explained all the forms that were provided in the agenda packet. Mr. Fees stated back filling is an area that gets washed out, and in order to maintain a uniform channel we go in and fill the hole, and the hole is back filled with topsoil. Mr. Fees stated that at the City Manager's request he did do a written policy. He stated that his long-term goal is to get bermuda grass in all creeks. He stated creek cleaning will began on February 15th, and ditch and creek cleaning will also be done. He stated three employees would be assigned to this project at all times. He also stated preparation for hurricane season will began in February 15th.

Mayor Esquivel suggested February 15th – May 31st, as first time for preparing for hurricane season, and starting again June 1st. He also mentioned the any thing next to the railroad tracks to be included in clean up. He requested a meeting be scheduled with Union Pacific to hire people on contract labor to clean up along the railroad tracks.

Upon a question raised by Commissioner Garcia, Mr. Fees stated there was a little bit of erosion in creeks.

Mr. Hinojosa stated that there were two meetings in December on the 9th and 23rd, and would like to move one meeting to the 16th, to authorize the sale of the CO's, and receive the money by the 19th.

Mayor Esquivel mentioned he would like to have a special meeting in December after the 9th and prior to the 16th.

Mr. Hinojosa also stated that bid opening for Shelly Drive is scheduled for December 10th. He also stated there would be regular garbage pick-up on Monday & Tuesday, Wednesday pickup Thursday, and Friday schedule on Saturday.

3. **City Attorney's Report. (City Attorney).**

Ms. Courtney Alvarez, City Attorney stated that the City Secretary's office has received complaints regarding the train. She stated two major concerns are: the railroad holding on to the horn as it goes through very early morning hours; and parking engines and running them for several days at a time bothering those who are asleep. She stated she would see if she can get voluntary complaints.

IV. **PUBLIC COMMENT ON AGENDA ITEMS.**³

1. **Comments on all agenda and non-agenda items.**

Mr. Myers, 1417 Brenda, stated he would like to commend the Police department for solving the problem he reported at 14th & King. He stated that during the rezoning meeting, one comment made was that the information not get into the paper because it would be detrimental. He stated in hoped the commission do a good job and keep the community best interest in mind.

Mr. Bill Ferguson, 3302 Brochure, Corpus Christi, Texas addressed the Commission, stating he was involved in the Zoning hearing. He stated Phil Neessen needs a better location and facility. He stated they were not insensitive to the needs of the City and its residents. He stated that the trucks unloading other vehicles would not be parked on street, but rather on the property.

V. **ITEMS FOR CONSIDERATION BY COMMISSIONERS.**⁴

1. **Consider awarding contract for architect/engineering services for the restoration of the train depot project under the Texas Department of Transportation Enhancement Program. (Director of Purchasing).**

Ms Dora Byington, Director of Purchasing addressed the commission, stating this item authorizes entering into a contract with an architect firm for architect/engineering services for the restoration of the train depot under the Transportation Enhancement Project. She stated advertisement was on October 20th & 27th, 2002. She also stated proposals were accepted until 1:30 PM on November 12, 2002 and six proposals were received. Ms Byington added that the construction project to renovate the train depot is \$699,999.00 and funds for this project will come out from the TXDot Transportation Enhancement Fund and the matching funds from the Heritage Foundation.

Ms Byington stated recommendation for contract be awarded to Bennett, Martin,

Upon a question raised by Commissioner Castillo, Ms Alvarez stated under section 2254.004 of the Government Code is the section to where by you garner

professional service contracts for engineer, architects, or surveyors, where you start with most qualified person on list and negotiate a contract.

Commissioner Castillo made a motion to authorize staff to negotiate a contract with Bennett, Martin, Solka, and Torno & Associates from Corpus Christi for the depot project involved with the Transportation Enhancement Project, second Commissioner Pecos.

Mayor Esquivel advised the audience that this is a partnership with the Department of Transportation, Kleberg County Heritage Foundation and City of Kingsville. He also thanked everyone involved.

The motion carried, 4/0.

2. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning to 3.46 acres out of Farm Lots 8 and 9, Section 17, K.T. & I. Subdivision, from Class "R-1" Single Family Residential District to Class "C-4" Commercial District. (2000 Block of Sen. Carlos Truan Boulevard and along the 1900-2000 block ranges of South U.S. Highway 77 Bypass). (Director of Development Services).

Ms Detloff stated the property is from Kenedy to General Cavazos. She gave an explanation of a map she had handed out.

Ms Detloff stated the main difference between C-4 and C2 is that C-4 allows the property owner to do auto body repairs, but the buyer is planning on being in the car dealership. She stated this is only 3.46 acres only.

3. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies to place non-management non-civil service employees in the step corresponding to the anniversary of their current hire date with the City. (City Manager).

Mr. Hinojosa stated during the budget process, the longevity was changed to began the date the employee was hired not the date promoted to a position. He stated just now the wording was put on an ordinance. He stated the change being made is all hourly non-management non-civil service employees of the City of Kingsville shall be placed in a step corresponding to the anniversary of their current hired date with the City, increase in hourly rate will be based on years of current consecutive service with the City and in accordance with existing steps.

4. Consider resolution establishing guidelines and criteria governing tax abatement and creation of reinvestment zones; authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission; and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (Director of Development Services).

Ms Detloff stated tax statement guidelines are the rules the City commission must follow to allow facility to receive abatement of real and/or personal property tax. She stated there are three types of facilities that can receive abatement; a new facility, and expansion of existing facility, or the modernization of existing facility. She also

stated abatement usually last five years. She stated the only changes on this document from the original are the economic qualifications.

Mayor Esquivel stated this is state created and the City is adopting it.

Ms Alvarez stated that the tax code sets out that the municipality may enter into tax abatement agreements and set up guidelines every two years.

Upon a question raised by Commissioner Castillo, Ms Alvarez stated the major of the document is out of the tax code, but there was one section regarding economic qualifications and that is the only change made from the tax abatement guideline that were in place for two years. She added that change was made so that this tax abatement guideline would flow with tax abatement schedule that was adopted by the commission on February 1st, 2002.

Ms Alvarez stated guidelines needed to be adopted before Lowe's brings in tax abatement application.

Commissioner Garcia made motion to approve, seconded by Commissioner Pecos. The motion carried, 4/0.

5. Consider resolution approving the Coastal Bend Council of Governments Master Agreement for mutual aid by and between the City of Kingsville and the participating members of the Coastal Bend Council of Governments. (Mayor Esquivel).

Mayor Esquivel stated that this is really unique; due to no other region having a mutual agreement the way our City did it. He gave recognition to the City of Corpus Christi for providing the initial mutual aid agreement that was created by the Council of Governments. He stated Kingsville is the first community to give its blessing.

Mr. Hinojosa stated that it was through the Mayor's efforts that this mutual aid agreement is getting done.

Commissioner Garcia made a motion to approve, seconded by Commissioner Castillo.

Commissioner Garcia congratulated Mayor Esquivel.

The motion carried, 4/0.

6. Consideration and deliberation of funding of Kingsville's participation in the South Texas Military Facilities Task Force, with possible action for award of \$5,000. (City Manager).

Mr. Hinojosa stated that at the EDC meeting on Wednesday, November 20th, Mr. Dick Messbarger approached the Board for \$15,000.00 for the South Texas Military Facility Task Force. He stated the Board was having a problem with coming up with the money. Mr. Hinojosa stated that he is recommending that the City come up with at least \$5,000.00, the Navy Base is really important to the City of Kingsville. He stated this money would be used for lobbying in 2005 to keep our Base open.

Mr. Dick Messbarger, Executive Director Chamber of Commerce addressed the commission, stating that Congress approved another round of Base closures in 2005, but process has already started. He gave background to previous base closures years.

Commissioner Castillo made a motion to approve \$5,000.00 contribution to the South Texas Military Task Force in the name of the City of Kingsville, seconded by Commissioner Garcia.

Upon a question raised by Commissioner Pecos regarding the comparison of infrastructure of the Naval Base in Kingsville and the Naval Base in Meridian, Mississippi based on new issues, and what do they have that will counter the base here. Mr. Messbarger stated that they have newer facilities; "A" Schools; number of activities on base – joint southeast drug task force a sizeable operation; newer aircraft, and all new T45. Mr. Messbarger also stated that for base closure 2007, our base would be in much better shape.

The motion carried, 4/0.

7. Consideration and deliberation of grant request from Kingsville Boys and Girls Club, with possible action for award of \$5,000. (City Manager).

Mayor Esquivel made a recommendation to change amount from \$5,000.00 to \$10,000.00.

Jill, the president of the Boy's and Girl's Club made a presentation, stating that good things have occurred at the Club, a new gym floor was put up, and windows in the gym were closed. She stated monthly expenses at the Club are \$9,846.00, and they only receive from United Way \$4,200.00 per month. She stated the King Ranch Family Trust fund is due in December, but stated they would be short. She stated they currently serve 90-100 children on a daily basis; run a basketball league, and have a power hour for the children.

Commissioner Garcia made a motion to provide \$10,000 to the Boy's and Girl's Club, seconded by Commissioner Castillo.

Sam Granato, Chief of Police addressed the commission, stating that under Chapter 59 up to 10% may be given to a non-profit organization as established drug interdiction and prevention or treatment program and are willing to give some money to the Boy's and Girl's Club. He stated that they would contribute \$5,000.00 from the drug fund.

The motion carried, 4/0.

8. Consider final plat approval of Las Palmas del Rey Subdivision. (Director of Development Services).

Ms. Detloff stated that this property borders the south side of US Business Highway 77 (Loop 428) in the 500 block range. She added that the property located to the north and west is residential; and the property located to the east is undeveloped and immediately south is also undeveloped. She stated that the location is

appropriate for residential development; the adjacent road, Loop 428, has sufficient capacity to handle the additional traffic, and the existing water and wastewater facilities are adequate to handle the additional demand. She also stated the addition will be an asset to the community. Ms Detloff stated that staff recommended approval.

Commissioner Garcia made a motion to approve, seconded by Commissioner Pecos. The motion carried, 3/0 with Commissioner Castillo abstaining.

9. Consider authorization of identifying items for \$2,000,000 of Capital expenditures and drainage improvements to be funded by new issue of certificates of obligations. (City Manager).

Mr. Hinojosa stated the City purchased some CO's trying to issue up to \$5 million, but were cut short due capital outlays need by department heads. He stated that department heads were present to explain why items were needed. He added that the insert shows the breakdown of equipment needed.

Upon a question raised by Mayor Esquivel, Mr. Hinojosa stated that this was only for \$2 million, which is an extra two, and \$4 million had already been received.

Commissioner Garcia made a motion to approve, seconded by Commissioner Castillo.

Commissioner Pecos stated he wanted to see \$1 million for drainage and Mayor Esquivel stated he wanted Ailsie Street included.

Discussion followed regarding areas in town that needed repair due to flooding.

Commissioner Castillo made motion to amend to \$2.5 million and include Ailsie Street, seconded by Commissioner Pecos.

The motion carried, 4/0, for amendment approval.

The motion carried 4/0, to approve CO authorization.

10. Consider resolution authorizing the publication of notice of intention to issue certificates of obligation. (City Manager).

Commissioner Garcia made a motion to approve, seconded by Commissioner Pecos.

The motion carried, 4/0.

11. Discuss creation of a plan for future growth and development, continuation of master plan, to be prepared by City staff. (Mayor Esquivel).

Mayor Esquivel asked that everybody to work together and gave staff three months to come up with plan to complete budget year and what plans are for the following year. He also stated he would request a 5 year and 10 year plan at a later date.

No action taken, discussion only.

12. Consider changing the City Manager's discretionary spending limit to an amount not to exceed \$15,000. (Mayor Esquivel).

Commissioner Castillo made motion to approve, seconded by Commissioner Pecos.

The motion carried, 4/0.

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 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. (Mayor Esquivel).

14. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the duties of the Planning Administrator, Code Enforcement Officer, Planning Department Clerk, Finance Department Accounts Payable Clerk, and Fire Chief. (Mayor Esquivel).

The commission reconvened to open session at 9:12 P.M.

15. Consider resolution reclassifying certain non-classified service positions and management level positions; and repealing all resolutions in conflict herewith. (Mayor Esquivel).

No action was taken on this item.

VI. ADJOURNMENT.

The meeting was adjourned.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana F. Valadez, City Secretary

PRESENTED and ADOPTED by the Kingville City Commission on this 12th day of April, 2004.

Charles E Wilson, Presiding Officer

ATTEST:

Edna S Lopez, Interim City Secretary