

APRIL 27, 2004

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE ON APRIL 27, 2004 AT 6:00 P.M.

City Commissioners Present:

Charles E. Wilson, City Commissioner
Al Garcia, City Commissioner

City Staff Present:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S. Lopez, Interim City Secretary
Stanley Fees, City Engineer
Jennifer Detloff, Director of Development Services
Joel F. Saenz, Code Enforcement
George Bejaranjo, Finance Director
Jaime Garza, Commander
Macario Mayorga, Water Supervisor
Oscar Montalvo, Fire Captain
Dora Byington, Purchasing Director
J R Ibarra, Asst. Commander
Y I Hinojosa, Street Field Supervisor
Joe Casillas, Water Production Supervisor
Caron Vela, Accountant
Diana Gonzalez, Human Resource Director

**I. Preliminary Proceedings.
OPEN MEETING**

The meeting was opened at 6:03 PM

INVOCATION / PLEDGE OF ALLEGIANCE – (Presiding Officer)

Dora Byington led everyone in prayer, followed by Commissioner Wilson the Pledge of Allegiance, and Commissioner Garcia the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Commissioner Garcia stated he had no corrections and congratulated Ms Edna S. Lopez, Interim City Secretary and Ms Mary Valenzuela, Legal Secretary for a job well done.

Commissioner Wilson stated he had one correction for the minutes of September 8, 2003, he stated it did not show who was present at meeting.

Commissioner Garcia made a motion to approve the minutes as present with that one correction, seconded by Commissioner Wilson. The motion carried, 2/0

Note* The minutes from 2/3/03, 6/23/03, 7/14/03, 8/11/03, 8/13/03, 8/18/03, 8/22/03, 8/25/03, 8/29/03, 9/5/03, 9/8/03, 9/12/03, 9/15/03, 9/18/03, 12/4/03, 1/5/04 & 4/12/04 were approved. Corrections approved: 12/16/02, 1/6/02, 1/17/02, 9/22/02, 10/28/02, 2/24/02, 5/12/02, 10/14/02, 1/13/03, 2/3/03, 2/10/03, 4/14/03, & 6/27/03.

II. Public Hearing - (Required by Law).¹

1. None.

III. Public Comment on Agenda Items.³

1. Comments on all agenda and non-agenda items.

Mr. Daniel Suson, 408 S Lantana commented that he had a request of the current Commission. He stated that the "Public Comment" section falls before the "Petitions, Grievances" and most importantly the reports from the Commissioners, Mayor, City Attorney and the City Manager comments. He added that at looking at the footnotes at the bottom of the agenda, that they reflect that historically this is not the way this has been in the past, and that it makes more sense that if the Commission wants to have more public feedback on items before the Commission, then the Public Comment section should come after the public has heard what the City Leaders have said. Mr. Suson stated that if this could not be acted on now, maybe it can be passed on to the next Commission that the "Public Comments" be put back after the "Petitions and Grievances" section of the agenda.

IV. Petitions, Grievances, and Presentations.²

1. Present Proclamation designating May 8, 2004 as "Child Safety Awareness Day".

Commissioner Wilson read proclamation. Mr. Joseph Ruiz, representative of Rural Development Service accepted the Proclamation, along with a representative from Casa, Child Protective Services, and the Task Force.

2. Present Proclamation designating the month of April 2004 as "Elks Lodge Month".

Commissioner Wilson read proclamation. Mr. Salomon, Elk's Lodge representative stated that his group works to help for handicap/cripple children, work with Veterans, children prosthetics, and have summer camps.

3. City Manager's Report. (City Manager).

City Manager Yerena thanked Ms Edna Lopez and Ms Mary Valenzuela for all their work on the minutes. He also recognized Ms Lopez for her 24 years of service to the City of Kingsville. He invited everyone to the swearing in of a new Police Officer on Friday, April 30th, 3:00 PM at the Police Department, and reminded everyone that on Wednesday, May 12th, at 8:30 AM was the Police Officer Memorial Ceremonies.

4. City Attorney's Report. (City Attorney).

Ms. Alvarez stated she had nothing new since last night.

5. City Commission's Reports. (City Commission).

Commissioner Garcia stated he had nothing new since last night.

V. Items for consideration by Commissioners.⁴

1. Consider awarding bid for Yaklin Ford Water and Wastewater Extension Contract pursuant to Texas Capital Fund Grant. (Bid No. 24-35) (City Engineer).

Mr. Stanley Fees, City Engineer stated bids were advertised and were opened on April 20, 2004, four (4) bids were received. He stated staff is recommending Teal Construction the lowest and best bidder be awarded the bid for \$139, 986.89. He also stated that funding for this project is available through the Texas Capital Grant.

Commission Garcia made motion to approve the bid as presented, seconded by Commissioner Wilson. The motion carried, 2/0.

2. Consider entering into lease agreement with the Kingsville Law Enforcement Association for a building located at 203 N. 6th Street. (Commissioner Garcia).

Commissioner Garcia stated he was issued an amended insert.

Ms Alvarez stated that since the last time this topic was discussed, she had the opportunity to meet with KLEA President Tamera Meyers-Blackstock, to go over the items to incorporate suggestions and changes into the document that the Commission was given tonight. She added that Ms Blackstock was not able to attend this meeting due to medical reasons, but she did send a representative. Ms Alvarez added that the document now had numbered pages and paragraphs for ease of reference. She also stated that titles still mean the same thing, but had identified the lesser and lessee, which should read a little smoother.

Commissioner Garcia suggested an addition to Article 16. His suggestion was to add the City address and also Association address, so there is no doubt where notices and rents are to go.

Mr. Johnny Campos, Secretary for KLEA, P O Box 1844, stated he was available to answer questions.

Commissioner Wilson stated he had two concerns. He stated that being this close to the general election he would like to defer any action on this issue until after the general election this way it doesn't bind those that will serve on the next Commission. He added there has been much discussion among Commission candidates as to what is to be done with property. He added that this was a good document and everything has been worked out and if it is the intention of the next Commission they could immediately execute document to move forward. He also added that his continuing concern is that there has been others interested in the property, which doesn't leave any latitude for the lessee or KLEA. He also stated it would give the Commission the opportunity to lease the building to anyone else.

Ms Alvarez stated that Ms Blackstock had indicated that they would open or would make it available to public groups; she added that they would have the discretion in regard to who they would allow to use the property.

Commissioner Wilson stated that one of the groups that were interested was the Faith Base Initiative.

Commissioner Garcia stated that a phrase in the contract which states that the City or KLEA within 180 days can cancel the contract.

Commissioner Wilson stated this concerns with that is that if the City enters into contract today, and KLEA starts working on building and that in 180 days the next Commission decides to cancel the contract, then everything done to the building becomes the City's.

Ms. Alvarez stated the contract can be modified for time period that KLEA takes over building.

Commissioner Garcia made a motion to table item until next meeting, May 10, 2004, seconded by Commissioner Wilson. The motion carried, 2/0.

3. Consider authorizing the City Manager to enter into Interlocal Participation Agreement for the Texas Local Government Purchasing Cooperative. (Solid Waste Management Superintendent).

City Manager Yerena stated that this contract works in similar ways to the contract with AGAC which allows us to purchase items at a discount.

Ms Byington, Purchasing Director stated that this was just another option to make purchasing easy and this is just another vehicle for purchasing legally.

Commissioner Garcia made a motion to authorize the City Manager to enter into an Interlocal Participation Agreement, seconded by Commissioner Wilson. The motion carried, 2/0.

4. Consider authorizing purchase of brush chipper for the Landfill. (Solid Waste Management Superintendent).

City Manager Yerena stated that the Superintendent is recommending the purchase of a Vermeer BC1800XL Brush Chipper. He stated that in the previous item the City entered into an agreement that will give a discount on the price of the Chipper. He added that funding was available through a grant that was obtained earlier this year.

Upon a question raised by Commissioner Garcia, City Manager Yerena stated that the trench burner is not being used as much, due to lack of equipment and personal. He added that this chipper would chip the brush and turn it into mulch which would be given to residents for use in their lawns. He also stated that this would save space at the landfill.

Ms Alvarez reminded that Commission that Ms Leubert had received permission to apply for grant with the Coastal Bend Council of Grants. She stated that this chipper would be purchased with monies from that grant which is part of the recycling program. She added that the COG and TCEQ were promoting this program of mulching brush and giving to residents and other for use in flower beds and jogging trails.

City Manager Yerena added that some of the City's tipping fees will be recovered if these recycling efforts are done.

Mr. Fees stated that TXDOT would also be utilizing this mulch for projects in this area and they would be compensating the City.

Ms Alvarez stated that this chipper could be moved around in the event of a hurricane and after a high storm situation. She added that the citizens could bring brush to the location of the chipper.

Upon a question raised by Commissioner Garcia, City Manager Yerena stated that it is a pilot program being implemented and there is no charge in place, since this area is the first to implement.

Mr. Fees stated that TXDOT has started using mulch instead fence as a way of filtering the run-off for construction projects. He added that mulch can be used as an erosion control method and that it will be in big demand in the future.

Upon a question raised by Commissioner Wilson, Ms Alvarez stated that on April 14th this specific model was demonstrated out at the landfill.

Commissioner Garcia made a motion to purchase the chipper as staff recommended, seconded by Commissioner Wilson. The motion carried, 2/0.

5. Consider resolution adopting Human Resource Initiative Policy No. 890.11 Violence in the Workplace. (Human Resource Director).

Ms. Diana Gonzales, Human Resource Director stated that the City has always attempted to provide a work environment that is free from violence and that this policy reinforces the City's attempt. She stated that this would be posted in all city areas, employees would be provided copies and training to would also be provided to employees.

Upon questions raised by Commissioner Wilson, Ms Gonzales replied that employees would receive acknowledgement forms, and it does address all levels of a threat that may be posed on employees. She added that the grievance and complaint form is in place.

Upon questions raised by Commissioner Garcia, Ms Gonzales replied that in the handbook a summary of this would refer to actual policy for all details. She added that zero tolerance is basically putting employees on notice that the City will not tolerate any acts or form of violence. She added that should someone commit an act, it is a terminal offense.

Ms Gonzales stated that this policy can be applied to Police Officers as to how the employee acts with other employees and citizens. She added that they do have a collective bargaining agreement so that this policy would have to be incorporated into their agreement. She also stated that this policy is basically addressed for non-civil service employees. Ms Gonzales also stated that Fire Fighters are governed by Chapter 143 which addresses their behavior and professionalism.

Upon a question raised by Commissioner Garcia, Ms Gonzales replied that in Section C, she would include to consult with City Attorney. Ms Alvarez

stated it could be formalized. City Manager Yerena stated Ms Alvarez is the first line of defense.

Commissioner Garcia made a motion to pass the resolution adopting the Human Resources Initiative Policy 890.11 – Violence in the Workplace, seconded by Commissioner Wilson. The motion carried, 2/0.

6. Consider resolution creating Audit Committee for the City of Kingsville. (Finance Director).

Mr. George Bejarano, Finance Director stated that this resolution creates an Audit Committee to review financial statements and status of the City and to maximize the efficiency and financial soundness of the City. He added this would also safeguard assets and the reliability of the financial systems of the City. He added that four (4) members would be appointed consisting of the City Manager, the Finance Director, one City Commissioner, and the City Attorney.

Commissioner Wilson commented this was an extra set of eyes.

Commissioner Garcia made a motion to approve the resolution as presented, seconded by Commissioner Wilson. The motion carried, 2/0.

7. Consider appointments to the Audit Committee for the City of Kingsville. (Finance Director).

Mr. Bejarano stated that one commissioner would need to be appointed.

Commissioner Wilson made a motion to appoint Commissioner Garcia as the City Commission representative along with other three indicated, seconded Commissioner Garcia. The motion carried, 2/0.

8. Consider final passage of an ordinance amending the Fiscal Year 2003-2004 Budget for the City of Kingsville for Accounting Software. (Finance Director).

Mr. Bejarano stated this was the second reading of a budget amendment for an ordinance to purchase software package for Project Accounting Management software. He added that work is being done on excel, and that anything done through this new system is done through this package software.

Upon a question raised by Commissioner Wilson, Mr. Bejarano replied that he could give exact status of Certificate of Obligations, in real time.

Commissioner Garcia made motion to approve accounting software as presented, seconded by Commissioner Wilson, The motion carried, 2/0.

9. Consider introduction of an ordinance amending the Fiscal Year 2003-2004 Budget for the City of Kingsville for the Task Force. (Finance Director).

Mr. Bejarano stated that this was an ordinance to amend the budget for the Task Force. He added that he would like to coincide with the City's fiscal year, and that the Task Force has already worked through their fiscal year. He stated that their budget was \$721,397.06. He stated that the Task Force is requesting that their budget be from June 1st to Sept 30th, which would coincide with the City's budget for another \$216,000.00 for actual four (4) months that are left in our budget year. He added that the total budget for sixteen (16) month period would be \$937,397.06.

Upon a question raised by Commissioner Garcia, Mr. Bejarano replied that money was coming from the Task Force. He stated that the Task Force is able to survive for at least six (6) more months.

City Manager Yerena stated that the Task Force feels secure of obtaining additional funds to continue operations and that they are good at what they do.

Upon a question raised by Commissioner Wilson, Mr. Bejarano replied that this doesn't reflect anything that potentially would have already been awarded from past, but this is actual money set aside for them.

No action taken, ONLY INTRODUCTION.

10. Consider introduction of an ordinance adopting the City of Kingsville Code of Ordinances Chapter III, Administration, Article 13, Code of Ethics, providing for definitions, scope of coverage, lobbyists, financial disclosure, ethics review board, enforcement mechanism, and administrative provisions. (Commissioner Wilson).

Commissioner Wilson stated he put this on agenda, and that former Commissioner Laskowski had done a lot of work on this. He stated that it was time to bring something like this forward to make changes and added that Ms Alvarez had done a lot of work to revert it into a document that would fit in an ordinance style.

Commissioner Garcia mentioned that the table of contents does not jive with contents.

Ms Alvarez stated that the policy was drafted with Part A the numerical parts and then the section numbers. She added that in order to convert that policy into an ordinance format she had to change numbering system. She stated that in doing so you loose the overall summary.

Commissioner Wilson stated he would like to see, if and when this document is put in place that there would be reporting forms that will be required. He added he would like to see City staff work in an effort to formulate some of those documents by May 10th. He stated it would be his preference that when this document is passed, it is whole and complete to be implemented seamlessly into the picture.

Discussion followed regarding forms to be included, and fee for filing lobbyist form.

Discussion followed on reporting financial disclosures.

Ms Alvarez stated that Chapter 145 of the Local Government Code went through the legislature last year and it was introduced to cover all cities. She added that there was quite a debate. She stated that TML along with other cities lobbied against that for cities of a certain size. She stated that whenever the bill was passed it had cap with regard to cities under 100,000 in population not having to have a financial disclosure requirement in order to comply with the state law.

Upon a question raised by Commissioner Garcia regarding making reference to government code 145, Ms Alvarez responded that we are not currently required to comply with that section due to the size of our population but notation could be made that in the event that there is a change or amendment to the local government code regarding financial disclosure than whatever change or amendment could override applicable area.

Commissioner Garcia stated that smaller towns had problems with this section because it was over-bearing for individuals to disclose their financial state and run for public office. He added that it was felt that it would drive people away from public office, and he happens to feel that way also. Ms Alvarez stated she recalled that situation as being part of debate and that a spouse's income is also disclosed, as well, and debts owed for both.

Commissioner Garcia stated that upper management is included.

Commissioner Wilson stated we comply with Chapter 145 of the Local Government Code and that if it changes than it would reflect the change required on the City.

Commissioner Wilson stated that he did not see is that those elected have a perceived conflict that some choose to engage in discussion and do not vote, in vise versa. He asked if this could be incorporated in the actions that would be taken by elected official in relation to their participation at any level.

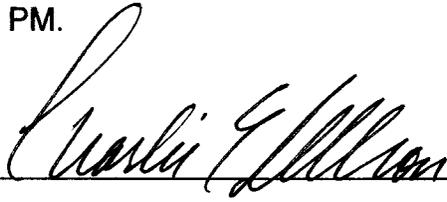
Ms Alvarez stated this could be incorporated or a new spot could be added that if there is an interest that is going to prevent a commission member or staff member from participating in an item that they would refrain on discussion or debate on that same item, so it will not influence the outcome of the vote.

Discussion followed regarding page 39 H. Both Commissioners agreed that the last two sentences on section H should be deleted. Commissioner Wilson stated that a specific time of 90 days be added and that if it is recommitted to the board that they have 15 days to review it, so that it doesn't continue out for an indefinite period of time. He added that by 90 days it is time for closure.

Commissioner Wilson stated there was plenty of homework to do to bring forward to next meeting, this was only an introduction.

VI. Adjournment.

The meeting was adjourned at 7:15 PM.



Charles E. Wilson, Presiding Officer

ATTEST:



Edna S. Lopez, Interim City Secretary