

MAY 28, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD TUESDAY, MAY 28, 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

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
 Diana F. Valadez, City Secretary
 Ruben Perez, City Attorney
 Jennifer Detloff, Director of Development Services
 Corando Garza, Assistant City Manager / Fire Chief
 Daniel Almeida, Wastewater Plant Supervisor
 Sammy Maldonado, Utilities Superintendent
 Dianne Leubert, Solid Waste Superintendent
 Stanley Fees, City Engineer
 Tina Galvan, Sanitation Supervisor
 Coeta Montgomery, Director of Personnel
 Caron Vela, Accountant
 Sam Granato, Chief of Police
 Ramon Loera, Landfill Supervisor
 Bill Donnell, Engineering Technician
 Robert Rodriguez, Library Director
 John Garcia, Garage Superintendent
 Dora Byington, Director of Purchasing
 Joel Saenz, Code Enforcement Officer
 A.L. Noyola, Health Director

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. Homer Castillo, a member of the audience, 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. REZONING OF 3.798 ACRES FROM CLASS "C-2" RETAIL COMMERCIAL DISTRICT TO CLASS "C-4" COMMERCIAL DISTRICT AND 4.114 ACRES FROM CLASS "AG" AGRICULTURE DISTRICT TO CLASS "C-4" COMMERCIAL DISTRICT, 2700-2800 BLOCKS OF SOUTH HIGHWAY 77 BYPASS. (DIRECTOR OF DEVELOPMENT SERVICES).

Mayor Filemon "Phil" Esquivel, Jr., officially opened the public hearing at 6:08 p.m. He stated that Ms. Jennifer Detloff, Director of Development Services, would conduct the hearing.

Ms. Detloff stated that the property owner is requesting the rezoning for commercial use and his intentions for the use of the property is for a truck stop facility and would be an expansion of the Texaco Station currently at this location.

Upon a question raised by Mayor Esquivel, Ms. Detloff responded that storage warehouses are allowed under the "C-4" zoning classification.

There was a discussion regarding the zoning of storage warehouses, and the possibility of prohibiting the warehouses in a "C-4" zoning or if permitted, perhaps only with a special use permit.

Commissioner Charles E. Wilson stated that a master plan is needed, so all developers will know exactly what this Commission likes and dislikes.

Commissioner Al Garcia expressed some concerns with traffic entering and exiting off of General Cavazos Boulevard. He stated there is a large volume of traffic that uses General Cavazos and an entrance or an exit could be dangerous at this location.

Mayor Esquivel stated he has met and discussed with the Texas Department of Transportation the possibility of expanding General Cavazos on the east side of Highway 77, however at the present time it is a County road and maintained by Kleberg County.

There being no further discussion regarding this hearing, Mayor Esquivel closed the public hearing at 6:23 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. PRESENTATION BY JOHNSON CONTROLS, INC. REGARDING AN ENERGY EFFICIENCY PROGRAM. (CITY MANAGER).

Mr. Terry Moore with Johnson Controls made a presentation to the Commission regarding an energy efficiency program. He stated that with the proposed program, local governments reduce their utility costs, as well as the use of electricity and operations of City owned buildings. Mr. Moore stated that Johnson Controls will also assist in the operation and installation of new water meters. He requested authorization from the Commission to allow him to perform a study and gather data to later advise the Commission on possible savings.

Upon a question raised by Commissioner Horacio (Hoss) Castillo, Mr. Moore responded that he has done work for other cities such as the City of Mathis, Sinton, Houston, Fort Worth, and others.

There was a discussion on the different types of studies done and the cost associated with implementing the program. Mr. Moore emphasized that there is a lot of money that could be saved simply with the air conditioning study.

2. UPDATE REGARDING STATUS OF EMERGENCY SIRENS. (COMMISSIONER PECOS).

Mr. Hector Hinojosa, City Manager, stated that the sirens are being tested every Wednesday at 12 noon. He stated that recently the siren on Trant Road did not function properly; however repairs have already been scheduled.

There was a discussion regarding the individuals that have access to activate the sirens, and the possibility of activating them manually if necessary.

Mayor Esquivel informed the public that when the sirens are heard, everyone should stay tuned to Channel 98.5 on the radio for any reports.

3. PRESENTATION BY MR. RICHARD THALLMAN REGARDING THE ESCONDIDO CREEK WATER SUPPLY COMPANY WATER SERVICE. (CITY MANAGER).

Mr. Richard Thallman, President and Owner of Escondido Creek Estates, Inc. made a presentation regarding the feasibility of the City of Kingsville to take over providing water service to the forty-one customers of Escondido Creek Water Supply Company.

Upon a question raised by Commissioner Castillo, Mr. Thallman responded that the residents of this subdivision use a large volume of water. He also stated that the residents still feel the same way about possible annexation. Commissioner Castillo stated that they were opposed to the annexation in 1997.

Mr. Corando Garza, Assistant City Manager, stated that after the subdivision was surveyed, it was determined that the Kingsville Fire Department would not be able to hook up to the hydrants currently installed in this subdivision.

Mr. Hinojosa stated that staff would continue to review this request and return to the Commission at a later date.

It was the consensus of the Commission to take a short recess at this time – 7:25 p.m.

The Commission reconvened at 7:35 p.m.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Jason Fry, Pastor at 1st United Methodist Church addressed the Commission. He stated that a local group known as Kingsville Area Ministries are requesting the use of the old police department building located in the 300 Block of North 6th Street. He stated that the building would be used to help families in a time of need. Mr. Fry stated that he just wanted to make the Commission aware that they want to use this building, however, would make another presentation at a later date.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER OUT-OF-STATE TRAVEL FOR MAYOR ESQUIVEL TO ATTEND THE 70TH ANNUAL UNITED STATES CONFERENCE OF MAYORS IN MADISON, WISCONSIN ON JUNE 14-18, 2002. (MAYOR ESQUIVEL).

A motion was made by Commissioner Arturo Pecos and seconded by Commissioner Castillo to authorize Mayor Esquivel to attend the 70th Annual United States Conference of Mayors in Madison, Wisconsin.

Upon a question raised by Commissioner Wilson, Mr. Hinojosa responded that there is currently money available in the Commission travel budget for this expense. Commissioner Wilson also stated that this item should have been placed on the last agenda in order to receive a discounted registration rate.

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

2. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING SECTION 5-1-3, DESIGNATING MONDAY THROUGH FRIDAY AS EXEMPT FROM FEES FOR RESIDENTS OF THE CITY OF KINGSVILLE UP TO THE FIRST 300 POUNDS. (MAYOR ESQUIVEL).

Mayor Esquivel stated that he requested this item be placed on the agenda after he received a complaint from a citizen. He stated that the Commission expects the citizens to clean up the City, with no help from the City. Mayor Esquivel requested this ordinance be approved for a minimum of three months, just to allow the citizens an opportunity to do their part in cleaning up and not having to pay any fees.

Commissioner Castillo supported the proposed ordinance by stating that the ordinance compliments a clean up effort, for a limited time.

Commissioner Pecos stated that local veterans are willing to help clean up certain alleys or vacant properties if they are provided with a dump truck free of charge.

Commissioner Garcia stated there is currently a program that allows brush to be taken to the landfill any day of the week free of charge. He stated that he does not feel the ordinance should be changed only because one individual complained. He stated that the City is not in a position to be giving away services.

Commissioner Wilson stated that the proposed ordinance needs a penalty clause because as it is written any property owner possessing a utility bill and a matching driver's license could take trash from anywhere, even trash from outside the City limits to the landfill. It does not specify that the trash must be from within the City limits.

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

3. CONSIDER REAPPOINTMENT OF MEMBERS TO CITY NEGOTIATING TEAM FOR SOUTH TEXAS WATER AUTHORITY AND DESIGNATING A CHAIRMAN. (MAYOR ESQUIVEL).

Commissioner Castillo made a motion and was seconded by Commissioner Pecos to appoint Commissioner's Garcia and Pecos and City Manager Hector Hinojosa and City Attorney Courtney Alvarez as the City Negotiating Team for the South Texas Water Authority contract, with Commissioner Pecos serving as the Committee Chairman.

Commissioner Wilson stated that he agrees with the recommendations for the negotiating team appointments however would like the Commission to consider naming former City Commissioner Stanley Laskowski because of his knowledge regarding the contract. He stated that it would give the City the best advantage.

Mayor Esquivel stated that the negotiating team should be the ones to decide whether or not to use Mr. Laskowski on the team.

The Commission proceeded to vote on the motion. The motion passed by a 4/0/1 vote. Mayor Esquivel abstained from voting.

4. CONSIDER ESTABLISHING SHORT TERM AND LONG TERM GOALS FOR THE CITY COMMISSION AND CITY STAFF. (MAYOR ESQUIVEL).

Mayor Esquivel, Commissioners and the City Manager all specified each of their goals for the next two years. The following is a summary of all of the goals specified.

REVENUES:	
Master Plan	
Water & Sewer Infrastructure	
No increase in taxes	
Budget and fiscal controls	
½ cent sales tax reversed for economic development	
Grant writer	
EXPENDITURES:	
City clean up (education & additional crews)	
Street Improvements (bond issue)	
Water & Sewer Infrastructure	
Capital Expenses	
Water Towers	
Health Department Services	
STWA Water Supply Contract	
Local Consultants	
Salary increases	
Budget & fiscal controls	
Cross training	
DEVELOPMENT:	
Improved Services & Efficiencies (street sweeping)	
Landfill Expansion	
City Hall & Facilities	
Expansion of Tax Base / Economic Development	
Parks & Recreation (youth activities)	
Senior Citizens Programs	
Support NAS	
Local Consultants	
Citizen friendly environment	
½ cent sales tax reversed for economic development	
Improved moral (city employees)	
Management updates	
Increase tourism / festivals	
Revitalize historic district & landmarks	
Cross training	
Intergovernmental contracts	

Mayor Esquivel stated that these were the goals for the next two years.

5. CONSIDER CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF KINGSVILLE AND MUNICIPAL DEVELOPMENT SERVICES FOR MANAGEMENT AND ADMINISTRATION OF A TEXAS CAPITAL FUND GRANT ON BEHALF OF LOWE'S, INC.

Mr. Hinojosa stated that bids were opened for the management of the Texas Capital Fund Grant (Lowe's Project). He stated that the sole bid was received from Municipal Development Services. Mr. Hinojosa stated this is the same firm that administered the Calling Solutions Texas Capital Fund Grant. He recommended that the contract be approved.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve the Professional Services Agreement between the City of Kingsville and Municipal Development Services for the management and administration of the Texas Capital Fund Grant on behalf of Lowe's, Inc. The motion passed by a unanimous vote.

6. REVIEW AND TAKE ACTION ON PROFESSIONAL SERVICES CONTRACTS HELD BY THE CITY. (MAYOR ESQUIVEL).

Mr. Hinojosa stated that the following items are professional services contracts between the City of Kingsville and different firms. He requested input from the Commission regarding the contracts and any proposed changes.

6.1 FINANCIAL ADVISORY AGREEMENT WITH FIRST SOUTHWEST COMPANY.

Mr. Hinojosa stated that First Southwest Company made a presentation in April regarding the possibility of issuing new certificates of obligation for capital improvements such as equipment. He stated that he would still like to pursue that possibility.

Mayor Esquivel stated that he would like First Southwest to make a presentation regarding our current debt and financial status of the City. Mr. Hinojosa stated that he would schedule the presentation.

6.2 PROFESSIONAL ENGINEERING CONTRACT WITH SECOR INTERNATIONAL INCORPORATED.

Mr. Hinojosa stated this contract should be completed very soon. He stated that he is trying to negotiate with a property owner to purchase additional property adjacent to the landfill.

Upon a question raised by Commissioner Castillo, Mr. Hinojosa responded that the Secor contract should be completed in about a month.

No action was taken on this contract.

6.3 COURT FEES AND FINES COLLECTION SERVICES CONTRACT WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP.

Mr. Hinojosa stated that more time is spent on retrieving information than the money that is actually collected. He stated that part of the problem is that some of the fines are very old.

Mr. Ruben Perez, City Attorney, stated that part of the problem has been for this company to use our data base and actually making contact with the individuals that owe the fines. He stated that it would probably be to the City's advantage that this contract be terminated.

Commissioner Garcia requested that contact be made with the Company and placed on the next agenda.

6.4 MEMORANDUM OF UNDERSTANDING WITH THE COMPLIANCE COMPANY, L.L.C.

Mr. Hinojosa stated that the memorandum of understanding with The Compliance Company expires at the end of June. He stated that Mrs. Coeta Montgomery has been an employee of this company for one year at a rate of \$60,000. Mr. Hinojosa stated that the option the City has is to renew the contract at a price of \$80,000 or hire Mrs. Montgomery as an employee at the end of the contract.

Commissioner Castillo stated that he would prefer to terminate the contract with this company and advertise the position and preferably to hire a local individual.

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to terminate the contract with The Compliance Company effective June 27, 2002. The motion passed by a unanimous vote.

6.5 PROFESSIONAL ENGINEERING CONTRACT WITH RJR ENGINEERING, LTD., LLP

Mr. Hinojosa stated that this contract is for the scale house relocation for a total amount of \$8,080.00.

Upon a question raised by Commissioner Castillo, Mr. Hinojosa responded that the price of \$8,080 is the total contract amount and there should not be any amendments to the contract.

There was no further discussion or any action taken on this item.

6.6 JAIL CONTRACT BETWEEN THE CITY OF KINGSVILLE AND KLEBERG COUNTY.

Mr. Hinojosa stated that a contract was signed in 1996 that would provide ten beds at a rate of \$35.00 per bed. He stated that not all ten beds are being utilized. Mr. Hinojosa stated that he would prefer to have a contract that is based on actual usage.

Police Chief Sam Granato stated that the City is currently paying over \$100,000 a year under the current contract. He stated that according to actual usage the City should be paying approximately \$28,000 per year.

Mayor Esquivel stated this item needs to be discussed in a separate meeting together with the Sheriff and Kleberg County Commissioner's Court.

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

7.1 DISCUSS APPOINTMENTS TO MASTER PLAN COMMITTEE.

Mr. Hinojosa stated that in a previous meeting, the Commission made several appointments to a Master Plan Committee. He stated that the Commission only specified the entities that would serve on the committee, but was not specific with actually naming individuals from those entities.

Ms. Jennifer Detloff, Director of Development Services informed the Commission that the City of Kingsville must take the lead with a master plan. She stated that the Commission must compile and access the resources, do an inventory, and then prepare an implementation strategy.

Mayor Esquivel recommended that Commissioner Castillo and he be named to this committee as well as Commissioner Wilson as an alternate member.

7.2 DISCUSS APPOINTMENTS TO ZONING BOARD OF ADJUSTMENT.

Mr. Hinojosa stated that appointments need to be made to the Zoning Board of Adjustment. He requested that the Commission submit names of individuals that may be interested in serving.

7.3 DISCUSS EXXON MOBILE CORPORATION SEISMIC SURVEY.

Mr. Hinojosa stated that Exxon Mobile contacted the City of Kingsville regarding the possibility of conducting a seismic survey in the area. Mr. Hinojosa stated that the Planning Department has scheduled a public hearing for all interested parties.

7.4 UPDATE REGARDING THE FINANCE DIRECTOR POSITION.

Mr. Hinojosa stated that an individual has been interviewed; however an offer has not been made. He stated that because of the upcoming budget hearings, he needs to hire someone real soon.

7.5 UPDATE ON LOWE'S PROJECT.

Mr. Hinojosa stated that the Texas Capital Fund Grant has already been accepted; however no funds have been received. He stated that an engineering contract will be placed on the agenda for the next meeting.

7.6 UPDATE ON SHELLY STREET AND GENERAL CAVAZOS PROJECT.

A. MANAGEMENT SERVICES CONTRACT.

B. ENGINEERING SERVICES CONTRACT.

Mr. Hinojosa stated that four firms have submitted proposals for the engineering services contract.

Mayor Esquivel stated that he has met with Texas Department of Transportation (TxDot) officials and requested funds to widen General Cavazos Boulevard. He also requested that TxDot officials make a presentation at the next meeting.

It was the consensus of the Commission to discuss both executive session items (#8 and #11) at this time.

8. 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 POSITION OF THE CITY ATTORNEY. (COMMISSIONER CASTILLO).

11. 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 POSITION OF THE CITY MANAGER. (MAYOR ESQUIVEL).

The Commission went into Executive Session at 10:05 p.m. and ended the session at 11:54 p.m.

9. REVIEW AND TAKE ACTION ON PROFESSIONAL SERVICES CONTRACT HELD BY THE CITY FOR CITY ATTORNEY PROFESSIONAL SERVICES AGREEMENT. (MAYOR ESQUIVEL).

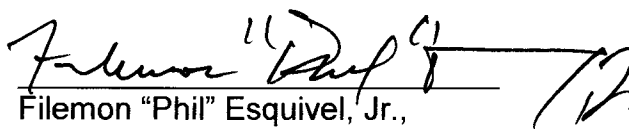
A motion was made by Commissioner Pecos and seconded by Commissioner Castillo to terminate, with thirty days notice, the professional services contract between Ruben Perez, City Attorney and the City of Kingsville. The motion passed by a 3/2 vote. Commissioner's Wilson and Garcia cast the dissenting votes.

10. CONSIDER APPOINTMENT OF CITY ATTORNEY AND ALL MATTERS RELATED THERETO. (COMMISSIONER CASTILLO).

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to appoint Courtney Alvarez as City Attorney at a yearly salary of \$62,000, after thirty days have elapsed with the current City Attorney. The motion passed by a unanimous vote.

VI. ADJOURNMENT.

The meeting adjourned at 11:57 p.m.


Filemon "Phil" Esquivel, Jr.,
Mayor

ATTEST:

Diana F. Valadez, City Secretary