

OCTOBER 09, 2000

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, OCTOBER 09, 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
 Victor Salas, Director of Finance
 Dianne Leubert, Sanitation Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Stanley Fees, Director of Planning
 Dora Byington, Director of Purchasing
 Sammy Maldonado, Utilities Superintendent
 Ricardo Guzman, Street Superintendent
 Maria Robles, Accountant
 Estella Garcia, Director of Collections

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing, led the Commission and members of the audience in an invocation. Immediately thereafter, Commissioner Al Garcia led the Pledge of Allegiance.

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

The Commission was presented with the minutes of the Regular Meetings held Monday, August 14, 2000 and Monday, August 28, 2000 and the Special Meetings held Monday, August 21, 2000 and Thursday, August 24, 2000.

There being no corrections, a motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Stanley Laskowski to accept the minutes as presented. The motion passed by a unanimous vote.

II. PUBLIC HEARING - (REQUIRED BY LAW).

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

Mrs. Carol Ann Anderson addressed the Commission regarding activities of the Kingsville Convention and Visitor's Bureau. She stated that she submitted a quarterly report to the Commission and asked if there were any questions regarding the report.

Mrs. Anderson made reference to the minutes of the board meetings as well as the attendance record of the board members. She also informed the Commission about their advertising efforts and upcoming events. She stated that La Posada festivities would be featured on the web page as a new site and all the events that will take place during La Posada days.

Mayor Filemon "Phil" Esquivel, Jr., stated that it is very important that the KCVB provide financial assistance with the Cactus Bowl. He stated that the Bowl would be bringing in many visitors to Kingsville. Mrs. Anderson responded that she is proposing to her Board of Director's to reallocate \$5,000 from the George Strait event to assist in advertising for the Cactus Bowl. She also stated that she is proposing to reallocate \$5,000 from her salary to this event.

Mr. Joe Cisneros, Executive Director from the Chamber of Commerce addressed the Commission regarding the Cactus Bowl. He explained some of the details of the game, as well as the number of expected visitors to Kingsville.

Commissioner Garcia expressed some concerns with allocating \$5,000 from the Director's salary to assist the Cactus Bowl. He stated that he supports the Cactus Bowl and feels that the game should take place, but not at the expense of the Director's salary.

At this time, Mr. Hal Ham, Director of the Connor Museum made a presentation to the Commission regarding the services available at the museum.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

A. None.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Corando Garza, 411 West Alice, addressed the Commission regarding agenda item number two. He requested the Commission approve the ordinance allowing goats and sheep to the permitted animal list. He stated that if the ordinance were approved, it would help young children with their 4-H projects.

Mr. Jim Bryant, a resident in Ricardo, stated that he is the advisor for the 4-H group and Chairman of the goat division. He stated that it is difficult for an 8-year-old to find transportation to the area where he/she is raising his/her goat. He stated that by approving the ordinance, it would allow a 4-H member to raise an animal in his or her own back yard.

Mr. Servando Torres, 2704 North Armstrong, addressed the Commission regarding agenda item number eleven. He stated that Alpha Engineering has been the engineer in charge of the landfill since 1986. He urged the Commission to consider hiring the firm of Alpha Engineering to continue the work at the landfill. Mr. Torres stated that the Commission should shop Kingsville first and leave taxpayers dollars in Kingsville.

Mr. Bobby Curbow, 730 Santa Anita, an engineering student at Texas A&M University Kingsville addressed the Commission regarding agenda item number eleven. He stated that he is an employee of Alpha Engineering and is familiar with the landfill expansion project. He urged the Commission to select Alpha Engineering to complete and continue with the landfill project.

Mr. Herman Cantu, 228 East Alice, addressed the Commission regarding agenda item number eleven. He stated that he is also an employee of Alpha Engineering and this firm is the only firm that hires handicapped individuals. Mr. Cantu stated that the contract for engineering services should be awarded to Alpha Engineering because it is a local firm. In another matter he also expressed some concerns with the South Wastewater Treatment Plant. Mr. Cantu stated that he had been informed that City crews were shoveling sledge from the plant into Baffin Bay.

Mrs. Mary Jane Cortez Reeder, 429 East Avenue C, stated that she disagreed with a statement made by Mr. Torres regarding the Chief of Police. She said that Chief Granato is devoted to law enforcement and was the most qualified applicant. Mrs. Reeder stated that she feels the Commission did right by searching for a Chief of Police outside of Kingsville.

Mr. Joe Vicars updated the Commission on improvements to Water Well #19. He said that the well has been restored and should be back in service soon. He stated that the well was drilled in 1967 and the approximate life of the well is about five years.

Mr. Nick Prado, FM 2160 West, addressed the Commission regarding agenda item number eleven. He stated that the City of Kingsville should buy Kingsville first, therefore the engineering contract should be awarded to Alpha Engineering. He stated that the City usually goes outside of Kingsville to award contracts as well as to hire employees. Mr. Prado stated that the Chief of Police, Finance Director and City Attorney are all from Corpus Christi.

Mr. Kenneth Hajek, 325 Cecil, addressed the Commission regarding agenda item number two. He stated that he supports 4-H projects and urged the Commission to approve the proposed ordinance allowing goats and sheep in the City limits for 4-H projects.

At this time the Commission took a recess at 7:55 p.m. and reconvened at 8:09 p.m.

It was the consensus of the Commission to move to agenda item number eleven at this time.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

11. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES FOR THE LANDFILL EXPANSION PROJECT. (CITY MANAGER).

Mr. Hector M. Hinojosa, City Manager stated that Mr. Homer Castillo with Alpha Engineering has been instrumental in working with the landfill project. He stated that he understands what the citizens have said about buying Kingsville first. Mr. Hinojosa explained that he needs an engineering firm that is an expert and has experience in working with Subtitle D requirements as imposed by the Texas Natural Resource Conservation Commission (TNRCC). He stated that three firms were present and would make a presentation to the Commission.

Three representatives from Southern Ecology (SEM) from Corpus Christi made the first presentation. They were Mr. Mitch Hudgins, Mr. Michael Stringer and Mr. David McCormick.

Mr. Hudgins stated that SEM is currently working with the City of Edinburg, Corpus Christi, Alice and Robstown, and with El Centro Landfill, which is the new landfill in Robstown. He stated that they are familiar with the Kingsville landfill because they recently completed the evaporation pond at this location. Mr. Hudgins stated that SEM Company specializes in landfills and they have a good working relationship with TNRCC. He stated that the City needs a plan to finance the landfill project.

Mr. Mike Stringer stated that in order to add additional space to the landfill, the City must receive Subtitle D approval. He stated that SEM has worked with several landfills in the area and they will also work with local individuals.

Upon a question raised by Mayor Esquivel, Mr. Stringer responded that as part of Subtitle D requirements, the City is required to have a third party certify the project and it is their intention to use Alpha Engineering.

Mr. Hinojosa stated that SECOR Engineering Company is making the second presentation.

Two representatives from SECOR Company were present. They were Mr. Jeff Reed and Mr. Jay Roy Murray.

Mr. Jeff Reed addressed the Commission and stated that the issue is not where the work is being done, but who is doing the work. He stated it was similar to going to a physician that specializes in a certain area. Mr. Reed stated that there is a considerable amount of work that needs to be done in a very short time. He stated that the City is looking at a deadline of March 2001, and there is an extensive amount of work that needs to be done, and they have the staff available to complete this project. Mr. Reed stated that the financing of this project could be an issue, however after speaking to the City's financial advisor, the City will probably have to borrow some money to fund this project. Mr. Reed stated that SECOR has prepared over 12 landfills in the State of Texas in the last five years, and they have all been big projects.

Mr. Homer Castillo from Alpha Engineering was present and made the third presentation.

Mr. Castillo stated that the two other firms are extremely qualified. He stated that if the Commission selects his firm, he would in turn contract with SEM to perform some of the work at the landfill. He stated that he has been working with the City of Kingsville for several years with the original permit 235, then 235A, then the last permit obtained was 235B. Mr. Castillo stated that City staff is familiar with Subtitle D regulations and has been working under those guidelines since 1992. He stated an issue has been raised about the validity of his contract. He said that to the best of his knowledge he has a contract with the City of Kingsville for the drawings. Mr. Castillo went into detail in his presentation regarding the permitting process, the design phase, and the costs associated with this project. He stated that he is a local firm, and the Commission should keep local taxpayers dollars in Kingsville.

Mayor Esquivel stated there is an urgent matter with the landfill project that must be completed by March 2001. He stated that Alpha Engineering is the only firm that can get the landfill operating the way it should.

Mr. Donald Gonzales, Financial Advisor, addressed the Commission regarding the financial issue of funding this project. He explained to the Commission that this issue is a very critical issue and a long-term plan needs to be established. He said that the City landfill needs to generate the proper revenues in order to pay the debt for the project. Mr. Gonzales stated that the long-term plan must be in full detail to present to the rating agencies stating that the City is taking the necessary steps to complete and fund this project.

After the presentations by the three firms, and Mr. Gonzales, the Commission discussed different alternatives to fund the project.

Mr. Hinojosa stated that it was not any easy decision, however he was recommending that the Commission select SECOR Engineering Company for the landfill project.

A motion was made by Mayor Esquivel and seconded by Commissioner Arturo Pecos to authorize the City Manager to enter into a contract for engineering services for the landfill expansion project with Alpha Engineering. The motion failed due to a 2/3 vote. Commissioner's Laskowski, Villarreal, and Garcia cast the dissenting votes.

Commissioner Garcia made another motion and was seconded by Commissioner Villarreal to authorize the City Manager to enter into a contract for engineering services for the landfill expansion project with SECOR Engineering Company as recommended by the City Manager. The motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Pecos cast the dissenting votes.

It was the consensus of the Commission to move to agenda item number two at this time.

2. CONSIDER FINAL PASSAGE 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. Ruben Perez, City Attorney explained the proposed ordinance to the Commission. He stated that chickens (poultry) were excluded from the current ordinance, and this ordinance adds them to the list of permitted animals.

Mr. A.L. Noyola, Health Director, stated that he does not object to 4-H or FFA projects, however his office will receive complaints about the animals if the proposed ordinance is approved. He stated that the City of Corpus Christi does not have an ordinance, but allowing the animals within fifteen days of the show makes an exemption.

Upon a question raised by Mayor Esquivel, Mr. Noyola responded that he is not objecting to 4-H projects, however problems will occur with animals being allowed inside the City limits, especially with the neighbors.

There was a lengthy discussion regarding the proposed ordinance. Mr. Perez recommended several changes to the ordinance as follows: Paragraph B, delete the word chickens in two different places; Change the 15 day period to 90 day period preceding the exhibition of said animals; and add to the end of Paragraph B at the end of the sentence:.....with the written consent of any owner and/or occupant of a dwelling within the 100'

requirement. The limits contained in Paragraph (C) shall apply provided however, the limits for goats and sheep shall not exceed 4 and the number of poultry shall not exceed 25.

Commissioner Villarreal then made a motion and was seconded by Commissioner Pecos, to approve Ordinance #200020, with the amendments outlined by the City Attorney. The motion passed by a unanimous vote.

1. CONSIDER FINAL PASSAGE 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).

Mr. Perez explained the proposed ordinances.

There was a discussion regarding the fees collected from customers who receive solid waste service outside City limits. Mayor Esquivel stated that the fee for those customers should be increased. There was also some discussion on the amount of the increase.

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.

A motion was made by Mayor Esquivel and seconded by Commissioner Pecos to approve Ordinance #200018, amending Section 5-1-55, providing for amendments to the residential and commercial monthly charges and a monthly landfill charge in the amount of \$2.00 for each residential and commercial account. The motion included changes in the fees for outside city limit customers from \$19.50 per rollout container to \$36.00, and increases in the commercial customers who are outside of the city limits. The motion passed by a unanimous vote.

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.

A motion was made by Commissioner Villarreal and seconded by Commissioner Garcia to approve Ordinance #200019, amending Section 5-1-57, providing for increases in fees for use of the City landfill. The motion passed by a unanimous vote.

It was the consensus of the Commission to consider agenda item number three through seven at the same time.

3. CONSIDER AWARDED AN ANNUAL CONTRACT FOR PROPANE FUEL. (BID #21-13). (DIRECTOR OF PURCHASING).

4. CONSIDER AWARDED A THREE MONTH CONTRACT FOR GASOLINE. (BID #21-14). (DIRECTOR OF PURCHASING).

5. CONSIDER AWARDING A THREE MONTH CONTRACT FOR DIESEL FUEL. (BID #21-15). (DIRECTOR OF PURCHASING).

6. CONSIDER AWARDING ANNUAL CONTRACT FOR AUTOMOTIVE PARTS. (BID #21-16). (DIRECTOR OF PURCHASING).

7. CONSIDER AWARDING AN ANNUAL CONTRACT FOR CEMENT PRODUCTS. (BID #21-18). (DIRECTOR OF PURCHASING).

Mrs. Byington recommended the annual contract for propane fuel be awarded to Pro AM Ranch Butane from Corpus Christi, the three month contract for gasoline and diesel be awarded to Petroleum Traders from Ft. Wayne, Indiana, the annual contract for automotive parts be awarded to O'Reilly Auto parts from Kingsville, and the annual contract for cement products be awarded to Alamo Concrete Products from Kingsville.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission voted unanimously to award the contracts specified above as recommended by staff.

8. CONSIDER AWARDING A THREE MONTH CONTRACT FOR LUBRICANTS AND OILS. (BID #21-19). (DIRECTOR OF PURCHASING).

Mrs. Byington recommended that no action be taken on this item at this time.

No action was taken.

9. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WELLS FARGO BANK FOR DEPOSITORY BANKING SERVICES. (DIRECTOR OF FINANCE).

Mr. Victor Salas, Finance Director, recommended approval of the proposed depository agreement with Wells Fargo Bank for banking services. He stated that the agreement is for two years and begins November 01, 2000 and ends on September 30, 2002.

Upon a motion by Commissioner Laskowski and second by Commissioner Pecos, the Commission voted unanimously to authorize the City Manager to enter into an agreement with Wells Fargo Bank for depository banking services.

10. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALEXANDER CONSULTING, INC. FOR AMBULANCE AND FIRE BILLING SERVICES. (DIRECTOR OF FINANCE).

Mr. Salas recommended that the proposed agreement with Alexander Consulting be approved for ambulance and fire billing services with an estimated cost of approximately \$24,000.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission voted unanimously to authorize the City Manager to enter into an agreement with Alexander Consulting, Inc. for ambulance and fire billing services.

12. CONSIDER MOTION TO APPROVE THE REPROGRAMMING OF FUNDS FROM THE CERTIFICATES OF OBLIGATIONS SERIES 1998 (CAP 98) TO FUND REPAIRS TO WELL #19 AND PURCHASE LAB EQUIPMENT FOR THE NORTH WASTEWATER TREATMENT PLANT. (CITY MANAGER).

Mr. Hinojosa requested approval from the Commission to reprogram \$48,601 from Account 600 Water (Water Well) to the Sixth Street Well #19 Account for repairs to the water well, and also reprogram \$3,874 from Account 702 Lift Station Controls to Account 700 to help purchase lab equipment. Mr. Hinojosa stated that these funds are all in the Certificates of Obligation Series 1998 Fund (CAP 98).

Upon a motion by Commissioner Pecos and second by Commissioner Garcia, the Commission voted unanimously to authorize the reprogramming of funds as requested by the City Manager.

13. CONSIDER AUTHORIZING A SPECIAL LICENSE PERMIT FOR THE USE OF KENEDY PARK FOR THE KINGSVILLE DEMONSTRATION GARDEN. (CITY MANAGER).

Mr. Perez recommended approval of the proposed special license permit.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission voted unanimously to authorize a special license permit for the use of Kenedy Park for the Kingsville Demonstration Garden.

It was the consensus of the Commission to consider agenda item number 14 and 15 at this time.

14. CONSIDER FINAL PLAT APPROVAL OF GEARY SUBDIVISION. (DIRECTOR OF PLANNING).

15. CONSIDER FINAL PLAT APPROVAL OF VICTORIANA SUBDIVISION. (DIRECTOR OF PLANNING).

Mr. Stanley Fees, Director of Planning, stated that Ms. Sherry Schonefeld Hayes, owner of Geary Subdivision is requesting the replat for the purpose of allowing her to sell the southern portion of the property. He also stated that Mr. Victor Saenz is the owner of Victoriana Subdivision and is requesting his property be subdivided into five lots. Mr. Fees stated that the Planning and Zoning Commission recommended approval of both subdivision plats.

Upon a motion by Commissioner Pecos and second by Commissioner Laskowski, the Commission unanimously approved the final plat of Geary Subdivision and Victoriana Subdivision.

16. CONSIDER APPOINTMENTS TO THE LIBRARY BOARD. (CITY MANAGER).

Mr. Hinojosa stated that Mrs. Dorothy Adams and Mr. Alfonso Gonzalez have expressed an interest to continue serving as board members on the Library Board. He recommended approval of the appointments.


Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission voted unanimously to approve the appointments of Mrs. Dorothy Adams and Mr. Alfonso Gonzalez to the Library Board as recommended by staff.

17. CITY MANAGER'S REPORT. (CITY MANAGER).17A. REVIEW OF RESOLUTION #96035, PREPARATION AND TRANSMISSION OF THE CITY COMMISSION AGENDA.

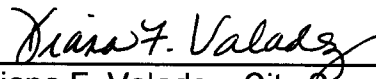
Mr. Hinojosa stated that in the agenda packet he provided a copy of a resolution adopted in 1996 regarding the preparation of the agenda packets. He stated that he was proposing to amend the resolution, and would have that item on the agenda at the next meeting.

VI. ADJOURNMENT.

The meeting then adjourned at 11:02 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:


Diana F. Valadez, City Secretary