

MARCH 24, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, MARCH 24, 2003 AT 5:30 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
 Filemon "Phil" Esquivel, Jr., Mayor
 Arturo Pecos, City Commissioner ***
 Al Garcia, City Commissioner

CITY COMMISSION MEMBERS ABSENT:

Horacio (Hoss) Castillo, City Commissioner

CITY STAFF PRESENT:

Stanley Fees, Interim Assistant City Manager / City Engineer
 John Garcia, Interim Assistant City Manager / Garage Superintendent
 Diana F. Valadez, City Secretary
 Courtney Alvarez, City Attorney
 Jennifer Detloff, Director of Development Services
 Sammy Maldonado, Utilities Superintendent
 Tina Galvan, Sanitation Supervisor
 Dora Byington, Director of Purchasing
 Dianne Leubert, Solid Waste Superintendent
 Chito Hinojosa, Street Supervisor
 Diana Gonzales, Director of Personnel
 Vilma Castillo, Director of Collections
 Caron Vela, Accountant

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mayor Filemon "Phil" Esquivel, Jr., opened the meeting at 5:33 p.m.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

In a workshop session with the City Commission, Ms. Jennifer Detloff, Director of Development Services, discussed the revisions made to the proposed guidelines. The workshop session concluded at 6:03 p.m.

6:03 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, Mrs. Maria Garza, the mother of a famous artist, Carmen Lomas Garza, 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. None.

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

Mr. Dan Suson, 408 South Lantana, requested that Mayor Esquivel brief the citizens regarding a meeting he attended with the Economic Development Administration (EDA) regarding the submission of a grant application. He stated he was requesting this briefing since Mayor Esquivel announced at the last meeting that he would be meeting with EDA.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.**2. INTERIM CITY MANAGER'S REPORT. (INTERIM CITY MANAGER).**

Mr. Stanley Fees, Interim Assistant City Manager stated that the entire City Staff expresses their deepest condolences to the family of State Representative Irma Rangel.

In another report, he stated that the Texas Department of Transportation has scheduled a meeting on Tuesday, March 25, 2003 at Christus Spohn Hospital regarding the expansion of General Cavazos Boulevard. He also stated that at the next meeting, a workshop would be scheduled to discuss the mobile home park expansion guidelines.

2.1 DISCUSS MOLD INSPECTION AT CENTRAL FIRE STATION.

Mr. Fees stated that a bid proposal has been sent out to receive bids for repairs to the Central Fire Department.

Mayor Esquivel stated that a cost analysis is needed to determine whether it is best to replace the roof on the existing building or to build a completely new building.

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

Mrs. Courtney Alvarez, City Attorney, stated that on April 03, 2003, a community wide tribute would be held in memory of State Representative Irma Rangel. She stated that the tribute would be held at Jones Auditorium at 11:00 a.m.

Mrs. Alvarez also stated that a meeting would soon be scheduled with the City's negotiating team and the South Texas Water Authority negotiating team.

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

Commissioner Al Garcia expressed his condolences to the family of State Representative Irma Rangel. He stated that she certainly is going to be missed and that she always had the foresight to continuously fight for a pharmacy school at Texas A & M University Kingsville.

Mayor Esquivel stated that it was an honor to attend the services and funeral for Representative Rangel. He stated that an announcement has been made that the School of Pharmacy at Texas A & M University Kingsville would be named in her honor.

In another matter and in response to a request made by Mr. Suson during the citizen's comments, Mayor Esquivel stated that the meeting with the Economic Development Administration did not take place. He stated that the Mr. Pedro Garza, Executive Director was unable to meet and would be out of his office for at least a two-week period. Mayor Esquivel stated that as soon as Mr. Garza would return to the office, the meeting would be rescheduled.

Mayor Esquivel stated that he attended a meeting of the Board of Director's of the South Texas Narcotics Crimes and Specialized Task Force. He stated that it was determined that he would take the lead in trying to acquire the signatures of the District Attorney and the Sheriff in order to comply with the grant requirements.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER FINAL PASSAGE 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 Alcoholic Beverage 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 same code also permits the governing body to allow variances to this law. Mrs. Alvarez stated that the current ordinance does not provide a mechanism by which someone may seek a variance to the ordinance. She recommended the City ordinance be updated to reflect what is allowable under State Law.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the proposed ordinance. The motion died due to a 2/2 vote. Commissioner's Wilson and Garcia voted against the motion and Commissioner Castillo was not present at this meeting.

Mayor Esquivel requested that Mr. Dick Messbarger, Executive Director of the Economic Development Council, address the Commission regarding this issue. Mr. Messbarger stated that if the proposed ordinance were not approved, a business prospect would reconsider Kingsville as a building site. He stated that the prospect was a franchise restaurant known as Chili's Restaurant.

Mrs. Carolyn Fees, a member of the audience, questioned Mr. Messbarger as to the proposed site and/or area in which Chili's was considering as a building site. She became upset at the proposed

site being too close to H.M. King High School. Mrs. Fees angrily stated that there were already enough drugs at the high school.

Mayor Esquivel stated that the Commission could consider this issue once again at another meeting.

2. CONSIDER RESOLUTION ESTABLISHING GUIDELINES AND CRITERIA GOVERNING RESIDENTIAL DEVELOPMENT AGREEMENTS; AUTHORIZING THE CITY MANAGER TO ACCEPT APPLICATIONS ON BEHALF OF THE CITY FOR PRESENTATION TO THE COMMISSION; AND PROVIDING FOR EVALUATION OF EACH APPLICATION FOR CONFORMITY WITH SUCH GUIDELINES AND CRITERIA PRIOR TO SUBMISSION TO THE COMMISSION. (DIRECTOR OF DEVELOPMENT SERVICES).

Ms. Jennifer Detloff, Director of Development Services, stated that the proposed residential development guidelines have been discussed at length with the citizens of Kingsville, developers, and real estate companies as well as with the City Commission. She recommended that on page seven of the guidelines that a revision be made stating that the City would recoup its investment in a certain number of years and that the number of years be determined by the City Commission.

Mr. Dick Messbarger stated that City staff has been working on this issue since last November. He stated that the proposed guidelines would definitely assist developers into building residential homes.

There was a discussion regarding the depth the City would dig for the utility lines. Mr. Fees stated that the City would only dig five feet and would not go beyond that depth.

Mr. Ramon Perez, a local developer stated that if the City could not go beyond the five feet depth, then the contractor is going to have to pay for the additional three feet. He stated that in his opinion, he would avoid any assistance from the City and do all the improvements totally on his own.

Mayor Esquivel thanked City staff and all of the members of the community that worked on the guidelines.

A motion was made by Commissioner Garcia and seconded by Commissioner Charles E. Wilson to approve Resolution #R-2003-08, establishing guidelines and criteria governing Residential Development Agreements, authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission.

Ms. Detloff questioned whether the motion included any guidelines as to the number of years that would be required for the City to recoup its investment. Mayor Esquivel responded that the motion was to approve the guidelines as presented to the Commission and there would not be such a requirement to recoup the investment.

The Commission proceeded to vote on the motion. The motion was approved by a 4/0 vote.

3. CONSIDER AWARDING BID FOR THE PURCHASE OF TWENTY (20) PICK-UP TRUCKS FOR VARIOUS PUBLIC WORKS DEPARTMENTS. (BID #23-18). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing, stated this item authorizes the purchase of twenty (20) pick-up trucks for various Public Works Departments. She recommended the bid be awarded to the following bidders:

Eddie Yaklin Ford, Kingsville, Texas
 Four (4) ½ ton regular cab @ \$13,630.15 // Total bid \$54,520.60
 Four (4) ¾ ton with utility bed @ \$20,677.72 // Total bid \$82,710.88
 Three (3) ¾ ton regular cab @ \$16,330.72 // Total bid \$48,992.16

Creveling Dodge, Corpus Christi, Texas
 Five (5) ½ ton 4 x 4 cab @ \$16,299.00 // Total bid \$81,495.00
 Two (2) ¾ ton crew cab 4 x 4 @ \$19,912.00 // Total bid \$39,824.00

Quality Chrysler, Kingsville, Texas
 One (1) 1 ton with utility bed / Total bid \$32,995.00

Crosstown Ford, Corpus Christi, Texas
 One (1) 1 ton with stake bed / Total bid \$26,228.00

Mrs. Byington stated this item would expend \$371,112.64 and funds for these vehicles are in the Certificates of Obligation Series 2002 and 2002A. She recommended approval.

Upon a motion by Commissioner Garcia and second by Commissioner Arturo Pecos, the Commission voted 4/0 to award the bid for the purchase of the pick-up trucks as recommended by Mrs. Byington.

4. CONSIDER AWARDING BID FOR THE PURCHASE OF A BRUSH TRACTOR FOR THE SANITATION DEPARTMENT, A BACKHOE/LOADER FOR THE STREET DEPARTMENT, AND A BACKHOE/LOADER FOR THE LANDFILL DEPARTMENT. (BID #23-24). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase of a brush tractor for the Sanitation Department, a backhoe/loader for the Street Department, and a backhoe/loader with a grapppler for the Landfill Department. She stated that the sole bid on the brush tractor and the other low bids for the other equipment meet all of the specifications.

Mrs. Byington recommended awarding the bid as follows:

Forklifts Unlimited from Corpus Christi, Texas
 Brush tractor // total bid \$83,750.00

H & V Equipment from Corpus Christi, Texas
 Backhoe/loader // total bid \$36,773.00 and includes a trade-in
 Backhoe with grapppler // total bid \$46,737.00 and also includes a trade-in.

Mrs. Byington stated this action would expend \$167,260 for all of the equipment and funds are included in the Certificate of Obligations Series 2002 and 2002A budget.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to award the bid for the above-mentioned equipment as recommended by Mrs. Byington. The motion passed by a 4/0 vote.

5. CONSIDER AWARDING BID FOR THE PURCHASE OF TWO (2) RESIDENTIAL GARBAGE TRUCKS AND ONE (1) COMMERCIAL GARBAGE TRUCK. (BID #23-22). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase of two residential garbage trucks and one commercial garbage truck. She stated that the apparent low bid does not meet specifications. The truck bodies do not have reinforced ribs and the truck frame rail specifications called for alloy steel of 120,000 psi, and the trucks are provided with 110,000 psi. Mrs. Byington stated that the second low bid also does not meet specifications. The bid is for a dry sleeved engine instead of the wet sleeved engine requested.

Mrs. Byington recommended awarding the entire bid to the bidder meeting specifications, Fleetpride Equipment Company from Alice, Texas. She stated that the total bid for this purchase is \$314,329.00.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to award the bid as recommended by Mrs. Byington. The motion passed by a 4/0 vote.

6. CONSIDER AWARDING BID FOR THE PURCHASE OF ONE (1) FLATBED DUMP TRUCK FOR THE STREET DEPARTMENT. (BID #23-25). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase of one flatbed dump truck for the Street Department. She recommended awarding the bid to the sole bidder, Fleetpride Equipment from Alice, Texas. Mrs. Byington stated this item would expend \$45,671.00 and funds are included in the Certificates of Obligation Series 2002 and 2002A.

A motion was then made by Commissioner Garcia and seconded by Commissioner Pecos to award the bid as recommended by Mrs. Byington. The motion passed by a 4/0 vote.

7. 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 PENDING LITIGATION CONCERNING HECTOR HINOJOSA VS. THE CITY OF KINGSVILLE, TEXAS, ET. AL. CIVIL ACTION NO. C-03-017, IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS. (CITY ATTORNEY).

The Commission began the executive session at 7:12 p.m. and ended the session at 7:27 p.m.

RECONVENE INTO OPEN SESSION

The Commission reconvened into open session at 7:28 p.m.

8. CONSIDER AUTHORIZING LEGAL COUNSEL TO OPPOSE OR AGREE TO PLAINTIFF'S MOTION FOR RETURN OF CASH BOND IN CASE STYLED HECTOR HINOJOSA VS. THE CITY OF KINGSVILLE, TEXAS, ET. AL. CIVIL ACTION NO. C-03-017, IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS. (CITY ATTORNEY).

Mrs. Alvarez stated that Mr. Hinojosa's attorney requested the return of the cash bond since the Federal Judge dismissed the case. She stated that the Commission could either approve or oppose the return of the cash bond.

A motion was made by Commissioner Pecos and seconded by Commissioner Wilson to oppose the return of the cash bond. The motion passed by a 4/0 vote.

VI. ADJOURNMENT.

The meeting adjourned at 7:30 p.m.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana F. Valadez, City Secretary