

SEPTEMBER 25, 2000

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, SEPTEMBER 25, 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
 Ricardo Guzman, Street Superintendent
 Stanley Fees, Director of Planning
 Maria Robles, Accountant
 Victor Salas, Finance Director
 Estella Garcia, Director of Collections
 Dora Byington, Director of Purchasing
 A.L. Noyola, Health Director
 Sam Granato, Chief of Police
 Sammy Maldonado, Utilities Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Barry Blackstock, Sgt. Kingsville Police Department
 Guadalupe Garcia, Fire Marshal
 Gerald Ramirez, EMT - Firefighter
 Dianne Leubert, Sanitation 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, Miss Annette Cadena, a member of the Kingsville 4-H Group, 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. PUBLIC HEARING REGARDING CONDEMNATION PROCEEDINGS FOR STRUCTURES LOCATED AT 702 WEST LEE, 409 EAST ELLA, 305 WEST NETTIE, 306 WEST NETTIE, 516 EAST YOAKUM, 630 WEST RAGLAND, 614 WEST HUISACHE, 902 EAST HENRIETTA, 621 EAST RICHARD, 623 EAST RICHARD, 709 EAST LEE, AND 1201 EAST ALICE. (FIRE MARSHAL).

Mayor Filemon "Phil" Esquivel, Jr., opened the public hearing at 6:08 p.m. He asked if anyone was in the audience representing any of the above mentioned properties.

Mr. Frank R. Garza, 1701 Santa Monica, property owner of the structures located at 305 West Nettie, 306 West Nettie, and 516 East Yoakum addressed the Commission. He requested that the Commission grant him additional time to condemn the structures because he was condemning the properties himself. He stated that he has been recuperating from surgery and has been unable to perform any type of hard labor. Mr. Garza stated that he is unable to pay an individual to condemn these structures and would rather do the work himself.

No other property owners were present, at which time Mayor Esquivel closed the public hearing at 6:12 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

A. REPORT AND EVALUATION OF PROPOSALS FOR THE PROVISION OF HEALTH, DENTAL, AND LIFE INSURANCE COVERAGE FOR THE EMPLOYEES AND OTHER BENEFICIARIES OF THE CITY OF KINGSVILLE, AND PRESENTATIONS BY INSURANCE REPRESENTATIVES. (CITY MANAGER).

Several representatives from different insurance companies addressed the Commission regarding their insurance plans. The individuals that addressed the Commission were: Mr. Tony Abarca, Carlisle Insurance Agency & United Health Care; Mr. Tomas Duran and Mr. David Jacobson representing Entrust, and Ms. Erica Alejandro representing Humana Health Insurance Company from Corpus Christi, Texas. Each agent explained the benefits available through their plan.

The Commission took a recess at 7:50 p.m. and reconvened at 7:59 p.m.

IV. PUBLIC COMMENTS ON AGENDA ITEMS.

Mrs. Carolyn Fees, 1506 Santa Cecelia addressed the Commission regarding the Fiesta Javelina being held at the University. She said that the Fiesta would take place at the University on Wednesday, September 27th, honoring Hispanic Heritage Month. She invited members of the Commission to attend.

Mrs. Mary Jane Cortez Reeder, 429 East Avenue C, presented a certificate of appreciation to City Manager Hector Hinojosa for his support of the H.M. King High ROTC Program.

Mr. Ron Florence, owner of Swatner & Gordon Insurance Agency from Kingsville addressed the Commission regarding the insurance proposals. He stated that his company is willing to negotiate their commission level to help offset the costs of the health insurance for the employees. Mr. Florence stated that the proposal he submitted was not one of the proposals being considered, but certainly would like the opportunity to explain the benefits associated with his plan and his company.

Mr. Javier Colmenero, 4455 South Padre Island Drive, Corpus Christi, Texas, recommended that the Commission consider the plan offered by Humana. He stated that he has had the opportunity to work with the City of Kingsville in previous years during the time the City had the insurance with Blue Cross Blue Shield. Mr. Colmenero stated that he was the City's representative at that time.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER AWARDING CONTRACT FOR THE PROVISIONS OF HEALTH, DENTAL, AND LIFE INSURANCE COVERAGE FOR THE EMPLOYEES AND OTHER BENEFICIARIES OF THE CITY OF KINGSVILLE. (BID #21-05). (CITY MANAGER).

Mayor Esquivel stated that it would be helpful to receive feedback from the employees regarding which plan they would prefer to have. Upon a question raised by Mayor Esquivel, several staff members in the audience responded that additional time is needed in order to review the plans submitted by each company and present them to their employees.

Mr. Hector Hinojosa, City Manager stated that a contract for health insurance must be approved by Friday of this week. He recommended that the Commission hold a special meeting on Friday morning to approve this agenda item. He stated that it would give staff an additional three days to receive input from the employees.

After a lengthy discussion regarding the plans, it was agreed that the Commission would hold a special meeting on Friday, September 29th.

A motion was then made by Commissioner Rene "Mr. V" Villarreal and seconded by Mayor Esquivel to table this item until the Special Meeting on Friday, September 29, 2000. The motion passed by a 3/2 vote. Commissioner's Stanley Laskowski and Al Garcia cast the dissenting votes.

2. CONSIDER CONDEMNATION OF STRUCTURES LOCATED AT 702 WEST LEE, 409 EAST ELLA, 305 WEST NETTIE, 516 EAST YOAKUM, 630 WEST RAGLAND, 614 WEST HUISACHE, 902 EAST HENRIETTA, 621 EAST RICHARD, 623 EAST RICHARD, 709 EAST LEE, AND 1201 EAST ALICE. (FIRE MARSHAL).

Mr. Guadalupe Garcia, Fire Marshal, stated that the property owner at 702 West Lee notified him that he is negotiating with a contractor to condemn the structure at this address. The owner has requested additional time to complete this process.

Mayor Esquivel stated that since the property owners of 305 West Nettie, 306 West Nettie, 516 East Yoakum, 709 East Lee, and 702 West Lee have all made an effort to contact staff, he recommended that an extension be granted to them.

Mr. Corando Garza, Assistant City Manager / Fire Chief, stated that even if the Commission approves the condemnation at this time, the property owners are given at least thirty additional days prior to the City actually condemning the structures.

Mayor Esquivel responded that Mr. Frank Garza has made an effort to condemn the structures on his own, but has been ill and is recuperating from a major surgery.

A motion was made by Commissioner Arturo Pecos and seconded by Mayor Esquivel to approve the condemnations and granting a ninety day extension to the property owners of 305 West Nettie, 306 West Nettie, 516 East Yoakum, 709 East Lee, and 702 West Lee. The motion failed due to a 2/3 vote. Commissioner's Laskowski, Villarreal, and Garcia cast the dissenting votes.

Commissioner Laskowski made another motion and was second by Commissioner Garcia to accept staff recommendation and condemn all of the structures identified in the agenda item. The motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Pecos cast the dissenting votes.

3. DISCUSSION 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).

Mr. Ruben Perez, City Attorney, explained the types of licenses and permits and the fee increase pertaining to each. He stated that local contractors were notified regarding the proposed fee increases.

Mayor Esquivel stated that several contractors were present at the meeting earlier, but had left since the meeting had been delayed.

One local plumbing contractor, Mr. Edwin Stewart informed the Commission that the proposed increase in fees and licenses was too steep and the costs would be passed onto the citizens of Kingsville. Mr. Stewart stated that the inspectors should concentrate on assessing fines to plumbers and electricians that are doing work inside the City limits with no permits and licenses.

Mr. Stanley Fees, Director of Planning, explained to the Commission the increases being proposed for certain permits and licenses. He stated that some of the contractors responded to a letter he sent out regarding the increase in fees. Mr. Fees stated that most of the contractors simply wanted to know the amount of the increases. He also stated that the ordinances are currently being revised with other changes and would be presented to the Commission at the next meeting.

Mayor Esquivel stated there would be no action on this item.

4. 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 VENDOR LICENSES. (CITY MANAGER).

Mr. Perez stated that a change was made in the ordinance changing the number of permitted garage sales from three to six. He recommended approval of the proposed ordinance.

A motion was made by Commissioner Pecos and seconded by Commissioner Laskowski to approve Ordinance #200016, adopting a new Article 14, Vendor Solicitations to Chapter XI, Business Regulations of the Code of Ordinances. The motion passed by a unanimous vote.

5. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET. (CITY MANAGER).

Mr. Hinojosa stated that passage of this ordinance is required in order to balance the budget on September 30th. He explained the fund balance of both the general and utility fund. Mr. Hinojosa stated that each department budget was reviewed and the ending balance was either increased or decreased.

Commissioner Laskowski stated that overtime in the police department was used because of the department being understaffed. He stated there were several positions that had not been filled, therefore increasing the amount in the overtime budget.

A motion was then made by Commissioner Laskowski and seconded by Commissioner Garcia to approve final passage of Ordinance #200017, amending the fiscal year 1999-2000 annual budget, however, not approving the increase of \$2,300 in line item #311.00 Communications in Department 100 – City Commission. The motion passed by a unanimous vote.

6. CONSIDER MOTION TO APPROVE THE REPROGRAMMING OF FUNDS FROM THE CERTIFICATES OF OBLIGATIONS SERIES 1998 (CAP 98) AND TAX NOTES SERIES 2000 (CAP 2000) TO FUND THE BUILDING OF AN EQUIPMENT SHELTER AND A TWELVE-TON TRAILER. (CITY MANAGER).

Mr. Ricardo Guzman, Street Superintendent, stated this item authorizes the reprogramming of funds from the Certificates of Obligation Series 1998 (Cap 98) and the Tax Note Series 2000 (Cap 2000) to purchase an equipment shelter and a twelve ton trailer. He stated there is \$53,000 left in the Cap 98 fund for Department 305. Mr. Guzman recommended the Commission authorize the reprogramming of \$3,000 for lawn care equipment in the Cap 98 fund to help purchase the equipment shelter. He also recommended the approval of reprogramming the remaining \$8,545 in the Cap 2000 fund to purchase the equipment shelter leaving a balance of \$155 in the Cap 2000 and a zero balance in the Cap 98.

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission unanimously authorized the reprogramming of funds from the Certificates of Obligations Series 1998 (Cap 98) and Tax Note Series 2000 (Cap 2000) to fund the building of an equipment shelter and a twelve ton trailer as recommended by staff.

7. CONSIDER AWARDDING BID FOR THE CONSTRUCTION AND INSTALLATION OF AN EQUIPMENT SHELTER FOR THE STREET DEPARTMENT. (BID #20-61). (DIRECTOR OF PURCHASING).

Mrs. Dora Byington, Director of Purchasing, stated this item authorizes the construction of an equipment shelter for the Street Department. This action will expend \$56,965 and funds for this expenditure were approved in the previous agenda item. Mrs. Byington recommended the bid be awarded to EGH Construction Company from Corpus Christi, Texas.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission voted unanimously to award the bid for the construction and installation of an equipment shelter for the Street Department as recommended by staff.

8. CONSIDER AWARDDING BID FOR ONE DEFIBRILLATOR FOR THE FIRE DEPARTMENT. (BID #20-62). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase of one defibrillator for the Fire Department. This action will expend \$16,999 and funds are available from a grant obtained by Fire Department Staff. Mrs. Byington recommended the bid be awarded to Southeastern Emergency Equipment from Wake Forest, North Carolina.

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

9. CONSIDER AWARDING ANNUAL CONTRACT FOR WATER METERS. (BID #21-04). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes execution of an annual contract for water meters. This action will expend approximately \$24,670 for a twelve-month period. Mrs. Byington recommended the annual contract be awarded to Badger Meter, Inc. from Dallas, Texas.

Upon a motion by Commissioner Pecos and second by Commissioner Laskowski, the Commission voted unanimously to award the annual contract for water meters as recommended by staff.

10. CONSIDER AWARDING A THREE-MONTH CONTRACT FOR ROAD MATERIALS. (BID #21-17). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes execution of a three-month contract with three different companies for road materials. This action does not directly expend any funds. Rather, the contract specifies unit prices and enables these products to be acquired as needed during the time of the contract. Funds for these products will be included in the annual budget and will not exceed \$31,250 for a three-month period. Mrs. Byington recommended the bid be awarded as follows:

Pre-coated aggregate grades 3 and 5; Cold mix LRA, Class A, Type D; Type CC Lay Down Cold Mix; #5 Trap Rock Uncoated to Vulcan Materials from San Antonio, Texas.

Caliche and Sand to R.P. Trucking from Kingsville, Texas.

Hot Mix to Bay Ltd. From Corpus Christi, Texas.

A motion was made by Commissioner Pecos and seconded by Commissioner Villarreal, to award a three-month contract for road materials as recommended by staff.

Upon a question raised by Commissioner Garcia, Mr. Guzman responded that the hot mix material used to seal coat streets is more expensive than the gravel normally used. Mr. Guzman explained that the cost for hot mix is approximately three times more than the amount of gravel.

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

11. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CCA, INC. FOR REPAIRS TO THE SOUTH WASTEWATER TREATMENT PLANT. (CITY MANAGER).

Mr. Hinojosa stated that at the last meeting, the Commission authorized him to negotiate with CCA, Inc. for improvements to the South Wastewater Treatment Plant. He stated there were previously some concerns with the bond and the number of days specified in the contract for the completion of the project.

Commissioner Laskowski requested that the City Manager discuss with the contractor the actual amount of days the project would take. He stated that according to the proposed contract it does not specify the number of days allowed for the completion of the project that would actually be guaranteed by bond.

Upon a motion by Commissioner Laskowski and second by Commissioner Pecos, the Commission voted unanimously to table this agenda item until the Special Meeting on Friday, September 29th.

12. CONSIDER INTRODUCTION OF ORDINANCES AMENDING SECTIONS 5-1-55 AND 5-1-57, PROVIDING FOR INCREASES IN FEES FOR THE USE OF THE LANDFILL; AMENDMENT OF RESIDENTIAL AND COMMERCIAL MONTHLY CHARGES; AND PROVIDING FOR AN INCREASE OF \$1.00 TO THE MONTHLY LANDFILL CHARGE FOR EACH RESIDENTIAL AND COMMERCIAL ACCOUNT. (CITY MANAGER).

A. AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 5-1-55, PROVIDING FOR AMENDMENT OF RESIDENTIAL AND COMMERCIAL MONTHLY CHARGES AND A MONTHLY LANDFILL CHARGE IN THE AMOUNT OF \$2.00 FOR EACH RESIDENTIAL AND COMMERCIAL ACCOUNT.

B. AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 5-1-57, PROVIDING FOR INCREASES IN FEES FOR USE OF THE CITY LANDFILL.

Mr. Hinojosa stated that both the City Attorney and the Sanitation Superintendent have been working on the proposed ordinances.

Mrs. Dianne Leubert, Sanitation Superintendent stated that revisions were made to the ordinance pertaining to the residential and commercial monthly charges. She explained the comparison in rates charged by other cities.

Mr. Perez stated that the main purpose in amending the ordinance was to add a \$2.00 landfill charge for each residential and commercial account. He stated that that the proposed ordinances are introductory items only and final passage will be considered at the next meeting.

Mayor Esquivel stated that no action would be taken on these agenda items at this time.

13. CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES, SECTIONS 9-3-2 AND 9-3-3, BY PROVIDING FOR THE ADDITION OF GOATS, SHEEP AND CATTLE TO THE ANIMAL PERMIT LIST. (MAYOR ESQUIVEL).

Mr. Perez stated that the current ordinance allows certain animals inside the City limits for 4-H projects. The proposed ordinance adds goats, sheep and cattle to the animal permit list.

Mr. A. L. Noyola, Health Director, stated that there is a problem with raising animals inside the City limits, and also stated that horses and cows are not permitted as 4-H projects.

Mayor Esquivel stated that the only reason he requested this item be placed on the agenda was to allow young children an opportunity to raise their own animal. He stated that 4-H projects are not year round projects, and usually begin about four months prior to the Livestock Show.

Mr. Corando Garza, President of the Kleberg Kenedy Livestock Show, stated that the ordinance should be amended to allow the youngsters to participate in the annual show.

Mr. Noyola stated that most of the complaints his department receives are usually from neighbors complaining about noise and odor coming from the animals.

Mr. Perez responded that an option would be to waive the 100' requirement by receiving consent from surrounding property owners.

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

14. CONSIDER RESOLUTION CREATING AND DELETING CERTAIN POSITIONS FOR CLERICAL AND SECRETARIAL POSITIONS, AMENDING THE CLASSIFICATION OF THE PERSONNEL DIRECTOR, AND CLASSIFYING SUCH POSITIONS. (CITY MANAGER).

Mr. Hinojosa stated that the proposed resolution reclassifies certain clerical and secretarial positions, and amends the classification of the Personnel Director. He explained the reclassifications as follows. The position of Secretary in the Police Department, Classification Range 6, be reclassified as Administrative Secretary, Classification Range 8. The position of Administrative Secretary, Classification Range 8, (Public Works Administration) be abolished and reclassified as Executive Secretary, Classification Range 14. The position of Administrative Clerk, Classification Range 8, (City Administration) be reclassified as Executive Secretary, Classification Range 14. The position of Clerk, in Public Works Administration, Classification Range 6, be reclassified as Secretary, Classification Range 6. The position of Personnel Director, Management Level Classification Range 6, be reclassified to Management Level Classification Range 11.

Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Resolution #200038, creating and deleting certain positions for clerical and secretarial positions, amending the classification of the Personnel Director, and classifying such positions.

15. CONSIDER RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION UNDER THE INFRASTRUCTURE PROGRAM FOR WATER AND WASTEWATER IMPROVEMENTS. (CITY MANAGER).

Mr. Hinojosa stated that the proposed resolution authorizes the Mayor to submit a grant application for water and wastewater improvements. He recommended approval of the proposed resolution.

Upon a motion by Commissioner Pecos and second by Commissioner Villarreal, the Commission unanimously approved Resolution #200039, authorizing the Mayor to submit a grant application to the Economic Development Administration under the infrastructure program for water and wastewater improvements.

16. CONSIDER RESOLUTION APPROVING THE CITY OF KINGSVILLE'S 2000 TAX ROLL AS SUBMITTED BY THE KLEBERG COUNTY TAX ASSESSOR-COLLECTOR PURSUANT TO THE TEXAS PROPERTY CODE, CHAPTER 26, SECTION 26.09(E). (DIRECTOR OF FINANCE).

Mr. Victor Salas, Finance Director, stated that a formal vote by the Commission is necessary to accept the tax roll as submitted by the Tax Assessor-Collector.

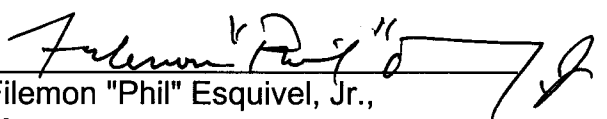
Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #200040, approving the City of Kingsville's 2000 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Code, Chapter 26, Section 26.09(E).

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

No report was given at this time.

VI. ADJOURNMENT.

The meeting then adjourned at 10:25 p.m.


Filemon "Phil" Esquivel, Jr.,
Mayor

ATTEST:


Diana F. Valadez, City Secretary