

JUNE 24, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JUNE 24, 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
 Courtney Alvarez, Assistant City Attorney
 Dora Byington, Director of Purchasing
 Stanley Fees, City Engineer
 Coeta Mongtomery, Director of Personnel
 Sammy Maldonado, Utilities Superintendent
 John Garcia, Garage Superintendent
 Corando Garza, Assistant City Manager
 Artemio Alvarez, Risk Manager

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing led the Commission and members of the audience in an invocation. Immediately thereafter, Miss Melissa Delgado, Texas A & M University Kingsville student, led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the Regular Meeting held Monday, May 13, 2002 and the Special Meeting held Wednesday, May 15, 2002. City Secretary Diana F. Valadez noted a correction on the minutes of May 15, 2002. She stated that the name of Mrs. Dora Byington, Director of Purchasing, was inadvertently omitted on the list of City Staff present at the meeting.

A motion was then made by Commissioner Horacio (Hoss) Castillo and seconded by Commissioner Charles E. Wilson to accept the minutes as presented with the amendment to the minutes of May 15, 2002. The motion passed by a unanimous vote.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. REPLAT REQUEST FOR LOT 1, SKROBARCEK ADDITION AND 4.114 ACRES OUT OF F.L. 2, SECTION 22, K.T.&I. SUBDIVISION. (DIRECTOR OF DEVELOPMENT SERVICES).

Mayor Filemon "Phil" Esquivel, Jr., opened the public hearing at 6:06 p.m. He asked if there was anyone present in the audience wishing to address the Commission regarding this item.

Mr. Homer Castillo, owner of Alpha Engineering and engineer of record for the proposed subdivision addressed the Commission. He stated that he was present representing the owners to answer any questions.

Commissioner Al Garcia stated that at the last meeting it was stated that there would be no exits off of General Cavazos Boulevard, however according to the plat as it is being presented it specifies two exits.

Ms. Jennifer Detloff, Director of Development Services stated that the width of the two exits have changed to 40'.

There being no further discussion, Mayor Esquivel closed the public hearing at 6:14 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. PRESENTATION BY ANN ENTREKIN OF FIRST SOUTHWEST COMPANY REGARDING CURRENT DEBT AND FINANCIAL STATUS OF THE CITY OF KINGSVILLE. (MAYOR ESQUIVEL).

Ms. Ann Entekin, Financial Advisor with First Southwest Company addressed the Commission regarding the current debt service and general obligation debt of the City of Kingsville. She stated that overall the City of Kingsville was in a good financial situation. Ms. Entekin presented a binder to each member of the City Commission outlining and describing all of the City's outstanding debt.

2. PRESENTATION AND UPDATE ON HEALTH INSURANCE PLAN BY DAVID JACOBSON OF ENTRUST.

Mr. Jerry Bravenec and Mr. David Jacobson representing Entrust made a presentation to the Commission regarding the City's health insurance plan.

Mr. Jacobson stated that the City had a self-funded plan, and the plan right now has a substantial amount of reserves. He also stated that if the usage of the insurance continues as it is right now, there would be an adequate amount in reserves.

Commissioner Castillo requested information on the number of employees that qualify for family coverage and the number of employees that actually use the family coverage plan.

Mr. Bravenec stated that they would soon be working on organizing a health fair for the City employees.

3. PRESENTATION REGARDING THE "KEEP TEXAS BEAUTIFUL" PROGRAM. (MAYOR ESQUIVEL).

Ms. Melissa Delgado, Intern from Texas A & M University Kingsville made a presentation regarding the Keep Texas Beautiful program. She highlighted some of the advantages of being part of the program.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Ruben Perez, City Attorney, addressed the Commission. He stated that this was his last meeting as City Attorney for the City of Kingsville. He also stated that he has trained Mrs. Courtney Alvarez, and requested that she take over for this meeting as City Attorney. Mr. Perez thanked the Commission and City Staff for allowing him the opportunity to work for the City of Kingsville.

Mrs. Cotton Markham, 3923 Boyd Street, addressed the Commission. She stated that at the last meeting Mayor Esquivel mentioned her name in several instances. She stated that she was not happy with Mayor Esquivel and Commissioner Arturo Pecos.

Mrs. Dianne Leubert, 715 West Nettie, thanked Mr. Ruben Perez and Mrs. Coeta Montgomery, Director of Personnel for all of their efforts during their employment with the City of Kingsville. She stated that it had been a pleasure to work with both of them.

Mr. Jose Blanco, 623 West Alice, local author of a book addressed the Commission. He stated that his new book is titled Wings of Change and is about politics. Mr. Blanco encouraged everyone to read his new book.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

It was the consensus of the Commission to move and consider agenda item number five, six, and seven.

5. EXECUTIVE SESSION: UNDER SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION ARISING FROM ADMINISTRATION AND ENFORCEMENT OF THE COURT FEES AND FINES COLLECTION SERVICES CONTRACT. (CITY ATTORNEY).

6. CONSIDER REMOVING FROM THE TABLE THE COURT FEES AND FINES COLLECTION SERVICES CONTRACT WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP. (CITY COMMISSION).

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

7. CONSIDER REMOVING FROM THE TABLE SEEKING REQUESTS FOR PROPOSAL FOR COLLECTION OF MUNICIPAL COURT FEES AND FINES. (CITY COMMISSION).

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

A motion was made by Commissioner Wilson and seconded by Commissioner Castillo to table agenda item number five, six, and seven at this time. The motion passed by a 4/1 vote. Commissioner Garcia cast the dissenting vote.

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

4. CONSIDER RESOLUTION APPROVING THE OFFERS TO PURCHASE TAX RESALE PROPERTIES AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE A TAX RESALE DEED ON BEHALF OF THE CITY. (CITY MANAGER).

Mr. Hinojosa stated that Mrs. Melissa DeLaGarza and the tax attorneys were present to address this item.

Mr. Charles A. Sutton, Attorney at Law with the firm of Linebarger Goggan Blair Pena & Sampson, LLP addressed the Commission. He stated that the six properties are under the taxing entities and are currently tax-exempt. It was recently decided to place the properties up for bid in order to receive some revenues. Mr. Sutton stated that the properties were sold on Friday and eighteen bids received on the six properties.

The following is a description of the properties.

Tract 1, 517 West Lott, Lots 7 & 8, Block 80, Original Townsite - \$552.72

Tract 2, 309 East Richard, Lots 7 & 8, Block 11, Original Townsite - \$50.00

Tract 3, 906 East Avenue A, Lots 3 & 4, Block 1, Sims Second Addition - \$1,025.00

Tract 4, 211 E. Santa Gertrudis, Lot 6, Block 5, Original Townsite - \$502.52

Tract 5, 829 East Avenue C, Farm Lot 14, Bloc 6, Suburbs, formerly the E 2/3 of the N ½ of Lo 57, Block 8, Colonia Mexicana Oriente Addition - \$1,501.00

Tract 6, 621 East Avenue C, Lots 10 & 11, Block 12, Colonia Mexicana - \$1,201.00

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to approve Resolution #R-2002-27 and accept the offers to purchase tax resale properties noted above and authorizing the County Judge to execute a tax resale deed on behalf of the City.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE REZONING 3.798 ACRES FROM CLASS "C-2" RETAIL 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).

Ms. Detloff stated that the applicant is requesting the rezoning for the development of a truck stop travel center. She stated that US Highway 77 fronts the property to the west, a four lane divided highway. Ms. Detloff stated that the Planning and Zoning Commission recommended approval of the rezoning request.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve Ordinance #ORD-2002-16, rezoning 3.798 acres from Class "C-2" Retail 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. The motion passed by a 3/2 vote. Commissioner's Wilson and Garcia cast the dissenting votes.

2. CONSIDER FINAL PASSAGE 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 all of the utility companies were contacted regarding this item, and no opposition was received. He recommended approval of the proposed ordinance.

Upon a motion by Commissioner Castillo and second by Commissioner Pecos, the Commission unanimously approved Ordinance #ORD-2002-17, abandoning an alley and retaining an easement for utility purposes in Block 16 of the Sixth Addition.

3. CONSIDER RESOLUTION SUPPORTING THE KEEP TEXAS BEAUTIFUL PROGRAM PROMOTING THE ENHANCEMENT OF ALL TEXAS COMMUNITIES. (MAYOR ESQUIVEL).

Upon a question raised by Commissioner Pecos, Mayor Esquivel responded that the City would pay for the membership dues to join this program.

Commissioner Wilson stated that the resolution simply supports the program, however it does not authorize or request any funding. Mayor Esquivel stated that if the City supports and joins this program, there would be a membership fee associated with joining.

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to approve Resolution #R-2002-26, supporting the Keep Texas Beautiful Program promoting the enhancement of all Texas Communities. The motion passed by a 4/1 vote. Commissioner Wilson cast the dissenting vote.

8. CONSIDER SUBMITTING GRANT ADJUSTMENT REQUEST TO CRIMINAL JUSTICE DIVISION, TEXAS NARCOTICS CONTROL PROGRAM ON BEHALF OF SOUTH TEXAS SPECIALIZED CRIMES & NARCOTICS TASK FORCE. (CHIEF OF POLICE).

Mr. Bill Quellhorst, Assistant Commander of the Task Force addressed the Commission. He stated that the Jim Wells County Sheriff's Department has decided to terminate their partnership with the Task Force. He stated that the grant adjustment simply places that money and the person assigned to that department be paid into the City of Kingsville budget. He recommended approval.

Upon a motion by Commissioner Pecos and seconded by Commissioner Garcia, the Commission voted unanimously to authorize the grant adjustment request to the Criminal Justice Division, Texas Narcotics Control Program on behalf of the South Texas Specialized Crimes and Narcotics Task Force.

9. CONSIDER REQUEST TO APPROVE REVISIONS TO CAPITAL IMPROVEMENT SCHEDULE SUBMITTED BY THE KLEBERG COUNTY PARKS & RECREATION DEPARTMENT. (PARKS DIRECTOR).

Ms. Susan Ivy, Parks Director, stated that the City Commission approved in this year's current budget \$51,666 for capital improvements. She stated this amount has been approved, and she is requesting this amount be paid to the Parks Department as soon as possible. Ms. Ivy also requested approval of the revised capital improvement schedule as follows:

Construction of Restrooms in Flores Park and Flato Park	\$10,000
Re allocate \$5,000 to meet current maintenance budget needs	-5,000
Finish Landscaping Project at Flores Park	3,000
Remove Landscaping Project to Purchase new truck	- 3,000
Water Fountain and Restroom in Corral Street Park & Brookshire #1	11,000
Delay Construction of Restroom in Corral Park for New Truck	-11,000
Water Fountains in Ricardo & Riviera Parks	1,000
Irrigation of 3 Adult Softball Fields, 3 Girls Softball, 3 Baseball Fields	45,000
Paving Materials for Soccer Complex and Girls Softball Parking Lots	15,000
Reallocated	-15,000
to irrigating three more Soccer Fields	15,000
Renovation of Press Box on Ball Field 2 & 3	5,000
Replace Piping on Adult Softball Complex to Galvanized Piping.	15,000

Replace Piping on Memorial Softball Field	4,000
Paint all Press Boxes with Logos by Macareno Signs	5,000
Fencing for new multipurpose field in Riviera Park	6,000
Re-allocated these funds to meet current year park & playground Maintenance budget needs – Schedule this project next budget year	-6,000
Concrete work at skatepark	7,200
Bleachers at skatepark	2,500
Re allocate these funds for purchase of new truck – purchase bleachers next year	-2,500
Additional Fencing at skatepark	5,000
Signs for skatepark	1,000
Renovation of Jet by Bypass and installation of Flag Poles and lighting	25,000
**Increased due to bids on painting the jet	
Match for Texas Parks & Wildlife Recreation Grant	7,000
	167,700
Transferred for Purchase of New Truck	- 16,500
Transferred to Park & Playground Maintenance Budget	- 11,000
REVISED TOTAL CAPITAL IMPROVEMENT PROJECTS	140,200

City Funds \$51,666.00 committed
 County Funds 41,666.00 committed
 Brookshire Foundation 20,000.00 committed
 Quality Chrysler Donation 2,500.00
 Assistance from:
 American League
 Brush Country Softball 5,000.00
 Kingsville Youth Soccer 3,000.00
 National Little League 10,000.00
 Other Private Donations 35,200

TOTAL FUNDING 167,700.00

Upon a question raised by Commissioner Castillo, Ms. Ivy responded that the Kleberg County Commissioner's Court approved these expenditures at their meeting held earlier today.

Upon a motion by Commissioner Castillo and second by Commissioner Wilson, the Commission unanimously approved the revisions to the Capital Improvement Schedule submitted by the Kleberg County Parks & Recreation Department.

10. CONSIDER REQUEST FOR FUNDS BUDGETED BY THE CITY FOR CAPITAL IMPROVEMENTS TO BE MADE AVAILABLE FOR EXPENDITURES. (PARKS DIRECTOR).

Mr. Hinojosa stated that since these funds were already budgeted, the City must proceed with the payment. He requested that the Parks Department submit an invoice to the City.

Upon a motion by Commissioner Castillo and seconded by Commissioner Garcia, the Commission unanimously authorized the payment of funds budgeted by the City for capital improvements to be made available for expenditures.

11. DISCUSS AND AUTHORIZE THE CITY MANAGER TO PREPARE A GRANT APPLICATION TO THE 2003 COMMUNITY DEVELOPMENT PROGRAM OF THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR WATER AND/OR WASTEWATER SYSTEM IMPROVEMENTS. (COMMISSIONER CASTILLO).

Commissioner Castillo stated that the Office of Rural Community Affairs is currently accepting grant applications for water and/or wastewater system improvements. He stated that the City is obligated to match \$60,000; however these funds could be paid by in-kind services. Commissioner Castillo stated that the deadline to submit the application is September 26, 2002. He recommended approval of this agenda item.

Upon a motion by Commissioner Pecos and second by Commissioner Wilson, the Commission unanimously authorized the City Manager to prepare a grant application to the 2003 Community Development Program of the Office of Rural Community Affairs for water and/or wastewater system improvements.

12. DISCUSS AND TAKE ACTION ON HIRING A CONSULTANT/GRANT WRITER TO ASSIST THE CITY MANAGER WITH PREPARATION OF A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS. (COMMISSIONER CASTILLO).

Commissioner Castillo stated that in prior years he has been the grant writer the City has utilized. He stated that there is a lot of detailed work involved in writing this type of proposal and recommended that the Commission hire Ms. Mary Mora for this service. Commissioner Castillo stated that she is knowledgeable and has prepared grant proposals for other cities.

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to hire Ms. Mary Mora to submit a grant application to the Office of Rural Community Affairs on behalf of the City of Kingsville.

Commissioner Wilson stated that the City did not advertise for this service and therefore should give the opportunity to other grant writers in the City. Commissioner Castillo responded that there are deadlines that must be met, and if the City advertised for this service, it could delay submitting the proposal in a timely manner.

Commissioner Garcia stated that the process the City is taking at this time would place other grant writers in the City at a disadvantage.

The Commission proceeded to vote on the motion. The motion passed by a 3/2 vote. Commissioner's Wilson and Garcia cast the dissenting votes.

13. CONSIDER AUTHORIZING THE INSTALLATION OF A FLAG POLE AT THE KINGSVILLE CONVENTION AND VISITOR'S BUREAU VISITOR'S CENTER ON U.S. HIGHWAY 77. (CITY MANAGER).

Mr. Hinojosa stated that the B.C. and Addie Brookshire Foundation has requested authorization to install a fifty (50) foot flagpole for the display of a 10' x 15' United States Flag at the Visitor Information Depot. He stated that the foundation is paying for all costs associated with the installation of this flag display. He recommended approval.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission unanimously approved the installation of a flagpole at the Kingsville Convention and Visitor's Bureau Visitors Center on U.S. Highway 77.

14. CONSIDER MOTION AUTHORIZING THE REPROGRAMMING OF FUNDS (\$20,000) FROM THE CERTIFICATES OF OBLIGATION SERIES 1998 (CAP 98) TO PROVIDE NECESSARY MAINTENANCE OF WATER WELL #22. (UTILITIES SUPERINENDENT).

Mr. Sammy Maldonado, Utilities Superintendent stated that Water Well #22 is in need of some repairs. He stated this money would help make the necessary repairs.

Upon a motion by Commissioner Garcia and second by Commissioner Pecos, the Commission unanimously authorized the reprogramming of funds (\$20,000) from the Certificates of Obligation Series 1998 (CAP 98) to provide necessary maintenance of Water Well #22.

15. CONSIDER FINAL REPLAT APPROVE OF LOT 1, SKROBARCEK ADDITION AND 4.114 ACRES OUT OF FARM LOT 2, SECTION 22, K.T. & I. SUBDIVISION. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff stated that the new subdivision fronts on General Cavazos Boulevard and US 77 Bypass. She stated that only water services are available to the property. Ms. Detloff stated that the Planning and Zoning Commission recommended approval of the final plat.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the final replat of Lot 1, Skrobarcek Addition. The motion passed by a 4/1 vote. Commissioner Wilson cast the dissenting vote.

16. CONSIDER RE-APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION, ZONING BOARD OF ADJUSTMENT, HISTORICAL DEVELOPMENT BOARD, AND THE ELECTRICAL BOARD. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff stated that reappointments must be made to the Planning and Zoning Commission, Zoning Board of Adjustment, Historical Board, and the Electrical Board.

A motion was made by Commissioner Garcia and seconded by Commissioner Castillo to approve the following reappointments and appointment:

Planning & Zoning Commission: Reappoint Mr. Lupe Alvarez, Mr. J. Browning Finley, Mr. Jose R. Loera, and Mr. Steve Zamora.

Zoning Board of Adjustment: Reappoint Mr. Leo Alarcon, Mr. Robert Cantwell, Ms. Nina Cortez, Ms. Ricki Cunningham, Mr. Michael Foor and Mr. Rudy Galvan, Jr.

Historical Development Board: Reappoint Ms. Gloria B. Cantu, Dr. Leslie Hunter, and Mrs. Maggie Salinas.

Electrical Board: Appoint Mr. Martin Peralez to fill the seat vacated by Mr. Ramon Perez, Jr. Mr. Perez was recently appointed to the Planning and Zoning Commission, therefore created an open seat on the Electrical Board.

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

17. DISCUSS CITY CLEAN-UP EFFORTS AND ISSUES.

17.1 REVIEW OPTIONS REGARDING BRUSH-REDUCTION EQUIPMENT FOR THE CITY LANDFILL.

17.2 CONSIDER EXPEDITING THE ALLEY CLEAN-UP PROJECT.

Mr. Corando Garza, Assistant City Manager and Mr. Joel Saenz, Code Enforcement Officer made a presentation to the Commission regarding a trench burner to be used for the clean-up project. They showed a film of a trench burner being used in the City of Alice. The Commission also discussed other methods for a strong code enforcement program.