

APRIL 14, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, APRIL 14, 2003 AT 5:30 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

John Garcia, Interim City Manager
Diana Valadez, City Secretary
Courtney Alavarez, City Attorney
David Gibson, Computer Operator
Stanley Fees, Director of Engineering
Jennifer Detloff, Director of Development Services

I. PRELIMINARY PROCEEDINGS.

Workshop session opened at 5:34 p.m.

CONVENE INTO PETITIONS, GRIEVANCES AND PRESENTATIONS – ITEM IV #1 / WORKSHOP SESSION REGARDING AMENDMENTS TO MOBILE HOME ORDINANCE.

Ms. Jennifer Detloff, Director of Development Services, briefed the Commission on the updates and revisions of the Mobile Home ordinance.

Workshop session ended with a five minute recess following.

6:00 P.M. – Regular Session of the agenda continues.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)

Mayor Esquivel, led the Commission and members of the audience in an invocation. Immediately thereafter, the Pledge of Allegiance.

Mayor Esquivel recognized Mrs. Diana Valadez, City Secretary, for working with the City of Kingsville for twenty-one years. He further stated that Mrs. Valadez would be retiring this week.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Esquivel requested for minutes to be approved on the next agenda meeting.

I. PUBLIC HEARING - (REQUIRED BY LAW).

1. None.

II. PUBLIC COMMENT ON AGENDA ITEMS.

A citizen of Kingsville stated that tomorrow would be the last day for paper work to be signed for the Task Force. He also stated that he

would like information from Commissioner Castillo as to when he met with people in regards to the EDA Grant.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. **Workshop / Discussion regarding amendments to mobile home ordinance. (Director of Development Services).**

2. **INTERIM CITY MANAGER'S REPORT. (INTERIM CITY MANAGER).**

Mr. John Garcia, Interim City Manager, stated that Tomas Sanchez, Emergency Management Coordinator, has been in contact with members of the Council of Governments and stated that the grant may be approved due to the low request made from other counties. He further updated the Commission on the clean up being done in the city.

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

Mrs. Courtney Alvarez, City Attorney, stated that Kleberg County District Clerks office was very helpful in a project that was assigned to the City Attorney's office and would like to express her appreciation to them.

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

Commissioner Castillo stated that the EDA Grant has not been approved but that he and Mayor Esquivel have a scheduled meeting for next week to meet with staff from the Economic Development Administration to discuss the EDA Grant.

Commissioner Wilson briefed the Commission on the duties he agreed to do upon being elected as City Commissioner.

Commissioner Garcia stated that he would like to express the duties that the Commissioners have as being elected City Commissioner. He also stated that he echoes what Commissioner Wilson has stated.

Mayor Esquivel stated that he and Mrs. Courtney Alvarez had a meeting with Sheriff Gonzales and the District Attorney in regards to the Task Force.

IV. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

Motion was made by Mayor Esquivel seconded by Commissioner Castillo to move agenda items # 13, 14 & 15 up to item #1. Motion passed a unanimous vote.

13. Consider approval of an Advance Funding Agreement between the City of Kingsville and the Texas Department of Transportation to provide water for landscaping for a period of up to two years at an overpass located within the City of Kingsville on U.S. Highway 77. (City Engineer).

Stanley Fees, Director of Engineering, stated that Mr. Chris Caron, of Texas Department of Transportation is present and would brief the Commission on the Advance Funding Agreement.

Chris Caron gave the Commission an overview on the landscaping that will be done at the overpass located on Highway 77.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to approve the Advance Funding Agreement between the City of Kingsville and Texas Department of Transportation. Motion passed by a unanimous vote.

14. Consider final plat approval of King's Crossing Subdivision. (Director of Development Services).

Mrs. Jennifer Detloff, Director of Development Services, stated that there will be 120 new units for the Kingsville Housing Authority. She further stated that the Planning and Zoning recommended approval.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to approve final plat of King's Crossing Subdivision. Motion passed by a unanimous vote.

15. Consider authorizing City participation in sponsorship of Ride on the Wild Side – Bike Tour on the King Ranch on June 21, 2003 in conjunction with the Kingsville Convention and Visitor's Bureau and the Kingsville Noon Lions Club. (Mayor Esquivel and Kingsville Convention & Visitor's Bureau).

Mr. Anse Windham briefed the Commission on this project.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to authorize the City participation in sponsoring the Ride on the Wild Side. The motion passed by a 3/0 vote with Mayor Esquivel and Commissioner Wilson abstaining.

1. Consider resolution in support of naming the Pharmacy School at Texas A & M University Kingsville as the Irma Rangel School of Pharmacy. (Mayor Esquivel).

Mayor Esquivel read the resolution to the City Commission and members of the audience.

Motion made by Commissioner Pecos seconded by Commissioner Garcia to support the naming of the Pharmacy

School at Texas A&M University Kingsville as the Irma Rangel School of Pharmacy. Motion passed by a unanimous vote.

2. **Report and consideration on the validation of signatures on the petitions received April 01, 2003 requesting that the question of removing Mayor Filemon "Phil" Esquivel, Jr.; Commissioner Horacio (Hoss) Castillo and Commissioner Arturo Pecos be submitted to the electors pursuant to Article II, Section 24 of the Charter of the City of Kingsville. (City Secretary).**

Mrs. Diana Valadez, City Secretary, briefed the Commission on the results of the recall petitions that were validated.

Motion made by Commissioner Castillo seconded by Commissioner Pecos to table the validation of signatures. Motion passed by a 3/2 vote with Commissioners Garcia and Wilson casting the dissenting votes.

3. **Consider resolution ordering a Special Recall Election to be held on May 03, 2003, to submit the question to vote "FOR" or "AGAINST" the recall of Commissioner Horacio (Hoss) Castillo and "FOR" or "AGAINST" the recall of Commissioner Arturo Pecos to the electors pursuant to Article II, Section 24, of the Charter of the City of Kingsville. (City Secretary).**

Commissioner Wilson called for point of order and questioned to the City Attorney if this item is a mute point.

Mrs. Alvarez responded yes.

No action was taken on agenda item #3.

4. **Consider rejecting the sole bid received for a trench burner. (Bid #23-26). (Director of Purchasing).**

Corando Garza, Asst. City Manager/Fire Chief stated that he has spoken with Commissioner Rossi on the possibility of leasing or renting the county's trench burner. He feels that a workshop needs to be scheduled to set the perimeters.

Motion made by Commissioner Wilson. Motion died due to a lack of a second.

Motion made by Commissioner Pecos seconded by Commissioner Garcia to table item #4. Motion passed by a 4/1 vote with Commissioner Wilson casting the dissenting vote.

5. **Consider awarding bid for the purchase of computers and associated equipment. (Bid #23-28). (Director of Purchasing).**

David Gibson briefs the Commission on the bids the city has received for the purchase of computers and associated equipment.

He further stated that staff recommends to award bid to Dell Computers.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to approve staff recommendations. Motion passed by a unanimous vote.

6. Consider awarding bid for demolition services of seven (7) structures located within the city limits of Kingsville. (Bid #23-27). (Director of Purchasing).

Mr. Corando Garza briefed the Commission on the bids that were received. He further stated that staff recommends to separate the bids between Jamar Construction of Zapata, TX and Pena Welding and Backhoe Service from Kingsville, TX. He further stated that by separating the bids the City will be saving \$2,000 with the total bid price of \$17,000.

Mayor Esquivel stated that he would like to tear down the home for Mr. Reyes located at 1115 E. Henrietta and will get it done within three weeks.

No action taken on this item

7. Consider introduction of an ordinance amending Chapter XI, Business Regulations, Article 3, Alcoholic Beverages; prohibiting the sale of alcoholic beverages within 1000 feet of a private school, daycare or child care facility and providing for variances to allow the sale of alcoholic beverages within 1000 feet of a church, public or private school, daycare facility or public hospital. (Commissioner Wilson).

Commissioner Wilson stated that he has worked with Mrs. Alvarez on this ordinance to try to protect the rights of the citizens of Kingsville.

Some discussion took place in regards to agenda item #7.

No action taken introductory item only.

8. Consider introduction of an ordinance amending Chapter XV, Article 2, Trailers and Trailer Parks, renaming Article 2, Mobile Home and Mobile Home Parks and providing for other changes therein. (Director of Development Services).

8.1 Consider introduction of an ordinance amending Chapter XV, Article 4, Flood Damage Prevention, adding mobile home to the definition of manufactured home and manufactured home park or subdivision. (Director of Development Services).

8.2 Consider introduction of an ordinance amending Chapter XV, Article 6, Zoning, amending Section 15-6-21, Section 15-6-23, Section 15-6-94 and Appendices A & B of the Land Use Charts; adding manufactured home to definition of mobile home, deleting Section 15-6-23 and Section 15-6-94, adding manufactured home and manufactured home park to existing land use chart category mobile home park or mobile home on lot in Appendix A, amending lot sizes for mobile homes in Appendix B: Space Requirements. (Director of Development Services).

Mrs. Detloff briefed the Commission on changes that were made to Chapter XV of the code of ordinances.

Mayor Esquivel requested minutes from the Public Hearings that have been held in regards to agenda items # 8, 8.1 & 8.2.

Commissioner Pecos stated that these changes are for the new comers all others that are already there will be grandfathered.

No action taken introductory item only.

9. Consider resolution approving an increase in the present Maximum Access Line Rates to the new CPI Adjusted Maximum Rates and authorizing the Interim City Manager to submit to the Public Utility Commission an authorization to implement an increase in the access line rates for the City of Kingsville. (Interim City Manager).

Mr. John Garcia, Interim City Manager, stated that this is a formality and the Commission may act or not act on this item if they wish. He further stated that if the Commission does not act on this there will still be an increase in rates.

Mrs. Alvarez briefed the Commission on the resolution being presented to them and what action the Commission had taken last year in regards to this item.

Motion made by Mayor Esquivel seconded by Commissioner Castillo to table item #9. Motion passed a unanimous vote.

10. Consider resolution opposing Texas House Bill #801 and Senate Bill #1189 that seek to do away with funding for multi-jurisdictional drug task forces. (Mayor Esquivel).

Mayor Esquivel stated that the multi-jurisdiction drug task force is important to the City of Kingsville and that he supports this resolution.

Motion made by Commissioner Castillo seconded by Commissioner Pecos to approve resolution opposing Texas House Bill #801 and Senate Bill #1189. The motion passed by a unanimous vote.

11. 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).

Commissioner Wilson stated that Commissioner Rossi would like to address the Commission on agenda item #11.

Commissioner Rossi stated that he would like to set the record straight. He further stated that the only reason the County Commissioners voted the way they did was because the Sheriff at the time was not going to carry the commission for the Task Force, therefore they were forced to give up the grant. He further stated that he is troubled by the statement made by Commissioner Pecos to the public about the Kleberg County Commissioners Court and the action that was taken. He also stated that they have always supported the Task Force and will continue to do so.

Commissioner Pecos apologized to Commissioner Rossi for the comments he has made to the public.

The Commission was briefed by Mr. JR Ybarra of the Task Force on the grant adjustment. He further stated that the advisory board has met and they approved.

Commissioner Pecos asked what are impressed funds.

Mr. Ybarra stated that these funds are allocated by CJD in a line item that is used by the Task Force to pay informants. The person that is responsible for these funds is bonded.

Mr. Jaime Garza, Task Force Commander, stated that this money is strictly supervised by CJD.

Motion made by Commissioner Wilson seconded by Commissioner Castillo to approve grant adjustment. Motion passed by a unanimous vote.

12. Consider request to waive building permit and site review fees for Lowe's. (Director of Development Services).

Ms. Detloff stated that this is a partial request from Lowe's. The City of Kingsville and Lowe's have worked together to develop a \$1.2 million package of economic incentives that was adopted by the City on May 22, 2002. She stated that Lowe's was notified on February 26, that the plans had been approved. When the contractor for the project came to City Hall in early March to purchase the Building Permit, he stated that he was told he did not have to pay the Plan Review fees. In accordance with standard procedure, staff was informed not to issue a permit until all fees were paid. She further stated that on March 31, Mr. Lee Bentley was sent a letter in regards to this matter. The letter was forwarded to Marc Millis of Lowe's. Mr. Millis stated that he thought the matter of the fees was resolved. Mr. Millis was informed that staff does not have the authority to waive fees, and it must go before the City

Commission. She further stated that the plan review fee is \$9,908.32 and Lowe's is requesting a waiver of \$7,200, resulting in a Plan Review fee of \$2,708.32. She further stated that staff does not recommend waving any portion of the fees.

Mayor Esquivel stated that he would like to know how Lowe's came up with the amount of \$2,708.32 and \$5,416.64 with a total of \$8,124.96.

Ms. Detloff stated that she was told by representatives from Lowe's that this amount would be appropriate.

Mr. Dick Messbarger, Economic Development Council, stated that a formula was put together and approved by the City Commission for an incentive package. He further stated that Lowe's was operating with the assumption that there would be a waiver of fees included in the incentive package. He also stated that he would like for the Commission to look into our fee structure. By looking at other communities the only other community that compares to Kingsville is Alice. He further stated that by if you look at other communities that are growing such as Harlingen, McAllen and Victoria they all have much lower fees.

Mrs. Alvarez stated that the Commission may condition the offer of granting a waiver of half of their building permit and plan review fee contingent on Lowe's acceptance of having the half that is being considered waived applied towards the economic incentive amount. If in the event Lowe's does not accept that offer as part of the addition to the economic incentive amount, then they will pay the full amount.

Commissioner Wilson stated that he shocked and taken aback that anybody would believe that a company of a standing of Lowe's Home Improvement Center did not understand the document that is worth \$1.2 million dollars in incentives to come into this community. He further stated that with the team of lawyers that Lowe's has to look over documents to find every flaw and defective in it. He stated that for Lowe's to ask the Commission for \$30,000 for givens because they didn't do due diligence is absolutely absurd. He further stated that the previous Commission had done everything possible to bring in Lowe's to this community.

Motion made by Commissioner Castillo seconded by Commissioner Wilson not to waive fees and go with staffs' recommendation. Motion passed by a unanimous vote.

16. Consider motion to reprogram funds from the 2003 Certificates of Obligation for the Street Department to be used to purchase a workhorse vehicle. (City Engineer / Street Superintendent).

Mr. Fees stated that he had met with the Interim City Manager in regards to the necessity of reprogramming monies from the 2003 Certificates of Obligation for the Street Department to be used to purchase a workhorse vehicle. He further stated that the Street Department has budgeted \$20,000 for the purchase of a sidewalk sweeper/vacuum for cleaning the downtown area. He also stated

that a demonstration was provide by AC Lawn & Garden for a sidewalk vacuum that would serve the Street Department needs for cleaning sidewalks for approximately \$2,600. He stated that this would provide a surplus of funds in that budget item of approximately \$17,400. He stated that with this surplus the street department would have monies for the purchase of a workhorse vehicle to assist with spraying herbicide on sidewalks and curbs on City streets. He further stated that by purchasing the workhorse vehicle it will allow one of two employees to be performing other duties with another crew. He also stated that the Street Department respectively requests that a workhorse vehicle be allowed to be purchased for approximately \$7,000 and would leave a balance in the sidewalk sweeper/vacuum line item of approximately \$10,400 that could be utilized to assist with funding to purchase another street sweeper or other equipment at the direction of City Commission.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to approve the reprogramming of funds to purchase a workhorse vehicle. Motion passed by a unanimous vote.

13. ADJOURNMENT.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Diana Valadez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 12th day of April, 2004.

Charles E Wilson, Presiding Officer

ATTEST:



Edna S Lopez, Interim City Secretary