

SEPTEMBER 11, 2000

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, SEPTEMBER 11, 2000 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  
 Stanley Fees, Director of Planning  
 Dora Byington, Director of Purchasing  
 Victor Salas, Director of Finance  
 Dianne Leubert, Sanitation Superintendent  
 Ricardo Guzman, Street Superintendent  
 Estella Garcia, Director of Collections  
 John Garcia, Garage Superintendent  
 Sam Granato, Chief of Police

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Miss Gutierrez, a member of the Texas A & M University Kingsville Softball Team, led the Pledge of Allegiance.

**MINUTES OF PREVIOUS MEETING(S) - REQUIRED BY LAW.**

There were no minutes available for approval.

Mayor Filemon "Phil" Esquivel, Jr. stated that Judge Martin J. Chiuminatto, County Court-at-Law was present to administer the Official Oath to the newly appointed Chief of Police. Judge Chiuminatto proceeded to administer the Official Oath of Office to Chief Samuel C. Granato.

Mayor Esquivel then introduced the members of the Texas A & M University Kingsville Softball Team.

**II. PUBLIC HEARING - (REQUIRED BY LAW).**

1. **A PUBLIC HEARING ON THE FISCAL YEAR 2000-2001 RECOMMENDED BUDGET FOR THE KINGSVILLE CONVENTION AND VISITOR'S BUREAU. (DIRECTOR OF FINANCE).**

Mayor Esquivel officially opened the public hearing at 6:12 p.m.

Mr. Hector M. Hinojosa, City Manager stated that Mrs. Mary Ann Oldham and Mrs. Mary Marroquin, board members of the Convention and Visitor's Bureau Board of Director's were present and would answer any questions the Commission might have.

Upon a question raised by Mr. Hinojosa, Mrs. Oldham responded that the Bureau has been informed that the George Strait team-roping event has considered returning to Kingsville for their annual team-roping event. She stated that they have allocated some money for this event in case it returns to Kingsville.

Mayor Esquivel questioned the breakdown in salaries of the employees at the center. He stated that he felt that all the salaries should be under the salary line item and not included in any other line item.

Upon a question raised by Mayor Esquivel, Mrs. Marroquin responded that the budget submitted to the Commission is only a draft and could be amended at a later date. She stated that it is the intention of the Board to assist with the Cactus Bowl and making that event a reality in Kingsville. Mrs. Marroquin stated that they submitted a proposed budget for special events, and at this time, \$30,000 has been allocated for special events for the next fiscal year.

Mayor Esquivel requested that a representative from the Conner Museum make a presentation to the Commission since the museum receives revenues from the Convention and Visitor's Bureau.

Commissioner Garcia requested that a financial report from the Conner Museum be submitted to the Commission.

There being no further discussion, Mayor Esquivel closed this public hearing at 6:33 p.m.

## 2. A PUBLIC HEARING ON THE FISCAL YEAR 2000-2001 TAX RATE. (DIRECTOR OF FINANCE).

Mayor Esquivel opened this public hearing at 6:34 p.m.

Mr. Victor Salas, Finance Director, stated that the public hearing notice regarding the proposed tax increase was published and scheduled for this evening. He stated that a date needs to be set to adopt the tax rate for the next fiscal year.

Mayor Esquivel stated this was the scheduled public hearing and asked if there was anyone in the audience that wanted to address the Commission regarding the proposed tax rate.

Mr. Joe Cisneros, 1514 East Huisache addressed the Commission. He stated that the business owners in Kingsville are over taxed and urged the Commission to consider the lowest tax rate possible.

Mayor Esquivel then closed the public hearing.

### **III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.**

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

**A. TASK FORCE UPDATE ON RECENT DRUG SEIZURES AND OTHER TASK FORCE ACTIVITIES. (CITY MANAGER).**

Mr. Hinojosa requested this item be tabled. He stated that due to a shooting involving a police officer in Jim Wells County today, members of the Task Force could not be present this evening.

**IV. PUBLIC COMMENT ON AGENDA ITEMS.**

There were no comments discussed at this time.

**V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.**

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

**A motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Al Garcia to remove from the table the following agenda item. The motion passed by a unanimous vote.**

**1A. CONSIDER APPROVAL OF KINGSVILLE CONVENTION & VISITOR'S BUREAU, INC. ANNUAL BUDGET FOR FISCAL YEAR 2000-2001. (CITY MANAGER).**

**A motion was made by Commissioner Villarreal and seconded by Commissioner Arturo Pecos to approve the annual budget for fiscal year 2000-2001 for the Kingsville Convention & Visitor's Bureau, Inc.**

Mayor Esquivel requested that the Bureau provide funding in the proposed budget for the Cactus Bowl.

Upon a question raised by Commissioner Stanley Laskowski, Mr. Ruben Perez, City Attorney responded that the contract with the Bureau could be amended at a later date, and the \$30,000 allocated to the Conner Museum could be addressed at that time.

**The Commission proceeded to vote on the motion. The motion passed by a unanimous vote.**

**2. CONSIDER FINAL PASSAGE OF ORDINANCES SETTING FEES FOR INSPECTIONS AND RE-INSPECTIONS; LICENSES FOR CONTRACTORS, ELECTRICIANS, AND HOUSE MOVERS; NEW CONSTRUCTION FEES; FEES FOR REMODELING, REPAIR AND ALTERATIONS TO BUILDINGS; PLAN REVIEW FEES; CERTIFICATE OF OCCUPANCY; FOOD SERVICE ESTABLISHMENTS AND SERVICES; AND MISCELLANEOUS FEES INCLUDING JUNK YARDS, TAXICABS, FORTUNE TELLERS, AND TIRE STORAGE BUSINESSES. (CITY ATTORNEY).**

There was a discussion regarding the proposed new fees. Mayor Esquivel stated that he would like local contractors notified of the proposed fee increases to receive input from them. He recommended this item be tabled and considered at a later date.

**Upon a motion by Commissioner Laskowski and second by Commissioner Garcia, the Commission voted unanimously to table this agenda item at this time.**

3. CONSIDER FINAL PASSAGE OF AN ORDINANCE ADOPTING A NEW ARTICLE 14, VENDOR SOLICITATIONS TO CHAPTER XI, BUSINESS REGULATIONS OF THE CODE OF ORDINANCES FOR THE CITY OF KINGSVILLE, PROVIDING FOR APPROPRIATE PENALTIES, FINES, AND FEES REGARDING THE REGULATION THEREOF AND ESTABLISHING ITINERANT VENDORS LICENSES. (CITY MANAGER).

Mr. Perez stated that the proposed ordinance would regulate vendors operating within the City limits of Kingsville. He stated that the ordinance excludes special events and festivals.

There was a discussion regarding vendors that sell items at parades. Mr. Perez stated that a permit is required for that type of business. There was also a discussion regarding garage sales and permitting the number of sales.

**A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to accept the proposed ordinance with the amendment of increasing the number of garage sales from three to six per year.**

After a brief discussion, both Commissioner's Laskowski and Villarreal removed their motion.

**Another motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to table this agenda item at this time. The motion passed by a unanimous vote.**

4. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING SECTION 5-1-55(F); PROVIDING FOR AN INCREASE OF \$1.00 TO THE MONTHLY LANDFILL CHARGE FOR EACH RESIDENTIAL OR COMMERCIAL ACCOUNT. (CITY MANAGER).

Mr. Hinojosa stated that the City currently collects one dollar on each utility account for the landfill. The ordinance proposes an increase of \$1.00 per utility account. The total amount that will be collected totals to \$2.00 per account.

There was a discussion regarding the fees collected at the landfill for outside city limit customers as well as the amount of revenues collected from other cities that use our landfill. Commissioner Laskowski stated that the Commission should consider an increase in the fees charged to other cities for the use of our landfill.

Mr. Hinojosa stated this was an introductory item only and the ordinance would be amended to include an increase for other cities to use the landfill.

**Mayor Esquivel stated this was an introductory item only and final passage of the ordinance would be considered at a later date.**

5. CONSIDER INTRODUCTION OF AN ORDINANCE ESTABLISHING AND ADOPTING THE AD VALOREM TAX RATE FOR ALL TAXABLE PROPERTY WITHIN THE CITY OF KINGSVILLE FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2000 AND ENDING SEPTEMBER 30, 2001. (CITY MANAGER).

Mr. Hinojosa stated this was an introductory item only, however recommended that the Commission consider the tax rate of \$.70145.

Mr. Salas stated that the tax rate is adopted in two components. One is for the debt service and the other is to fund maintenance and operations.

Mayor Esquivel stated the bids for health insurance are scheduled to open tomorrow and those figures should give the Commission a better idea on what the tax rate should be. He stated that the City has two major projects pending that will cost a lot of money. One includes repairs to the South Wastewater Treatment Plant and the other is the landfill expansion project. Mayor Esquivel stated that both of these projects are high priority and will cost approximately \$2.5 million dollars.

**Mayor Esquivel stated this was an introductory item only, and final passage will be considered at the next meeting.**

**6. CONSIDER RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH BORROWING PROCEEDS AND AUTHORIZING CONSULTANTS TO PROCEED WITH BORROWING. (CITY MANAGER).**

Mr. Hinojosa stated that approval of the proposed resolution would authorize our financial consultants to begin the borrowing proceeds to fund necessary repairs at the wastewater treatment plant. He stated that Mr. Robert Viera from Smith and Russo Engineers was present to report to the Commission on the problems at the plant.

Mayor Esquivel stated that research has begun to acquire necessary funding from the Texas Water Development Board, FEMA, and the Environmental Protection Agency (EPA) to make the repairs at the plant.

Mr. Viera then addressed the Commission. He stated that he was contacted to review the proposal submitted by Cunningham Contractors to repair the treatment plant. He stated this project must be put in fast track and Cunningham Contractors could complete the job. Mr. Viera stated that the figures submitted by Cunningham look good and said it would take approximately 12-15 weeks to order the equipment and materials.

Upon a question raised by Commissioner Laskowski, Mr. Danny Almeida, Plant Supervisor, responded that it will cost the City approximately \$300.00 per week to rent a pump. He stated that originally it was anticipated that it would cost \$1,000 a week, but the City will be using smaller pumps and will cost less.

**A motion was then made by Commissioner Villarreal and seconded by Commissioner Pecos to approve Resolution #200035, declaring intention to reimburse certain expenditures with borrowing proceeds and authorizing consultants to proceed with borrowing.**

**7. CONSIDER AWARDDING BID FOR AN ASPHALT COMPACTOR FOR THE STREET DEPARTMENT. (BID #20-60). (DIRECTOR OF PURCHASING).**

Mrs. Byington stated this item authorizes the purchase of one asphalt compactor for the Street Department. This action will expend \$42,411 and funds are available in the Capital Outlay 2000 Fund. Mrs. Byington recommended the bid be awarded to Anderson Machinery Company from Corpus Christi.

**Upon a motion by Commissioner Pecos and second by Commissioner Villarreal, the Commission voted unanimously to award the bid for an asphalt compact as recommended by staff.**

**8. CONSIDER AWARDING BID FOR A DRAINAGE PIPE. (BID #20-63). (DIRECTOR OF PURCHASING).**

Mrs. Byington stated this item authorizes the purchase of 1,138 feet of 36" corrugated smooth interior HDPE pipe. This action will expend \$21,223.70 and funds are available in the annual budget. Mrs. Byington recommended the bid be awarded to U.S. Filter from Corpus Christi, Texas.

**Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission voted unanimously to award the bid for the drainage pipe as recommended by staff.**

**9. CONSIDER AWARDING ANNUAL CONTRACT FOR WATER AND WASTEWATER UTILITY SUPPLIES. (BID #21-07). (DIRECTOR OF PURCHASING).**

Mrs. Byington stated this item authorizes execution of the annual contract for various utility supplies for the Water and Wastewater Departments. Based on estimated usage, this contract will expend approximately \$131,000 and funds are included in the annual budget. Mrs. Byington recommended the contract be approved to Ferguson Enterprise and Hughes Supply Company.

**Upon a motion by Commissioner Villarreal and second by Commissioner Pecos, the Commission voted unanimously to award the bid as recommended by staff.**

**10. CONSIDER AWARDING BID FOR AUTOMOTIVE FILTERS. (BID #21-08). (DIRECTOR OF PURCHASING).**

Mrs. Byington stated this item authorizes execution of a six-month contract for automotive filters. She recommended the bid be awarded to O'Reilly Auto Parts from Kingsville for a six-month period beginning October 1, 2000 through March 31, 2001. Mrs. Byington stated that based on estimated usage, approximately \$3,100 would be expended under this six-month contract.

**Upon a motion by Commissioner Pecos and second by Commissioner Villarreal, the Commission voted unanimously to award the bid as recommended by staff.**

**11. CONSIDER AWARDING ANNUAL CONTRACT FOR TIRES AND TUBES FOR ALL DEPARTMENTS EXCEPT THE POLICE DEPARTMENT. (BID #21-09). (DIRECTOR OF PURCHASING).**

Mrs. Byington stated this item authorizes execution of an annual contract for tires and tubes for all departments except the police and the task force. She stated that based on estimated usage, approximately \$56,500 would be expended under this contract. Mrs. Byington recommended the bid be awarded to Gray's Wholesale Tire from Ft. Worth, Texas.

Upon a question raised by Commissioner Laskowski, Mr. Bobby Harms, a representative from Gray's Wholesale Tire responded that his company currently sells Firestone tires. However they are not the ones that are being recalled.

Mr. John Garcia, Garage Superintendent stated that the local Firestone Store is currently providing the tires for the City. However, it takes approximately one week or longer to get the tire.

Mr. Harms stated that only one tire is being recalled at this time, and the City would not receive that product.

There was a discussion regarding the bid specifications requiring the vendors to deliver the product within 72 hours. Mayor Esquivel stated that no vendor submitted a bid complying with that specification. He stated that if local vendors would have been given a choice to deliver the products between 7-11 days, that perhaps they would have submitted a bid. However, since the bid specifications stated that delivery was to be made within 72 hours, that could be the reason local vendors did not submit a bid.

Commissioner Laskowski stated that he would rather have City staff contact Goodyear and ask them if they would have submitted a bid if additional time had been given to deliver the products.

Mayor Esquivel stated that he would like to reject all the bids at this time and go out for new bids.

Commissioner Villarreal stated that it was not fair to reject the bids at this time, because when the City re-bids this product, all other vendors will have knowledge of the prices quoted by Gray's Tires and Wholesale.

**A motion was made by Mayor Esquivel and seconded by Commissioner Pecos to reject all bids at this time and re-bid with the specifications to deliver the product within 1-7 days rather than 72 hours. The motion failed due to a 2/3 vote. Commissioner's Laskowski, Villarreal and Garcia cast the dissenting votes.**

Mayor Esquivel responded that the companies that submitted a bid did not meet the specifications because it specified a 72-hour delivery and no other options.

Commissioner Laskowski recommended that the Commission table this agenda item to allow staff additional time to ask Goodyear if they could deliver this product between 1-7 days.

**Another motion was then made by Commissioner Villarreal and seconded by Commissioner Garcia to accept staff recommendation and award the contract for tires and tubes to Gray's Wholesale Tire from Ft. Worth, Texas. The motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Pecos cast the dissenting votes.**

Mayor Esquivel stated that it was unfair to the local vendors that this contract was being awarded to Gray's. He stated that the Commission should have rejected all the bids because the specifications did not state that delivery could be made between 1-7 days. Mayor Esquivel stated that the bid specifications specified that the product be delivered within 72 hours.

**12. CONSIDER AWARDING ANNUAL CONTRACT FOR JANITORIAL SERVICES FOR THE LAW ENFORCEMENT CENTER. (BID #21-11). (DIRECTOR OF PURCHASING).**

Mrs. Byington stated this item authorizes execution of a twelve-month contract for janitorial services at the Kingsville Law Enforcement Center. She stated that the lowest bidder, Pais Janitorial Services and the second lowest bidder, J & M Cleaning Services, both meet all the bid specifications. Mrs. Byington stated that the Commission may exercise its option under Article 271.905, Vernon's Texas Codes Annotated, Volume 3, Local Government Code to award this bid to the local bidder. The local bidder's bid is within the 3% range allowed under the law.

Mrs. Byington stated that the Commission must determine that the local bidder offers the best combination of price and additional local economic development opportunities. She stated that if the Commission takes this option, then the charges would be \$14,345.00 for the first year, \$14,945.00 for the second year and \$15,545.00 for the third year.

**A motion was then made by Commissioner Laskowski and seconded by Commissioner Garcia to award the annual contract for janitorial services for the Kingsville Law Enforcement Center to J & M Cleaning Services. The motion passed by a unanimous vote.**

**13. CONSIDER RESOLUTION RECLASSIFYING THE POSITION OF POLICE CHIEF AND ESTABLISHING A PAY RANGE. (CITY MANAGER).**

Mr. Hinojosa recommended that the proposed resolution be approved. He stated that approval of the resolution would give him the authorization to pay the new police chief.

Upon a question raised by Commissioner Garcia, Mr. Hinojosa responded that the advertisement for the police chief's position was advertised with the proposed salary range, and the chief's salary will be \$60,900.

**Upon a motion by Commissioner Villarreal and second by Commissioner Garcia, the Commission unanimously approved Resolution #200036, reclassifying the position of Police Chief and establishing a pay range.**

**14. CITY MANAGER'S REPORT. (CITY MANAGER).**


No report was made at this time.

**15. EXECUTIVE SESSION: PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE THE EVALUATION OF THE CITY MANAGER AND CITY ATTORNEY. (MAYOR ESQUIVEL).**

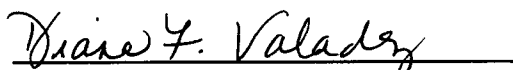
The Commission went into an Executive Session at 8:27 p.m. and ended at 9:20 p.m.

**VI. ADJOURNMENT.**

The meeting then adjourned at 9:22 p.m.

  
Filemon "Phil" Esquivel, Jr.  
Mayor

**ATTEST:**

  
Diana F. Valadez, City Secretary