

APRIL 22, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE WAS HELD MONDAY, APRIL 22, 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:

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
 Corando Garza, Assistant City Manager / Fire Chief
 Coeta Montgomery, Director of Personnel
 Stanley Fees, City Engineer
 Dora Byington, Director of Purchasing
 Ed Mata, Kingsville Police Department Dare Officer
 Sammy Maldonado, Utilities Superintendent
 Joe Casillas, Water Production Supervisor
 Artemio Alvarez, Risk Manager
 Sam Granato, Chief of Police
 Courtney Alvarez, Assistant City Attorney

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, members of the Kingsville Boxing Club led the Pledge of Allegiance.

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

Mrs. Diana F. Valadez, City Secretary, stated that Commissioner Stanley Laskowski submitted four corrections to the minutes as follows:

February 01, 2002 Minutes – Page Two

Item #1 – second paragraph, delete the first sentence that starts with Commissioner Laskowski explained that the proposed..... The paragraph should read Commissioner Stanley Laskowski stated that the abatement being offered would assist businesses to bring in jobs that pay above minimum wage. Commissioner Laskowski also stated that the abatements are being offered to encourage existing businesses to expand their business.

February 25, 2002 – Page Five

Item #3.1, fourth paragraph (the motion). The motion should read as follows:

A motion was made by Commissioner Pecos and seconded by Commissioner Al Garcia to authorize an expenditure not to exceed \$15,000 to assist in the purchase of a van for transportation services for local veterans.

March 25, 2002 – Page Three

1st Paragraph at the top of the page should read as follows:

A motion was made by Commissioner Arturo Pecos and seconded by Commissioner Garcia to approve Ordinance #ORD-2002-08, amending Sections 5-1-3 and 5-1-57, designating the first and third Saturday as exempt from the residents of the City of Kingsville in an amount not to exceed 1,000 pounds per day. The motion passed by a unanimous vote.

April 08 2002 – Page Two

At the top of the page, items highlighted by Mr. Luke Womack. Item (f) should read as follows:

f. All uncollectable accounts should be written off. The word “delinquent” should be deleted.

There being no further corrections, a motion was made by Commissioner Rene “Mr. V” Villarreal and seconded by Commissioner Laskowski to approve the minutes with the noted corrections. The motion passed by a unanimous vote.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. PUBLIC HEARING REGARDING DROUGHT CONTINGENCY PLAN FOR THE CITY OF KINGSVILLE. (UTILITIES SUPERINTENDENT).

Mayor Filemon “Phil” Esquivel, Jr., declared the public hearing open at 6:22 p.m.

Mr. Sammy Maldonado, Utilities Superintendent, briefed the Commission on the proposed Drought Contingency Plan. He stated that by adopting the proposed ordinance on agenda item number nine, the City would be in compliance with the Texas Natural Resource Conservation Commission.

There were no comments made from members of the audience regarding the proposed plan.

Mayor Esquivel closed the public hearing at 6:24 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. DISCUSS TEXAS HOUSE BILL 1689, WHICH ALLOWS INDIVIDUAL TAXING UNITS TO DETERMINE WHETHER OR NOT TO ADOPT A LOCAL OPTION PROPERTY TAX EXEMPTION FOR ORGANIZATIONS ENGAGING PRIMARILY IN CHARITABLE ACTIVITIES. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager, stated that certain charitable organizations could be exempt from property taxes. He stated that the governmental entity must first approve a resolution adopting the local option property tax exemption for these organizations. Mr. Hinojosa stated that an organization must submit an application to the State; however, the local taxing entities must decide whether or not to approve the tax exemption.

Mayor Esquivel suggested that the Commission conduct a workshop to allow local charitable organizations to attend and voice their opinions regarding this new bill.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

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

Mr. Anse Windham, President of the Master Gardeners Club, invited everyone to a tree sale at Kenedy Park on Saturday.

Mayor Esquivel stated that Kingsville is hosting a South Texas Mayor's Coalition meeting on Wednesday and Thursday. He stated that several mayors from out-of-state would be in attendance.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

It was the consensus of the Commission to discuss agenda item number ten, eleven, and four at this time.

10. CONSIDER RESOLUTION AUTHORIZING THE KINGSVILLE CHAMBER OF COMMERCE TO TAKE THE LEAD IN ORGANIZING AND SPONSORING THE KINGSVILLE CENTENNIAL COMMITTEE. (COMMISSIONER LASKOWSKI).

Commissioner Laskowski stated that the Chamber of Commerce requested that the City Commission authorize them to organize a committee for this special event.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Resolution #R-2002-17, authorizing the Kingsville Chamber of Commerce to take the lead in organizing and sponsoring a Kingsville Centennial Committee. The motion passed by a unanimous vote.

11. CONSIDER RESOLUTION SUPPORTING THE NEW HORIZONS MENTORING PROGRAM FOR JUNE 2002. (KINGSVILLE POLICE DEPARTMENT).

Officer Ed Mata and Police Chief Sam Granato addressed the Commission regarding this agenda item. Officer Mata stated that MN2 Sheena Thefford and Master at Arms Brett Hoffer with NAS Kingsville Security Department all worked together in developing this program. He stated that the program would target at-risk youth from Kingsville between the ages of eleven and sixteen. Police Chief Granato stated that the program is a two-week camp to take place at Naval Air Station Kingsville. The program's mission statement is to implement a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristics of military basic training. He recommended approval.

A motion was made by Commissioner Villarreal and seconded by Commissioner Al Garcia to approve Resolution #R-2002-18, supporting the New Horizons Mentoring Program. The motion passed by a unanimous vote.

4. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMERGENCY MANAGEMENT INTERLOCAL COOPERATION AGREEMENT WITH THE KINGSVILLE INDEPENDENT SCHOOL DISTRICT. (RISK MANAGER AND EMERGENCY MANAGEMENT COORDINATOR).

Mr. Tom Sanchez, Emergency Management Coordinator, addressed the Commission regarding this agenda item. He recommended approval of the proposed agreement.

Upon a question raised by Commissioner Laskowski, Mr. Sanchez responded that the agreement does not address the use of school buses, however the Mayor, in an emergency situation, has the authority to order the use of the school buses with or without a written agreement with KISD.

Mr. Artemio Alvarez, Risk Manager, stated that the City has been provided with a list of school bus drivers that could be available in the event of an emergency.

A motion was then made by Commissioner Villarreal and seconded by Commissioner Laskowski to authorize the City Manager to enter into an Emergency Management Interlocal Cooperation Agreement with the Kingsville Independent School District. The motion passed by a unanimous vote.

1. CONSIDER A CONTRACT FOR THE TEXAS CAPITAL FUND WITH THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE PROVISION OF INFRASTRUCTURE IMPROVEMENTS AS PART OF AN ECONOMIC DEVELOPMENT PROJECT WITH LOWE'S COMPANIES, INC. TO PRIMARILY BENEFIT LOW TO MODERATE-INCOME PERSONS THROUGH PERMANENT JOB CREATION. (CITY ATTORNEY).

1.1 EXECUTIVE SESSION: UNDER SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DISCUSS AND DELIBERATE THE OFFER OF FINANCIAL INCENTIVES TO BUSINESS PROSPECTS WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS. (CITY COMMISSION).

The Commission began the Executive Session at 7:08 and ended at 7:59 p.m.

The Commission reconvened in open session at 8:05 p.m.

1.2 CONSIDER RESOLUTION APPROVING A CONTRACT FOR THE TEXAS CAPITAL FUND BY AND BETWEEN THE CITY AND THE TEXAS DEPARTMENT OF AGRICULTURE (CONTRACT #721092) FOR THE AWARD OF \$750,000 IN SUPPORT OF LOWE'S COMPANIES, INC. (CITY ATTORNEY).

1.3 CONSIDER RESOLUTION APPROVING A COMMUNITY AND COMPANY AGREEMENT FOR THE TEXAS CAPITAL FUND INFRASTRUCTURE GRANT PROJECT WITH LOWE'S COMPANIES, INC. FOR THE CREATION OF A MINIMUM OF SEVENTY-SIX (76) FULL-TIME EQUIVALENT PERMANENT JOBS FOR THE BENEFIT OF LOW AND MODERATE-INCOME PERSONS. (CITY ATTORNEY).

1.4 CONSIDER RESOLUTION APPROVING AN ECONOMIC INCENTIVE AGREEMENT FOR THE LOWE'S ECONOMIC DEVELOPMENT PROJECT GRANTING CERTAIN FINANCIAL INCENTIVES FOR LOCATING A NEW BUSINESS IN THE CITY. (CITY ATTORNEY).

Mayor Esquivel stated that Mr. Ruben Perez, City Attorney would discuss the proposed changes to the economic incentive agreement.

Mr. Perez explained the changes as follows:

- a) deleting a requirement in Section 4.2 decreasing incentives based on the size of the facility.
- b) granting a two year extension at the expiration of five years so long as the company continues to provide 120 jobs at 150% above minimum wage.
- c) deletion of grant funded public improvements as part of the 1.2 million dollar incentive package.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve Resolution #R-2002-19, approving a contract for the Texas Capital Fund by and between the City and the Texas Department of Agriculture (Contract #721092) for the award of \$750,000 in support of Lowe's Companies, Inc; approve Resolution #R-2002-20, approving a Community and Business Agreement for the Texas Capital Fund Infrastructure Grant Project by and between the City of Kingsville and Lowe's Companies, Inc.; and approve Resolution #R-2002-21, approving an Economic Incentive Agreement with Lowe's Home Centers, Inc. for the Lowe's Economic Development Project. The motion passed by a unanimous vote.

Mayor Esquivel thanked everyone involved in making this project a reality.

It was the consensus of the Commission to consider agenda item number six at this time.

6. CONSIDER MOTION AUTHORIZING THE REPROGRAMMING OF FUNDS (\$35,000) FROM THE CERTIFICATES OF OBLIGATION SERIES 1998 (CAP 98) TO PROVIDE NECESSARY EQUIPMENT FOR THE 1 MGD WASTEWATER TREATMENT PLANT. (UTILITIES SUPERINTENDENT).

Mr. Maldonado stated this item provides the necessary funding for equipment needed for the 1 MGD Wastewater Treatment Plant. He stated that the funding would pay for the lift station controls at \$4,000; the sanitary sewer replacement at \$3,000; the SCADA System at \$20,000; and the water well at \$8,000. He recommended approval of this item.

A motion was made by Commissioner Arturo Pecos and seconded by Commissioner Garcia to authorize the reprogramming of funds from the Certificates of Obligation Series 1998 (CAP 98) to provide necessary equipment for the 1 MGD Wastewater Treatment Plant. The motion passed by a unanimous vote.

2. CONSIDER FINAL PASSAGE OF ORDINANCE CREATING CERTAIN CLASSIFIED SERVICE POSITIONS, RATIFYING CLASSIFICATIONS AND PRESCRIBING THE NUMBER OF POSITIONS IN SUCH CLASSIFICATIONS FOR THE CLASSIFIED SERVICE IN THE POLICE DEPARTMENT. (CHIEF OF POLICE).

Mr. Hinojosa stated that the proposed ordinance creates four additional police officer positions. He stated that the Kingsville Police Department was recently awarded a COPS in Schools grant program in the amount of \$407,700 for community policing efforts with the Kingsville Independent School District. He recommended approval of the proposed ordinance.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Ordinance #ORD-2002-12, creating certain classified service positions, ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department.

3. CONSIDER APPROVAL OF INTERNSHIP PROGRAM WITH TEXAS A&M UNIVERSITY KINGSVILLE FOR SUMMER 2002. (CITY MANAGER).

Mr. Hinojosa stated that he has been meeting with Ms. Susan Dollar from Texas A & M University Kingsville regarding the intern program for the summer. He requested input from the Commission on an amount to pay the interns.

Upon a question raised by Commissioner Laskowski, Mr. Hinojosa stated that the number of students could be between one and two.

Commissioner Laskowski recommended that the City pay each intern \$500.00 per month.

Mayor Esquivel requested that the City Manager hire at least four interns for the summer. He stated that he has already had one intern working in organizing the South Texas Mayor's Coalition Meeting, and she has done really well.

A motion was made by Commissioner Laskowski and seconded by Commissioner Garcia to authorize the City Manager to hire two interns for one year to be placed in different departments at the City Manager's discretion.

Mayor Esquivel requested that Commissioner Laskowski withdraw his motion, and authorize the employment of four individuals. Commissioner Laskowski stated that there has been expenditures made recently that were not budgeted; therefore the Commission should be cautious in spending additional revenues.

Mayor Esquivel again requested that the Commission reconsider the number of interns and hire four interns rather than two.

Commissioner's Laskowski and Garcia then withdrew their motion.

Another motion was made by Mayor Esquivel and seconded by Commissioner Garcia to authorize the City Manager to hire up to four interns based on the availability of funds at the City Manager's discretion. The motion passed by a unanimous vote.

5. CONSIDER MOTION APPROVING THE CITY OF KINGSVILLE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDED SEPTEMBER 30, 2001, PREPARED BY MR. LUKE WOMACK OF JOHN WOMACK & CO., P.C. (CITY MANAGER).

Mr. Hinojosa stated that Mr. Womack presented the annual financial report for the year ended September 30, 2001. He requested that the Commission officially accept and approve the report.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve the Comprehensive Annual Financial Report for year ended September 30, 2001, prepared by Mr. Luke Womack. The motion passed by a unanimous vote.

7. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 2, TRAILERS AND TRAILER PARKS. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Jennifer Detloff, Director of Development Services stated that the proposed ordinance would amend the rules to regulate trailers and trailer parks throughout the City. The ordinance amends the requirements under which a trailer, trailer coach, automobile trailer and/or manufactured home may be located within the City of Kingsville and also the requirements for operation of trailer parks. Ms. Detloff stated that the proposed ordinance is being presented to the Planning and Zoning Commission for their recommendation.

Mayor Esquivel stated this was an introductory item only and final passage would be considered after the Planning and Zoning Commission has reviewed the ordinance.

8. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING SECTION 5-1-57(B), REVISING THE METHOD FOR CHARGING KLEBERG COUNTY FOR USE OF THE CITY LANDFILL. (COMMISSIONER LASKOWSKI).

Commissioner Laskowski stated that two County Commissioners expressed their concerns on how the City of Kingsville is charging them to dispose of solid waste at the City Landfill. He stated that currently the County is being charged a one-ton minimum and then in one-half ton increments for the fraction thereof. Commissioner Laskowski stated that in the spirit of cooperation and as a sign of good faith, he requested the Commission consider revising the current ordinance to base the quantity charged on the cumulative monthly total of refuse delivered by each precinct.

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

9. CONSIDER INTRODUCTION OF AN ORDINANCE ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF KINGSVILLE. (UTILITIES SUPERINTENDENT).

Mr. Hinojosa stated that the proposed ordinance adopts the Drought Contingency Plan. He requested that the Commission review the plan and submit any recommended changes prior to the next meeting.

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

12. CONSIDER OUT-OF-STATE TRAVEL FOR CITY MANAGER AND MEMBERS OF THE CITY COMMISSION TO ATTEND CONGRESSMAN RUBEN HINOJOSA'S THIRD ANNUAL REGIONAL LEADER'S ISSUE CONFERENCE IN WASHINGTON, D.C. ON JUNE 18-19, 2002. (CITY MANAGER).

Mr. Hinojosa stated that he received notice from Congressman Hinojosa's office inviting the City Commission and staff to attend the third annual Regional Leader's Issue Conference in Washington, D.C. Mr. Hinojosa requested authorization to attend this conference.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos, to authorize the out-of-state travel for the City Manager and members of the City Commission to attend this conference. The motion passed by a unanimous vote.

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

Mr. Hinojosa also reported that he has a scheduled meeting with the City's Financial Advisor to discuss capital expenditures and budgetary matters. He also stated that he is looking at three different candidates for the Finance Director.


Mr. Hinojosa stated that as of 5:00 p.m. today, 164 individuals cast a ballot in person and 213 ballots had been mailed out for the City General Election.

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 8:35 p.m. and ended the session at 9:15 p.m.

VI. ADJOURNMENT.

The meeting adjourned at 9:16 p.m.



Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana F. Valadez, City Secretary