

JANUARY 22, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JANUARY 22, 2001 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Stanley Laskowski, City Commissioner
 Rene "Mr. V" Villarreal, 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
 Sam Granato, Chief of Police
 Stanley Fees, Director of Planning
 Dianne Leubert, Sanitation Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Victor Salas, Director of Finance

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mayor Filemon "Phil" Esquivel, Jr. led the Commission and members of the audience in an invocation. Immediately thereafter, students from St. Gertrude's Catholic School 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. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. QUARTERLY REPORT BY KINGSVILLE CONVENTION AND VISITOR'S BUREAU. (DIRECTOR OF TOURISM).

Mrs. Carol Ann Anderson, Director of the Kingsville Convention and Visitor's Bureau, updated the Commission on events that are happening in Kingsville and other events the Bureau has been working on. Mrs. Anderson stated that her office has been designated as the official web site for a community calendar. She said that any organization planning an event should contact her to be placed on the community calendar. Mrs. Anderson stated that her office was involved with the Cactus Bowl. She said that the game was a huge success and looks forward to planning next year's game.

Mr. Hector Hinojosa, City Manager stated that revenues have increased in hotel/motel tax receivables. He commended Mrs. Anderson and her staff for all their hard work.

Mrs. Anderson stated that the KCVB Board meets tomorrow, and at that time they will set a date to meet in a joint meeting with the City Commission. She also stated that the South Texas Ranching Heritage Festival is scheduled for February.

Mayor Esquivel thanked everyone that worked in putting together the Cactus Pro Football Game. He commended Mr. Joe Cisneros and Coach Ron Harms for all their hard work in making the game a huge success.

2. UPDATE FROM STAFF ON FOLLOWING QUESTIONS AT THE REQUEST OF THE MAYOR AND COMMISSIONERS.

A. DISCUSS MECHANICAL, PLUMBING, AND ELECTRICAL CODE ORDINANCES RECENTLY ADOPTED BY THE COMMISSION; DISCUSS THE POSSIBILITY OF APPOINTING A COMMITTEE TO EVALUATE THE ORDINANCES AND SUBMIT A RECOMMENDATION TO THE CITY COMMISSION FOR APPROVAL. (MAYOR ESQUIVEL).

Mayor Esquivel stated he requested this item be placed on the agenda because several local contractors expressed some concerns to him regarding the fee increase on the licenses and permits. He requested the Commission appoint a group of contractors to give the Commission some recommendations on a proposed fee schedule.

Commissioner Arturo Pecos stated that he is in favor of setting up the committee, however when the Commission considered the ordinances no community response was received at that time and contractors expressed no interest at that time.

Mayor Esquivel stated that he wanted an opportunity to bring contractors and staff together to draft a better ordinance. He stated that the contractors work with these fees everyday, and should be more reasonable because eventually the cost is passed down to the customers and the citizens of Kingsville.

Commissioner Al Garcia suggested that perhaps the plumbing board could be formed once again and become active.

After a brief discussion, it was determined that staff would meet with the local contractors that were present at this meeting, and make a recommendation to the City Commission.

B. DISCUSS SHORT AND LONG TERM PLANNING FOR THE CITY OF KINGSVILLE AND DISCUSS GOALS FOR FUTURE PROSPERITY OF KINGSVILLE. (MAYOR ESQUIVEL).

Mayor Esquivel stated that improvement is needed with the current infrastructure. He stated that big things could happen such as Spaceport, in which it must be supported at the State level. Mayor Esquivel stated that the Commission and the community need to support Naval Air Station especially during the "BRAC" hearings.

There was a discussion regarding the possibility of contracting with a facilitator to assist the Commission in completing a comprehensive plan. Mayor Esquivel stated that the Commission is responsible for managing the tax dollars efficiently.

C. UPDATE ON LANDFILL EXPANSION PROJECT.

Mr. Hinojosa stated that the pro forma study by Secor should be completed by the middle of February. He stated that the City is requesting a six-month extension or perhaps would take the garbage to El Centro Landfill in Robstown.

Mayor Esquivel stated that it is important that the City keep TNRCC informed of what is actually happening with our landfill.

There was a discussion on whether or not Secor Engineering would complete the pro forma study because there was some concern expressed by members of the Commission that it would not be completed.

Commissioner Stanley Laskowski stated that when Secor was hired they specified that the study would be complete by January 31st. He stated that the City is paying top dollars to complete the study, therefore it should be turned in on the 31st.

IV. PUBLIC COMMENTS ON AGENDA ITEMS

There were no comments made at this time.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER REMOVAL FROM THE TABLE THE FOLLOWING AGENDA ITEM. (CITY COMMISSION).

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission voted unanimously to remove from the table agenda item #1A.

1A. CONSIDER APPOINTING A COMMITTEE TO EVALUATE THE MECHANICAL, PLUMBING, AND ELECTRICAL CODE ORDINANCES AND SUBMIT AN EVALUATION TO THE CITY COMMISSION. (MAYOR ESQUIVEL).

There was a brief discussion regarding the possibility of forming a committee to review and evaluate ordinances that were recently approved by the City Commission amending license and permit fees. It was the consensus of the Commission that the individuals present during the workshop session be invited to serve on the committee. Mr. Hinojosa stated that his staff would set up the meetings with the contractors and developers.

A motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Laskowski to direct staff to set up a meeting with contractors and developers to develop a proposed license and fee schedule for Commission approval. The motion passed by a unanimous vote.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE ABANDONING AN ALLEY AND RETAINING AN EASEMENT FOR UTILITY PURPOSES IN BLOCK 5 OF CLYDE ADDITION. (DIRECTOR OF PLANNING).

Mr. Stanley Fees, Director of Planning stated that Whataburger Restaurant has requested the alley abandonment. He stated that all utility companies have been contacted concerning this request. None of the utilities have indicated an objection to the abandonment as long as a utility easement is provided. Mr. Fees stated that Whataburger requested the alley closure so they could enlarge the parking lot as part of a proposed remodeling project of their facility.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Ordinance #ORD 2001-01, abandoning an alley and retaining an easement for utility purposes in Block 5 of Clyde Addition.

It was the consensus of the Commission to proceed to agenda item #9 at this time.

9. EXECUTIVE SESSION. UNDER SECTION 551.071, TEXAS GOVERNMENT CODE, CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING CONTEMPLATED LITIGATION REGARDING THE FOLLOWING MATTERS: (CITY ATTORNEY).

A. PUC DOCKET 22352 -- CENTRAL POWER AND LIGHT COMPANY TRANSMISSION AND DISTRIBUTION RATE CASE. (CITY ATTORNEY).

B. FIREFIGHTER'S GRIEVANCE NO. 102700 REGARDING RETIRED FIREFIGHTER'S HEALTH INSURANCE PREMIUMS. (CITY ATTORNEY).

The Commission went into Executive Session at 8:30 p.m. and concluded the session at 8:48 p.m.

The Commission reconvened into open session at 8:49 p.m.

3. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 10, STREETS AND SIDEWALKS, SECTION 9-10-5(d), PROVIDING FOR THE APPLICABILITY TO PERSON'S 18 YEARS OF AGE AND OVER. (COMMISSIONER LASKOWSKI).

Commissioner Laskowski stated that the original ordinance excluded individuals that are eighteen years or older to be cited. The current ordinance can not be properly enforced because there are skateboarders over the age of eighteen. Commissioner Laskowski stated that he simply wants to clean the ordinance to provide for proper enforcement.

Mayor Esquivel stated that he had some concerns about not allowing individuals to ride their bicycle on King or 6th Street. He stated that not everyone has a car, and a skateboard is a form of transportation for many individuals. He stated that he agreed that the ordinance should apply to Kleberg Avenue, but not throughout the City. He recommended that this item be tabled to allow the Commission additional time to review the ordinance and perhaps involve the Kingsville Police Officers in making necessary changes to provide for proper enforcement. Mayor Esquivel stated that the ordinance needs to be reviewed thoroughly before it is amended.

Commissioner Pecos stated that he sees a problem with allowing skateboarding on Kleberg Avenue, but restrictions should not be made for any other streets.

Mr. Hinojosa stated that the intent of the ordinance is a safety issue, and that is one reason other streets were included in the proposed ordinance.

Mayor Esquivel responded that the children should be allowed to use sidewalks throughout the City, however agrees that Kleberg Avenue should not be used because of the number of pedestrians that usually walk the downtown area.

Commissioner Laskowski requested that Police Chief Sam Granato inform the Commission on the enforcement of the current ordinance.

Police Chief Granato stated the enforcement of the ordinance is difficult for the officers because they are citing children under the age of eighteen, however an individual older than eighteen is allowed to walk away with no citation.

Mayor Esquivel expressed some concerns with limiting access to the younger children to use certain streets other than Kleberg Avenue. He specified that perhaps bicycle lanes could be constructed.

A motion was made by Commissioner Pecos to approve the proposed ordinance by prohibiting skateboarding only on Kleberg Avenue, and deleting all other streets identified in the proposed ordinance. Mayor Esquivel seconded the motion.

Commissioner Villarreal had some concerns with allowing skateboarding on others streets such as King and 6th Street.

Mayor Esquivel also expressed some concerns with the requirement that any person older than eighteen would be required to wear a helmet as proposed in the ordinance.

Commissioner Pecos then made an amendment to his motion that it shall be unlawful for any person under the age of 18 to ride upon any of the sidewalks of the City and on Kleberg Avenue from the railroad tracks to 11th street upon a bicycle or to skate upon any sidewalk with roller skates, roller blades, skateboards or any other self propelled recreational vehicle without wearing a safety helmet. Mayor Esquivel seconded the amendment to the motion. The amendment to the motion failed by a 2/3 vote. Commissioners Garcia, Laskowski and Villarreal cast the dissenting votes.

Another motion was made by Commissioner Villarreal to accept the proposed ordinance as presented, changing item number one that operation of the vehicles noted in the ordinance are prohibited on Kleberg Avenue from the railroad tracks to 11th Street, to leave all other streets specified in the ordinance, and also require the use of helmets for anyone under the age of eighteen. Commissioner Garcia seconded this motion.

There was a discussion regarding the actual streets that skateboarding would be allowed and the requirement of wearing a helmet.

The Commission proceeded to vote on the motion made by Commissioner Villarreal. The motion failed by a 2/3 vote. Commissioner's Pecos and Laskowski and Mayor Esquivel cast the dissenting votes.

The discussion continued on whether or not to require the use of a helmet, and which streets to include in the ordinance.

Another motion was made by Commissioner Laskowski to approve the ordinance with the following changes. 1) That the ordinance applies regardless of age for Kleberg Avenue from the railroad tracks to 11th Street. 2) That the remainder of the ordinance remains the same with all the streets identified and applies only to those under the age of eighteen. 3) That the requirement to wear a helmet should only apply to those under eighteen years of age. Commissioner Garcia seconded this motion. This motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Pecos cast the dissenting votes.

4. CONSIDER AWARDING ANNUAL CONTRACT FOR POLICE UNIFORMS. (BID #21-23). (DIRECTOR OF PURCHASING).

Mr. Hinojosa stated this item authorizes execution of an annual contract for the purchase of uniforms for the Police Department. Funds for these items are included in the annual budget and based on estimated usage, approximately \$20,000 will be expended under this contract. Mr. Hinojosa recommended the contract be awarded to Public Safety Products from Corpus Christi.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to award the annual contract for police uniforms as recommended by the City Manager. The motion passed by a unanimous vote.

5. CONSIDER AWARDING EIGHT-MONTH CONTRACT FOR ASPHALT OILS. (BID #21-28). (DIRECTOR OF PURCHASING).

Mr. Hinojosa stated this item authorizes execution of an eight-month contract with two companies for asphalt oils. Funds for these products are included in the annual budget and based on estimated usage, this contract will not exceed \$70,000 for an eight-month period. Mr. Hinojosa recommended the contract be awarded to Eagle Asphalt Products and Gulf State Asphalt from Corpus Christi.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to award the contract for asphalt oils as recommended by City staff. The motion passed by a unanimous vote.

6. CONSIDER INTRODUCTION OF LITTER ABATEMENT ORDINANCES. (SANITATION SUPERINTENDENT).

6A. AMENDING CHAPTER IX, GENERAL REGULATIONS, SECTION 9-1-1 THROUGH 9-1-18 OF ARTICLE 1: ABANDONED AND JUNKED MOTOR VEHICLES; PROVIDING FOR THE ADDITION OF A CITY AUTHORIZED AGENT TO ASSIST WITH THE REGULATION OF ABANDONED AND JUNKED MOTOR VEHICLES AND UPDATING THE NOTICE REQUIREMENT.

6B. AMENDING CHAPTER XI, BUSINESS REGULATIONS, SECTION 11-13-1 THROUGH 11-13-4 OF ARTICLE 13: TIRE, USED MUFFLER AND APPLIANCE STORAGE; PROVIDING FOR A DEFINITION OF STRUCTURE.

6C. AMENDING CHAPTER XIII, GENERAL OFFENSES, SECTIONS 13-1-10 AND 13-1-11 OF ARTICLE 1: OFFENSES AGAINST PROPERTY; PROVIDING FOR THE REMOVAL OF POSTINGS WITHIN 5 DAYS OF AN EVENT.

6D. AMENDING CHAPTER V, PUBLIC WORKS, SECTIONS 5-1-1 THROUGH 5-1-59 OF ARTICLE 1: GARBAGE; PROVIDING FOR ADDITIONAL DEFINITIONS, TIME FOR ROLL-OUT PLACEMENT, ONE WEEK NOTICE FOR HEAVY ACCUMULATION PICKUPS, LIMIT PICKUP PLACEMENT TO NO CLOSER THAN FIVE FEET OF A UTILITY METER, REVISING THE TRUCK RENTAL PROGRAM AND INCREASING TRUCK RENTAL FEES, AND REVISING THE DELINQUENT ACCOUNT POLICY.

6E. AMENDING CHAPTER IX, GENERAL REGULATIONS, SECTION 9-7-1 THROUGH 9-7-4 OF ARTICLE 7: NUISANCES; PROVIDING FOR ADDITIONAL DEFINITIONS, REVISING THE DEFINITION OF NOTICE, AND REVISING THE LIEN SECTION.

There was a brief discussion regarding all of the proposed ordinances. Mr. Hinojosa stated that the ordinances were all being introduced at this time and would be considered as final passage at the next meeting. He expressed some concerns regarding the ordinance pertaining to garbage pickups. Mr. Hinojosa recommended that the use of the City landfill without charge should stop immediately because of the situation with the current landfill. There was also a discussion regarding the ordinance pertaining to abandoned vehicles and the proper disposition of such vehicles.

Mayor Esquivel stated these ordinances were introductory items only and final passage would be considered at the next regular meeting.

7. CONSIDER AUTHORIZING THE CITY MANAGER TO PURCHASE A COMPUTER SOFTWARE AND HARDWARE PACKAGE FOR THE CITY AS FOLLOWS: (DIRECTOR OF FINANCE).

7A. MOTION TO EXECUTE A CONTRACT WITH INCODE, INC. IN THE AMOUNT OF \$140,100 FOR THE PURCHASE OF COMPUTER SOFTWARE AND HARDWARE (INCLUDING TRAINING AND CONVERSION SERVICES).

7B. MOTION AWARDED BID FOR FINANCING OF COMPUTER SOFTWARE AND HARDWARE AND ASSOCIATED EXPENSES TO BANK ONE LEASING CORPORATION.

Mr. Victor Salas, Director of Finance, stated that there is a need for the City to upgrade the software and hardware that is currently used. He stated that he reviewed all of the proposals and the one submitted by Incode is the best one for the City. Mr. Salas stated that Bank One Leasing at a 4.98% interest rate would provide financing for the package with a five-year lease. He recommended the Commission approve the contract with Incode, Inc. in the amount of \$140,100 and also award the bid for financing to Bank One Leasing Corporation.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission voted unanimously to execute a contract with Incode, Inc. in the amount of \$140,100 for the purchase of computer software and hardware and award the bid for financing of the software and hardware to Bank One Leasing Corporation.

8. CITY MANAGER'S REPORT. (CITY MANAGER).


In his report, Mr. Hinojosa stated that he is in the process of setting up a joint meeting with Kleberg County Commissioner's Court,

Mr. Hinojosa also informed the Commission that he granted Police Chief Sam Granato an extension to June 1st for him to relocate to Kingsville. He stated that a previous deadline given to Chief Granato was January 31st, however that deadline has been extended.

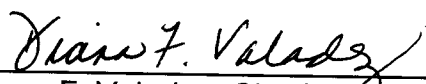
Mr. Hinojosa stated that the emergency sirens recently sounded during the night. He stated that the sirens have been inspected and the problem has been resolved.

VI. ADJOURNMENT.

The meeting then adjourned at 10:57 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:


Diana F. Valadez, City Secretary