

JUNE 10, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JUNE 10, 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:

Horacio (Hoss) Castillo, City Commissioner
Filemon "Phil" Esquivel, Jr., Mayor
Arturo Pecos, City Commissioner
Al Garcia, City Commissioner

CITY COMMISSION MEMBER ABSENT:

Charles E. Wilson, City Commissioner

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
Diana F. Valadez, City Secretary
Ruben Perez, City Attorney
Courtney Alvarez, Assistant City Attorney
Artemio Alvarez, Risk Manager
Stanley Fees, City Engineer
Sam Granato, Chief of Police
Caron Vela, Accountant
Vilma Castillo, Director of Collections
Daniel Almeida, Wastewater Plant Supervisor
Sammy Maldonado, Utilities Superintendent
Dora Byington, Director of Purchasing
Coeta Montgomery, Director of Personnel
Jennifer Detloff, Director of Development Services
A.L. Noyola, Health Director
Corando Garza, Assistant City Manager / Fire Chief

I. PRELIMINARY PROCEEDINGS

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, a local group of Eagle Scout recipients led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the Special Meetings held Tuesday, May 07, 2002, Thursday, May 9, 2002 at 4:00 p.m. and Thursday, May 9, 2002 at 7:30 p.m.

There being no corrections, a motion was then made by Commissioner Arturo Pecos and seconded by Commissioner Horacio (Hoss) Castillo to approve the minutes as presented. The motion passed by a 4/0 vote. Commissioner Charles E. Wilson was not present for this meeting.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS

1. PRESENTATION BY TEXAS DEPARTMENT OF TRANSPORTATION REGARDING ROAD IMPROVEMENT PROJECTS. (MAYOR ESQUIVEL).

Mr. David Casteel, District Engineer with the Texas Department of Transportation (TxDot) introduced other staff with him, Mr. Cris Caron, Area Engineer and Mr. Mike Flores with the local maintenance office. Mr. Casteel briefed the Commission regarding road improvement projects for this area.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

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

There were no comments made at this time.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER FINAL PASSAGE 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 Filemon "Phil" Esquivel, Jr., requested approval of the proposed ordinance. He stated this is an opportunity for the citizens to dispose of items at the City landfill during the week. He stated that he wants this ordinance to be in effect for only three months.

Commissioner Castillo stated that the proposed ordinance would help with the clean-up campaign and also gives the citizens an opportunity to clean their properties.

There was a discussion regarding the possibility of increasing the hours of operation at the landfill on Saturdays. Commissioner Castillo stated that the landfill permit would have to be amended in order to lengthen the hours of operation.

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to approve Ordinance #ORD-2002-15, 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. The motion passed by a 4/0 vote. Mayor Esquivel stated that the ordinance would be in effect for only three months.

2. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO GOLF COURSE EFFLUENT WATER AGREEMENT WITH GOLF COURSE MANAGERS, INC. AND KLEBERG COUNTY. (UTILITIES SUPERINTENDENT).

Mr. Sammy Maldonado, Utilities Superintendent stated that the proposed agreement was submitted to the Golf Course Managers, Inc. for their review. He stated that they had no problems with the agreement.

Mayor Esquivel stated by approving this agreement, it will improve the grounds of the golf course, and in turn will bring in additional revenues to the City.

A motion was made by Commissioner Pecos and seconded by Commissioner Al Garcia to authorize the City Manager to enter into a Golf Course Effluent Water Agreement with Golf Course Managers, Inc. and Kleberg County. The motion passed by a 4/0 vote.

3. CONSIDER INTRODUCTION OF AN ORDINANCE REZONING 3.798 ACRES OUT OF LOT 1, SKROBARCEK ADDITION FROM CLASS "C-2" RETAIL COMMERCIAL DISTRICT TO CLASS "C-4" COMMERCIAL DISTRICT AND 4.114 ACRES OUT OF FARM LOT 2, SECTION 22, K.T. & I. SUBDIVISION FROM CLASS "AG" AGRICULTURE DISTRICT TO CLASS "C-4" COMMERCIAL DISTRICT, 2700-2800 BLOCKS OF SOUTH HIGHWAY 77 BYPASS. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Jennifer Detloff, Director of Development Services, stated that the property is served by a 12" water line on the south side of General Cavazos; however sewer services are not available to this property. She stated that the Planning and Zoning Commission recommended approval of the rezoning request.

Mayor Esquivel stated that he met with the property owners and they have specified that the rezoning request is strictly for a travel center. He stated that they have no intentions of building storage facilities.

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

4. CONSIDER INTRODUCTION OF AN ORDINANCE ABANDONING AN ALLEY AND RETAINING AN EASEMENT FOR UTILITY PURPOSES IN BLOCK 16 OF THE SIXTH ADDITION. (CITY ENGINEER).

Mr. Stanley Fees, City Engineer, stated that the National Guard Armory has requested the proposed alley abandonment to allow Kleberg County to construct a parking lot. He stated that all utility companies have been notified and no responses have been received as of this date.

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

5. CONSIDER CONFIRMATION OF THE APPOINTMENT OF MR. NICK HARREL FOR A THREE-YEAR TERM ON THE CIVIL SERVICE BOARD/COMMISSION. (CITY MANAGER).

A motion was made by Commissioner Garcia and seconded by Commissioner Castillo to confirm the appointment of Mr. Nick Harrel for a three-year term on the Civil Service Board/Commission. The motion passed by a 4/0 vote.

6. CONSIDER AN APPOINTMENT TO THE PLANNING AND ZONING COMMISSION AND THE ZONING BOARD OF ADJUSTMENT. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff stated there is a vacancy on both the Planning and Zoning Commission and the Zoning Board of Adjustment. She stated Mr. Ramon P. Perez, Mr. Jose A. Cisneros, Mr. Robert Belt, and Mr. Albert Garcia have all expressed an interest to serve on these boards.

A motion was made by Commissioner Garcia and seconded by Commissioner Castillo to appoint Mr. Ramon Perez to the Planning and Zoning Commission and to appoint Mr. Albert Garcia to the Zoning Board of Adjustment. The motion passed by a 4/0 vote. Mr. Perez will replace the vacancy created by Mr. Tommie Trant and Mr. Garcia will replace the vacancy created by Mr. Alton Remmers, Jr.

Commissioner Castillo noted that the remainder of both boards must also be approved because some of the members' terms expire this month as well. Mayor Esquivel requested that staff resubmit board appointments on the next agenda as noted by Commissioner Castillo.

7. CONSIDER APPOINTMENT(S) TO THE COASTAL BEND COUNCIL OF GOVERNMENTS. (CITY MANAGER).

Mayor Esquivel stated that he has been serving on this board and would like to continue his service.

A motion was made by Commissioner Castillo and seconded by Commissioner Garcia to appoint Mayor Esquivel and Commissioner Pecos as members to the Coastal Bend Council of Governments and appoint City Manager Hector Hinojosa as an alternate member. The motion passed by a 4/0 vote.

8. CONSIDER AUTHORIZING THE CITY MANAGER TO IMPLEMENT AN INTERNAL POLICY FOR SENIOR CITIZEN UTILITY ACCOUNTS REGARDING DISCONNECTION PROCEDURES. (COMMISSIONER PECOS).

Commissioner Pecos stated that he requested this item because water service was disconnected for an elderly couple that owed \$39.00. He stated that after this couple tried to pay the delinquent amount, an additional \$100.00 was being charged to reconnect. Commissioner Pecos requested that a policy be established especially for senior citizens.

Mr. Hinojosa reported that there are currently 708 senior citizen accounts and 42 are currently in a delinquent status.

Mrs. Vilma Castillo, Director of Collections stated that her office usually does not disconnect service to senior citizens. She said that normally they send a City representative to an address to notify the customer to make necessary payment arrangements prior to any disconnections taking place.

A motion was then made by Commissioner Garcia and seconded by Mayor Esquivel to authorize the City Manager to implement an internal policy for senior citizen utility accounts regarding disconnection procedures. The motion passed by a 4/0 vote.

9. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ALPHA ENGINEERING TO RENDER CERTAIN SERVICES IN CONNECTION WITH THE 2001 TEXAS CAPITAL FUND INFRASTRUCTURE GRANT PROJECT, CONTRACT #721092. (CITY ENGINEER).

Mr. Hinojosa stated that the City requested proposals for engineering services for the Texas Capital Fund Infrastructure Grant (Lowe's) Project. He stated that four firms submitted proposals.

Mr. Hinojosa recommended that the City enter into an agreement with Alpha Engineering from Kingsville.

A motion was made by Commissioner Pecos and seconded by Mayor Esquivel to authorize the City Manager to enter into a Professional Engineering Services Agreement with Alpha Engineering. The motion did not pass due to a 2/1/1 vote. Mayor Esquivel and Pecos voted for the motion, Commissioner Garcia cast the dissenting vote and Commissioner Castillo abstained from voting. Commissioner Wilson was not present.

10. REVIEW AND TAKE ACTION ON COURT FEES AND FINES COLLECTION SERVICES CONTRACT WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP. (COMMISSIONER GARCIA).

Commissioner Garcia stated that the Company has requested an opportunity to address the Commission at a later date. He recommended this item be tabled at this time.

Upon a motion by Commissioner Pecos and second by Commissioner Castillo, the Commission voted 4/0 to table this agenda item.

11. CONSIDER AUTHORIZING MUNICIPAL COURT JUDGE TO WRITE-OFF OLD OUTSTANDING WARRANTS AND ACCOUNTS. (COMMISSIONER GARCIA).

Commissioner Garcia stated that the City's Auditing Firm, John Womack & Company, recommended that outstanding warrants be written off.

Mr. Ruben Perez, City Attorney stated that the Municipal Court Judge is the individual that has the authority to dismiss the tickets; however he needs a recommendation on how old the warrants should be.

A motion was then made by Commissioner Garcia and seconded by Commissioner Castillo to authorize the Municipal Court Judge to write-off outstanding warrants and accounts aged five years or older. The motion passed by a 4/0 vote.

12. CONSIDER SEEKING REQUESTS FOR PROPOSALS FOR COLLECTION OF MUNICIPAL COURT FEES AND FINES. (COMMISSIONER GARCIA).

A motion was made by Commissioner Castillo and seconded by Commissioner Garcia to table this agenda item. The motion passed by a 4/0 vote.

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

13.1 UPDATE REGARDING THE FINANCE DIRECTOR POSITION.

Mr. Hinojosa stated that he has postponed the hiring of a Finance Director until the new budget has been adopted. He stated that the firm of John Womack and Company would be assisting him with the budget process.

13.2 UPDATE REGARDING CERTAIN PAYROLL CHECKS OF 5/23/2002 PAYROLL.

Mr. Hinojosa reported that a problem occurred with some payroll checks. He stated that the problem was a bank error and they have apologized for this big mistake. Mr. Hinojosa stated that letters were sent to the employees affected and the bank took care of all fees associated with the insufficient checks.

13.3 DISCUSS SHORT/LONG TERM GOALS SET BY THE COMMISSION ON 5/28/2002.

Mr. Hinojosa stated that the short/long term goals set by the Commission have all been categorized under a revenue category, expenditure category or development category. He requested that the Commission rank the goals and prioritize them.

Mayor Esquivel suggested that the ½ cent sales tax election be included on the revenues category and also add a grant writer to the same category.

In other issues both Mayor Esquivel and Commissioner Pecos briefed the Commission and members of the audience on meetings held in Washington, DC while accompanying the South Texas Military Task Force. They both stated that all of the meetings were successful and very productive.

Commissioner Castillo stated that he had some concerns with a recent advertisement of the Human Services Director position offering the position at a yearly pay rate of \$64,000. He stated that this salary range competes with a city the size of Corpus Christi. Commissioner Castillo stated that the Director's position should be competitive with a city with a population of 25,000.

Commissioner Castillo was also concerned with a recent letter distributed to community leaders signed by a concerned taxpayer. He stated that the letter specifies that he was upset with the City Manager because his wife had not been promoted. Upon a question raised by Commissioner Castillo, Mr. Hinojosa responded that no one, including Commissioner Castillo, has ever asked him to promote Mrs. Castillo.

Prior to Mayor Esquivel announcing agenda item #14, Mr. Hinojosa stated that since the executive session was to discuss his position as City Manager, he was requesting that the session be held in open session.

Commissioner Pecos stated that he requested the executive session to discuss personnel matters, not personnel matters concerning the City Manager.

Mr. Perez stated that all personnel matters discussed in executive session must specify the position or individual being discussed.

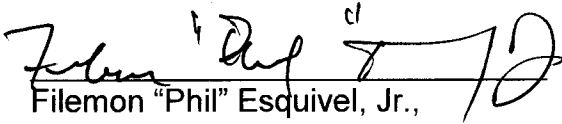
Commissioner Pecos again stated that his intentions were not to discuss the City Manager; however he would place the correct item on a future agenda.

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 REGARDING THE POSITION OF THE CITY MANAGER. (COMMISSIONER PECOS).

The Commission did not go into executive session.

VI. ADJOURNMENT.

The meeting adjourned at 8:30 p.m.


Filemon "Phil" Esquivel, Jr.,
Mayor

ATTEST:

Diana F. Valadez, City Secretary