

AUGUST 26, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, AUGUST 26, 2002 AT 6:00 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:

Hector M. Hinojosa, City Manager
 Diana F. Valadez, City Secretary
 Courtney Alvarez, City Attorney
 Sammy Maldonado, Utilities Superintendent
 Jennifer Detloff, Director of Development Services
 Vilma Castillo, Director of Collections
 Joel Saenz, Code Enforcement Officer
 Dora Byington, Director of Purchasing
 Macario Mayorga, Water Construction Supervisor
 Stanley Fees, City Engineer
 Corando Garza, Assistant City Manager / Fire Chief
 Felix Camarillo, EMT / Fire Fighter
 Diana Gonzales, Interim Personnel Director
 Dianne Leubert, Solid Waste Superintendent
 Joe Casillas, Water Production Supervisor
 Sam Granato, Chief of Police
 John Garcia, Garage Superintendent

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Jaime Garza, Task Force Commander, led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) – REQUIRED BY LAW.

The Commission was presented with the minutes of the Regular Meeting held Monday, July 22, 2002, the Special Meeting held Tuesday, July 23, 2002, the Special Meeting held Monday, July 29, 2002, the Special Meeting held Tuesday, July 30, 2002, and the Special Meeting held Wednesday, July 31, 2002. There being no corrections, a motion was made by Commissioner Arturo Pecos and seconded by Commissioner Horacio (Hoss) Castillo to accept the minutes as presented. The motion passed by a unanimous vote.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. PRESENTATION BY ALEXANDER CONSULTING REGARDING AMBULANCE BILLING. (MAYOR ESQUIVEL).

A representative with Alexander Consulting Ambulance Billing Services addressed the Commission regarding the procedures used for ambulance billing. He recommended that his staff meet with Fire Department staff on a monthly basis to discuss the billing process.

Mayor Esquivel requested that the collection agency aggressively pursue the collection of all delinquent ambulance accounts.

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

2.1 UPDATE REGARDING 2005 BASE REALIGNMENT AND CLOSURE (BRAC) PLAN.

Mayor Esquivel briefed the Commission regarding the 2005 Base Realignment and Closure Plan. He stated that the community must unite and attend all public hearings during the realignment process.

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

3.1 UPDATE ON MUNICIPAL COURT WARRANT COLLECTION PROCESS.

Mr. Hinojosa stated that City staff has been working and will continue to work with CSI regarding the software being used for the Municipal Court collection process.

3.2 DISCUSS POSSIBLE ANNEXATION OF AREAS SURROUNDING US 77.

Mr. Hinojosa stated that City staff will soon begin to explore the possibilities of annexing properties in the vicinity of U.S. Highway 77. He stated this is still in the planning stages.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.

Ms. Kathy Alvarez, 717 Santa Barbara, addressed the Commission regarding agenda item number one. She stated that several people get together and share the gospel of Jesus Christ in neighborhoods. She requested that the Commission consider a minimal fee or no fee at all for church organizations that are simply trying to help people.

Mr. Gary Herrera offered his testimony regarding his drug problems in the past, and informed the Commission that he is now spreading the word of Jesus Christ throughout the neighborhoods in Kingsville. He stated that he has always obtained a permit for this practice and urged the Commission to waive the proposed fee for church organizations.

Mrs. Peggy Hayes, Executive Director of the Kingsville Chamber of Commerce invited everyone to the Chamber Mixer on August 28th. She stated that the mixer would be held at Texas A & M University Kingsville and urged everyone to attend.

Mr. Samuel Diaz, a member of the audience, complimented Mr. Herrera who spoke earlier. He stated that Mr. Herrera is simply trying to help people who are in need. Mr. Diaz requested that the Commission take into consideration Mr. Herrera's request to waive any fees.

Mayor Esquivel recognized and introduced the Interim City Attorney, Mr. Michael Guerra.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE ADOPTING SECTIONS 7-1-50 THROUGH 7-1-55 PROVIDING FOR TEMPORARY CLOSURE OF STREETS INCLUDING APPLICATION, PERMITS, CONDITIONS FOR PERMITS, ISSUANCE OF PERMITS, REIMBURSEMENT FOR COSTS OF THE CITY, AND REVOCATION OF PERMIT AND APPEAL OF DENIAL OF PERMIT. (COMMISSIONER WILSON).

Commissioner Wilson stated that changes were made to the proposed ordinance in order for the ordinance to be user friendly. He stated that the permit fee was changed from \$50.00 to \$25.00. He stated that the language in the ordinance was also changed for the yearly event of National Night Out.

After a brief discussion it was noted that the last sentence in Section 7-1-51 be amended to read: "The application must be submitted at least seven (7) working days prior to neighborhood events and at least thirty (30) working days prior to small and large events; and must be accompanied by an application fee as hereinafter provided to cover administrative costs". It was also agreed that under the category of Neighborhood Events, the last sentence be amended to read: "No permit application fee is required for such events".

A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to approve Ordinance #ORD-2002-19, with the noted changes. The motion passed by a unanimous vote.

2. CONSIDER AWARDING ANNUAL CONTRACT FOR DIESEL FUEL. (BID #23-04). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes execution of a twelve month contract for diesel fuel. She stated that based on estimated usage, approximately \$69,800 would be expended under this contract for the purchase of diesel. Mrs. Byington recommended that the contract be awarded to SSP Petroleum from Corpus Christi to provide diesel for the Public Works Center and at the landfill.

Upon a motion by Commissioner Garcia and second by Commissioner Wilson, the Commission voted unanimously to award the annual contract for diesel fuel as recommended by staff.

3. CONSIDER AWARDING ANNUAL CONTRACT FOR ROAD MATERIALS. (BID #23-05). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes execution of annual contracts with various firms for road materials. She stated that based on estimated quantities, approximately \$326,536 would be expended under this contract. Mrs. Byington recommended the contract be awarded to the following companies:

Martin Marietta Materials from Corpus Christi for pre-coated aggregate grade 3;

Vulcan Materials from San Antonio for pre-coated aggregate grades 4 and 5, LRA cold mix, type CC lay-down cold mix, and #5 trap rock;

Gulf States Asphalt for AC-5 asphalt, and CRS-2 asphalt;

Marlin Asphalt, LTD from Corpus Christi for AC-5 asphalt (picked up at plant), RC-250 asphalt, and MC-30 asphalt; and

HAC Material, LTD from Corpus Christi for hot mix

R.P. Trucking from Kingsville for caliche and sand hauling

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to award the annual contracts with the firms recommended by staff. The motion passed by a unanimous vote.

4. CONSIDER AWARDING BID FOR THE LEASE OF SEVEN (7) PICK-UP TRUCKS AND/OR SEDANS FOR THE TASK FORCE. (BID #23-08). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the lease of seven vehicles for the task force agents. She stated this action would expend \$37,800 for a nine month period if all pick-up trucks are chosen and \$36,225 if all sedans are chosen. Mrs. Byington recommended the bid be awarded to Advantage Rent-A-Car from Kingsville.

Upon a motion by Commissioner Garcia and second by Commissioner Pecos, the Commission voted unanimously to award the bid for the lease of seven vehicles for the task force as recommended by staff.

5. CONSIDER AWARDING ANNUAL CONTRACT FOR CEMENT PRODUCTS. (BID #23-09). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes execution of an annual contract for cement products. She stated that based on estimated usage approximately \$10,135 would be expended under this contract. Mrs. Byington recommended that the contract be awarded to Alamo Concrete Products from Kingsville.

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to award the annual contract for cement products as recommended by staff. The motion passed by a unanimous vote.

6. CONSIDER AWARDING ANNUAL CONTRACT FOR CHLORINE. (BID #23-10). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes execution of an annual contract for chlorine. She stated that based on estimated usage approximately \$7,752 would be expended under this contract. Mrs. Byington recommended the contract be awarded to AOC from Kingsville.

A motion was then made by Commissioner Pecos and seconded by Commissioner Garcia to award the annual contract for chlorine as recommended by staff. The motion passed by a unanimous vote.

7. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT PURSUANT TO THE CONTRACT TO BE SIGNED BY THE SOUTH TEXAS AGGREGATION PROJECT, INC. FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 01, 2003. (CITY MANAGER).

Mr. Hinojosa stated that the proposed resolution authorizes him to sign an electric supply contract for 2003 and 2004 pursuant to the recommendation of the Board of Directors of the South Texas Aggregation Project (STAP), of which the City of Kingsville is a member. He stated this resolution is a necessary step in positioning the City to capture the price that STAP is able to achieve from its negotiations with a retail electric provider. Mr. Hinojosa recommended approval of the proposed resolution.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve Resolution #R-2002-35, authorizing the City Manager to execute an electric supply agreement pursuant to the contract to be signed by the South Texas Aggregation Project, Inc. for deliveries of electricity effective January 01, 2003.

Commissioner Wilson expressed some concerns by authorizing the City Manager to sign an agreement that has not been provided to the Commission for review. He stated that the Commission would be giving a blanket authorization.

Mr. Hinojosa stated that the City of Kingsville is a member of STAP and would not like to break the agreement with STAP.

The Commission proceeded to vote on the motion. The motion passed by a 4/1 vote. Commissioner Wilson cast the dissenting vote.

8. CONSIDER RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF TEXAS, TEXAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF SAFETY LIGHTING SYSTEMS WITHIN THE CITY OF KINGSVILLE. (CITY ENGINEER).

Mr. Fees stated that the proposed resolution authorizes the installation, maintenance, and operation of safety lighting for the intersection of US 77 and FM 1717. The agreement also applies to any future safety lighting installed on the State Highway System within the City of Kingsville. Mr. Fees recommended approval of the resolution.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission unanimously approved Resolution #R-2002-36, authorizing the Mayor to enter into an agreement with the State of Texas, Texas Department of Transportation for construction, maintenance and operation of safety lighting systems within the City of Kingsville.

9. CONSIDER MOTION AUTHORIZING THE REPROGRAMMING OF FUNDS (\$119,000.) FROM THE CERTIFICATES OF OBLIGATION SERIES 1998 (CAP 98) TO PROVIDE NECESSARY EQUIPMENT FOR THE NORTH WASTEWATER TREATMENT PLANT, THE LIFT STATION LOCATED AT 17TH AND LEE AND WATER WELL #21. (UTILITIES SUPERINTENDENT).

Mr. Sammy Maldonado, Utilities Superintendent, stated that he is requesting this item to provide necessary equipment for the north wastewater treatment plant, the lift station located at 17th and Lee and water well #21. He stated there is \$127,000 in the Cap 98 fund for the East Kenedy elevated tank. He recommended that \$107,000 be reprogrammed to address emergency repairs needed at the north wastewater treatment plant and the lift station at 17th and Lee. Mr. Maldonado stated there is also \$43,000 in the Cap 98 fund for water well. He recommended that \$12,000 be reprogrammed for repairs to water well #21 for the replacement of a motor.

Commissioner Castillo stated that the City would be eligible to apply for grant funds for wastewater plant improvements. He stated that perhaps an application could be submitted with the grant currently being prepared.

A motion was then made by Commissioner Pecos and seconded by Commissioner Garcia authorizing the reprogramming of funds (\$119,000) from the certificates of obligation Series 1998 (CAP 98) to provide necessary equipment for the North Wastewater Treatment Plant, the lift station located at 17th and Lee and water well #21. The motion passed by a unanimous vote.

10. CONSIDER AUTHORIZING SOUTH TEXAS ENVIRONMENTAL INSTITUTE TO PROCEED WITH STORM WATER COMPLIANCE EVALUATION. (CITY ENGINEER).

Mr. Fees stated that the Texas Natural Resource Conservation Commission is requiring cities to have a Texas Pollutant Discharge Elimination Systems Permit on file by March 1, 2003. He stated that the South Texas Environmental Institute made a presentation outlining the basic requirements for this application. Mr. Fees recommended that the Commission authorize South Texas Environmental Institute to proceed with the evaluation of the City of Kingsville storm sewer system.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to authorize the South Texas Environmental Institute to proceed with the Storm Water Compliance Evaluation. The motion passed by a unanimous vote.

11. DISCUSS AND AUTHORIZE CITY MANAGER AND RAUL RUBIO TO PURSUE GRANT FUNDING FOR:

11.1 PLANNING STUDY FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION. (COMMISSIONER CASTILLO).

11.2 INFRASTRUCTURE IMPROVEMENTS FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION. (COMMISSIONER CASTILLO).

Commissioner Castillo stated that it would be appropriate to pursue grant funding from the EDA (Economic Development Administration) to fund infrastructure improvements and a master planning study. He stated that Mr. Rubio would apply for these grant funds upon authorization from the Commission.

Mr. Raul Rubio addressed the Commission. He stated that he has worked with the City of Falfurrias and is currently working with the City of Mathis. Mr. Rubio stated that water and sewer improvements are important, and if funding is granted, the City would be responsible for a 30% cash match. He stated that if he is authorized to apply for two grants, then two separate contracts would need to be approved. Mr. Rubio stated that he had the contracts with him and would like the Commission to approve both contracts at this time.

Mayor Esquivel stated that the City should apply for the master plan study first, and then at a later time, apply for the infrastructure improvements. He stated there is a cash match the City would be required to fund.

Commissioner Castillo stated that application should be made concurrently for both grants.

City Attorney Courtney Alvarez stated that the contracts could be placed on the agenda for the next meeting, to allow her additional time to review the proposed contracts, since Mr. Rubio was offering to submit them to the Commission at this time.

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to authorize the City Manager to pursue grant funding with Mr. Rubio and to submit the contracts for approval at the next Commission meeting. The motion passed by a 4/1 vote. Commissioner Wilson cast the dissenting vote.

12. CONSIDER INTRODUCTION OF AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF KINGSVILLE, TEXAS, AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2002 AND ENDING SEPTEMBER 30, 2003. (CITY MANAGER).

Mr. Hinojosa stated that the proposed budget is being submitted with an increase in sewer rates, a permit fee for eight liner machines, fire prevention permits, a 3% salary increase for management level employees, \$300,000 reduction in the health insurance fund, and \$15,000 for the senior citizens program.

Commissioner Garcia stated that revenues from the employee health fund should not be used to balance the budget. He stated that he did not want this to be done.

Mayor Esquivel stated this was an introduction item only, and final passage would be considered at another meeting.

13. CONSIDER INTRODUCTION OF AN ORDINANCE ESTABLISHING AND ADOPTING THE AD VALOREM TAX RATE FOR ALL TAXABLE PROPERTY WITHIN THE CITY OF KINGSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2002 AND ENDING SEPTEMBER 30, 2003, DISTRIBUTING THE TAX LEVY AMONG THE VARIOUS FUNDS, AND PROVIDING FOR A LIEN ON REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED. (CITY MANAGER).

Mr. Hinojosa stated that the ordinance adopting the tax rate to support the budget included a rate of \$.69527.

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

14. EXECUTIVE SESSION: UNDER SECTION 551.076 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE DEPLOYMENT OF SECURITY PERSONNEL OR DEVICES. (MAYOR ESQUIVEL).

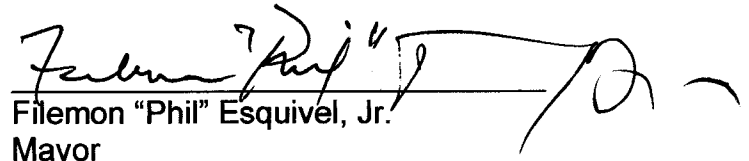
15. EXECUTIVE SESSION: UNDER SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING POTENTIAL LITIGATION REGARDING ADMINISTRATION AND ENFORCEMENT OF CITY OBLIGATIONS UNDER THE SOUTH TEXAS WATER AUTHORITY SUPPLY CONTRACT. (CITY MANAGER).

16. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE EVALUATION OF THE CITY MANAGER, THE CITY ATTORNEY AND THE MUNICIPAL COURT JUDGE.

The Commission began the executive sessions at 8:29 p.m. and ended at 10:26 p.m.

VI. ADJOURNMENT.

The meeting adjourned at 10:27 p.m.



Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:

Diana F. Valadez, City Secretary