

MARCH 10, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, MARCH 10, 2003 AT 5:00 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:

Corando Garza, Interim City Manager
 Diana F. Valadez, City Secretary
 Courtney Alvarez, City Attorney
 Stanley Fees, City Engineer / Interim Assistant City Manager
 John Garcia, Garage Superintendent / Interim Assistant City Manager
 Danny Almeida, Wastewater Plant Supervisor
 Sammy Maldonado, Utilities Superintendent
 Joe Casillas, Water Production Supervisor
 Artemio Alvarez, Risk Manager
 Dora Byington, Director of Purchasing
 David Gibson, Information Systems Technician
 Tina Galvan, Solid Waste Supervisor
 Joel Saenz, Code Enforcement Officer
 Chito Hinojosa, Street Supervisor
 Diana Gonzales, Director of Personnel
 Luke Womack, Financial Consultant
 Dianne Leubert, Solid Waste Superintendent
 Roel Cavazos, Interim Fire Marshall
 Vilma Castillo, Director of Collections
 Caron Vela, Accountant
 Al Lopez, Interim Fire Chief

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mayor Filemon "Phil" Esquivel, Jr., opened the meeting at 5:03 p.m. and proceeded with the scheduled workshop session.

IV. CONVENE INTO PETITIONS, GRIEVANCES, AND PRESENTATIONS – ITEM IV- #1 / WORKSHOP SESSION REGARDING RESIDENTIAL DEVELOPMENT AGREEMENT GUIDELINES.

1. WORKSHOP / DISCUSSION REGARDING RESIDENTIAL DEVELOPMENT AGREEMENT GUIDELINES. (MAYOR ESQUIVEL).

Ms. Jennifer Detloff, Director of Development Services addressed the Commission regarding the proposed residential development agreement guidelines in a workshop session.

After the workshop closed, the Commission took a short recess at 6:07 p.m.

The Commission convened in regular session at 6:11 p.m.

6:11 P.M. – REGULAR SESSION OF THE AGENDA CONTINUES.

INVOCATION / PLEDGE OF ALLEGIANCE – (MAYOR ESQUIVEL)

Mrs. Dora Byington, Director of Purchasing led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Joel Saenz, Code Enforcement Officer, 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. PUBLIC HEARINGS REGARDING CONDEMNATION OF HOMES/STRUCTURES; 613 EAST AVENUE D, 211 EAST ELLA, 412 WEST CAESAR, 1115 EAST HENRIETTA, 723 EAST ELLA, 514 EAST ALICE, AND 631 EAST CORRAL. (INTERIM FIRE MARSHALL).**

Mayor Esquivel opened the public hearing at 6:13 p.m.

Mr. Corando Garza, Interim City Manager, recommended that the Commission approve and proceed with the condemnations of the listed properties.

Mayor Esquivel asked if anyone was present in the audience to address the Commission regarding the condemnations. No one was present and therefore Mayor Esquivel closed the public hearing at 6:15 p.m.

III. PUBLIC COMMENT ON AGENDA ITEMS.**1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.**

Mr. Jeff Jung, Director of the SBC, formerly known as Southwestern Bell, addressed the Commission. He stated that SBC recently repaired a toll problem in our area that would prevent phone outages.

Mr. Dan Suson, Citizens for the Betterment of Kingsville Committee, apologized for making a statement on a flier their committee recently circulated to different homes. He stated the flier had an incorrect statement against Mayor Esquivel, and apologized.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.**2. INTERM CITY MANAGER'S REPORT. (INTERIM CITY MANAGER).****2.1 COMPARISON OF ENERGY MANAGEMENT STUDY FROM THE STATE ENERGY CONSERVATION OFFICE AND JOHNSON CONTROLS.**

Mr. Stanley Fees, City Engineer / Interim Assistant City Manager, addressed the Commission. He spoke about the difference between the two studies. Mr. Fees also stated that he has spoken to the Utilities Superintendent regarding an in-house water meter replacement project.

2.2 INSURANCE CLAIMS ON ROOF AT CENTRAL FIRE STATION. (RISK MANAGER).

There was a discussion regarding the roof claims at the Central Fire Station. Mr. Art Alvarez, Risk Manager, stated that two claims were submitted to repair the roof at the station in 1997 and the other in 1999 during Hurricane Brett. He stated that City Staff is currently looking for the paperwork submitted during the

time the repairs were done in order to determine what type of warranty is available on the repairs.

Commissioner Al Garcia stated that if the roof is still leaking, he wanted to know how the problem was going to be fixed.

Upon a question raised by Commissioner Horacio (Hoss) Castillo, Mr. Garza responded that other building sites are being explored for a new building. He stated that the money available for such project could delay the process. Commissioner Castillo stated that the short-term plan must be compatible to the long-term plan for the building.

Commissioner Charles E. Wilson stated that if the roof is repaired immediately, then the mold repairs would have to be done and perhaps it could all be coordinated together.

Ms. Georgina Ybarra, Claims Adjuster for the Texas Municipal League Intergovernmental Risk Pool, addressed the Commission regarding the claims that were submitted to the Risk Pool. She stated that she would be working with the Risk Manager regarding the needed repairs.

2.3 KAPPA DELTA CHI COMMUNITY PROJECT; PAINTING HOUSE NUMBERS ON CURBS.

Mr. Garza stated that Ms. Desiree Flores, President of the Kappa Delta Chi Sorority from Texas A & M University Kingsville was present to address the Commission.

Ms. Flores stated that their group was planning a community wide project to paint house numbers on the street curbs. She stated that both the EMS and Police Departments would benefit from this project. Ms. Flores asked if anyone was interesting in supporting this community wide program either with monetary contributions or labor to please contact her at the University.

Commissioner Wilson commended Ms. Flores and other sorority members present for giving back to their community and organizing this project.

Mayor Esquivel requested that Ms. Flores contact the City Engineer to determine which color of paint to use for this project.

3. CITY ATTORNEY'S REPORT. (CITY ATTORNEY).

Mrs. Courtney Alvarez, City Attorney, stated that the City recently received a draft agreement from the South Texas Water Authority. She stated that she would be reviewing the agreement and a negotiating team meeting would soon be scheduled.

4. MAYOR AND CITY COMMISSIONER'S REPORT. (CITY COMMISSION).

Commissioner Wilson stated that a grant application was recently submitted to the Economic Development Administration on behalf of the City of Kingsville. He stated that the copy he received of the grant was missing certain pages and requested that he be provided with copies of the missing pages if available.

Ms. Alvarez responded that the copy of the grant that was provided to members of the Commission is all the information the City currently has.

In another matter, Commissioner Garcia stated that the Commission should establish a procedure for Commission members and staff to reimburse the City on cellular phone usage.

Commissioner Arturo Pecos stated that he has on several occasions called City Staff regarding water leaks. He stated that all of the leaks have been repaired and thanked all the employees that have responded to these calls.

Commissioner Castillo stated that regarding an EDA Grant rejection letter the City received; he said this federal agency is out of Austin, Texas. He said that he was sure that this agency had seen all the negative news releases about Kingsville and that could have possibly contributed to the rejection of the grant. Commissioner Castillo stated that a meeting has been scheduled with Mr. Pedro Garza, with the Economic Development Administration to discuss the grant rejection letter. Commissioner Castillo stated that Mayor Esquivel would also attend this meeting.

Mr. Jeff Jung, Executive Director of SBC, informed the Commission that SBC is readily available to assist the City with the computer networking system. He said he understood that the Commission had considered another company without requesting proposals. Mr. Jung stated that if the Commission proceeds to hire this company, SBC would be prepared to take legal action against the City of Kingsville.

Mayor Esquivel stated that he is very concerned regarding a flier that is being distributed by the Citizens for the Betterment of Kingsville Committee regarding the recall issue. He requested that all of the citizens consider all of the facts before signing the recall petitions.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

It was the consensus of the Commission to move to agenda item number five.

5. CONSIDER MOTION TO APPROVE LINE ITEM TRANSFERS FOR THE CITY OF KINGSVILLE GENERAL FUND AND THE CERTIFICATES OF OBLIGATION SERIES 2002 AND 2002A FUNDS FOR FISCAL YEAR 2002-2003. (FINANCIAL CONSULTANT).

Mr. Luke Womack, CPA was present and stated that Ms. Caron Vela, Accountant would give the presentation. Mrs. Vela explained the different line item transfers. She stated that the transfers would also cover an upgrade on computers to network all of the City departments together.

Mayor Esquivel stated that the Commission has been criticized for giving money to the Senior Citizens Program. He stated that the Commission not only budgeted an allotment to the Senior Citizens Program but also to the South Texas Military Task Force.

A motion was then made by Commissioner Castillo and seconded by Commissioner Pecos to approve the line item transfers for the General Fund and the Certificates of Obligation Series 2002 and 2002A. The motion passed by a unanimous vote.

1. ADOPTING CERTAIN FINDINGS, REVIEWING EVIDENCE AND TESTIMONY OF WITNESSES, DECLARING THAT CONDITIONS EXIST WHICH RENDER CERTAIN BUILDINGS OR STRUCTURES UNSAFE WHICH CANNOT BE CORRECTED WITHOUT SUBSTANTIAL RECONSTRUCTION, AND DECLARING THE FOLLOWING BUILDINGS AND STRUCTURES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THEIR DEMOLITION OR SUCH OTHER ACTION TO ABATE SUCH PUBLIC NUISANCE. (INTERIM FIRE MARSHALL).

- 1.1 613 EAST AVENUE D.
- 1.2 211 EAST ELLA
- 1.3 412 WEST CAESAR

- 1.4 1115 EAST HENRIETTA
- 1.5 723 EAST ELLA
- 1.6 514 EAST ALICE
- 1.7 631 EAST CORRAL

Mayor Esquivel stated that the public hearing regarding the condemnations was held at the beginning of the meeting. He stated that no one was presentation to address the Commission regarding the condemnations.

A motion was then made by Commissioner Pecos and seconded by Commissioner Garcia to approve and order the demolitions of the buildings and/or structures located on the addresses identified above. The motion passed by a unanimous vote.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, AMENDING SECTION 15-1-64, PROVIDING FOR THE USE OF METAL CLAD CABLE IN CERTAIN CIRCUMSTANCES. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff stated that this was the final passage of the ordinance introduced at the last City Commission meeting. She stated that the only recommended change was after the statement of the manufactured fixture whip for it to state "which meets the currently adopted code". She recommended approval of the ordinance with the proposed amendment.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve Ordinance #ORD-2003-05, with the amendment that states "which meets the currently adopted code". The motion passed by a 4/0/1 vote. Commissioner Wilson abstained from voting on this agenda item.

3. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 6, ZONING, APPENDIX A: LAND USE CATEGORIES, SECTION 1 LAND USE CHART, PROVIDING FOR STORAGE WAREHOUSES TO BE CHANGED FROM A PERMITTED USE TO REQUIRING A SPECIAL USE PERMIT. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Detloff recommended approval of the proposed ordinance. She stated that this ordinance was introduced at the last meeting, and no other changes have been recommended.

Mayor Esquivel stated that by adopting this ordinance it would eliminate the possibility of storage warehouses being placed into areas that would not be appropriate for that area.

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to approve Ordinance #ORD-2003-06, amending Chapter XV, Article 6, Zoning, Appendix A: Land Use Categories, Section 1 Land Use Chart, providing for storage warehouses to be changed from a permitted use to requiring a special use permit. The motion passed by a unanimous vote.

4. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER XI, BUSINESS REGULATIONS, ARTICLE 3, ALCOHOLIC BEVERAGES; PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A PRIVATE SCHOOL AND PROVIDING FOR VARIANCES TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES

WITHIN 300 FEET OF A CHURCH, PUBLIC OR PRIVATE SCHOOL, OR PUBLIC HOSPITAL. (CITY ATTORNEY).

Mrs. Alvarez stated that the proposed revision is being submitted to the Commission to update the City ordinance which is based on Chapter 109, Subchapter C: Local Regulation of Alcoholic Beverages of the Texas Alcoholic Beverage Code. She stated that the code allows the governing body of a City to prohibit the sale of alcoholic beverages within 300 feet of a church, public or private school, or public hospital. The Alcoholic Beverage Code also permits the governing body to allow variances to the law for various reasons, which are noted in the proposed ordinance.

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

6. CONSIDER RESOLUTION RECLASSIFYING AND RESTRUCTURING THE POSITION OF LAW CLERK WITH THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE. (TASK FORCE COMMANDER & DIRECTOR OF PERSONNEL).

Ms. Diana Gonzales, Director of Personnel stated that the proposed position reclassification is a grant funded position and the change is being reflected in the grant adjustment request in the following agenda item. She recommended approval of the proposed resolution.

A motion was then made by Commissioner Wilson and seconded by Commissioner Garcia to approve Resolution #R-2003-06 reclassifying and restructuring the position of law clerk with the South Texas Specialized Crimes and Narcotics Task Force. The motion passed by a unanimous vote.

7. CONSIDER APPROVAL OF GRANT ADJUSTMENT REQUEST SUBMITTED TO THE TEXAS NARCOTICS CONTROL PROGRAM BY THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE. (TASK FORCE COMMANDER).

Mr. J.R. Ibarra, Assistant Task Force Commander, stated that the grant adjustment was being requested to allow the purchase of an X-ray Imaging System and also for the reclassification of the position of law clerk. He recommended approval of the grant adjustment request.

Mayor Esquivel stated that he appreciates all of the work done by all the Task Force personnel, especially the work done by all of the agents.

A motion was then made by Commissioner Castillo and seconded by Commissioner Pecos to approve the grant adjustment request submitted to the Texas Narcotics Control Program by the South Texas Specialized Crimes and Narcotics Task Force.

8. 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 A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATED IN THE CITY AND WITH WHICH IT IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS. (MAYOR ESQUIVEL).

The Executive Session began at 7:35 p.m. and ended at 7:53 p.m.

VI. ADJOURNMENT

The meeting then adjourned at 7:54 p.m.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana F. Valadez, City Secretary