

FEBRUARY 26, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, FEBRUARY 26, 2001 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 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, Finance Director
 Dora Byington, Director of Purchasing
 Stanley Fees, Director of Planning
 Dianne Leubert, Sanitation Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Isabel Valdez, Personnel Director
 Sammy Maldolando, Utilities 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, Mr. Cesar Silva, President of the Board of Director's of the Kingsville Chamber of Commerce, 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 THE PROPOSED USES OF THE FY-2000 LOCAL LAW ENFORCEMENT BLOCK GRANT IN THE AMOUNT OF \$17,136.00 FROM THE BUREAU OF JUSTICE ASSISTANCE. (CHIEF OF POLICE).

Mayor Filemon "Phil" Esquivel, Jr., declared the public hearing opened at 6:20 p.m.

Chief of Police Sam Granato stated that with the grant proceeds he is proposing to place patrol officers at local schools, before, during and after school.

Mayor Esquivel asked if there was anyone present in the audience that wanted to address the Commission regarding the grant proposal.

A member of the audience addressed the Commission and identified himself as living at 113A Saratoga Avenue. He asked if any particular school had been identified and would be targeted.

Chief Granato responded that no particular school has been targeted at this time, and perhaps all of the schools would be visited.

Upon a question raised by Commissioner Al Garcia, Chief Granato informed the Commission on the different types of cases that the officers handle at the schools.

Mayor Esquivel officially closed the public hearing at 6:30 p.m.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

A. PRESENTATION BY MR. BEN GLUSING REGARDING TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM REQUESTING THAT THE CITY OF KINGSVILLE SERVE AS THE NOMINATING ENTITY FOR THE TES-2001 GRANT SUBMISSION. (MAYOR ESQUIVEL).

Mayor Esquivel stated that Mr. Ben Glusing representing the Kleberg County Heritage Foundation was present and would address the Commission.

Mr. Glusing displayed a model made by his son of the railroad depot. He thanked his son for his time and effort in building this model.

Mr. Glusing explained the proposed project is for improvements to the railroad depot building located west of the Kleberg Bank Building on Kleberg Avenue. He stated that the Heritage Foundation is requesting that the City of Kingsville serve as the nominating entity for the grant submission.

Upon a question raised by Commissioner Garcia, Mr. Glusing responded that June 15, 2001 is the deadline to file the application and the funding should be announced by November 15th of this year.

B. PRESENTATION BY CAMBER CORPORATION TO ASSIST THE CITY OF KINGSVILLE TO DEVELOP A SHORT AND LONG-TERM STRATEGIC PLAN FOR THE CITY. (MAYOR ESQUIVEL).

Mayor Esquivel stated that he requested this presentation be placed on the agenda to make sure that we have a short and long-term plan in place for the City of Kingsville.

Mr. Don Brown with Camber Corporation made a presentation on the benefits offered by his company.

C. PRESENTATION BY TEXAS A & M - KINGSVILLE STUDENT ACTIVITY COMMUNITY INVOLVEMENT GROUP COMMITTEE DEVELOPING A VISION AND PLAN TO IMPROVE KINGSVILLE'S QUALITY OF LIFE THROUGH VOLUNTEERISM. (MAYOR ESQUIVEL).

Ms. Joelda Castillo Alaniz from Texas A & M University Kingsville addressed the Commission regarding a plan to improve volunteerism in the community. She stated that one area the group would like to offer their assistance is by tutoring at certain schools.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mayor Esquivel stated that he attended Spaceport Days at the State Capitol. He said it was a very productive day because legislators will be supporting the 3.1 million needed for the environmental studies.

Mr. Cesar Silva, President of the Kingsville Chamber of Commerce stated that the Chamber is ready to provide any assistance and expertise with the landfill expansion project. He stated that they have committees that are working on a proposed plan.

Mr. Dan Garza with Wells Fargo Bank stated that the bank is interested in financing the landfill project. He said he would make contact with City staff and work on a financing package. Mr. Garza stated that they are willing to work with the City's Financial Advisor to market the bonds.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. REVIEW OF PRELIMINARY FINANCIAL PRO FORMA DATA ON LANDFILL EXPANSION PROJECT AND STATUS OF CURRENT PERFORMANCE OF TASK 4 - CONSTRUCTION DRAWINGS & TASK 6 - PRO FORMA STUDY, PLAN AND ANALYSIS UNDER THE SECOR MASTER CONSULTING AGREEMENT. (CITY MANAGER).

CONSIDER AUTHORIZATION TO PROCEED WITH ADDITIONAL TASKS UNDER THE SECOR MASTER CONSULTING AGREEMENT. (CITY MANAGER).

- 1.1 TASK 1: PERMIT OPTIMIZATION AND LANDFILL ASSESSMENT
- 1.2 TASK 2: CONSTRUCTION QUALITY ASSURANCE
- 1.3 TASK 5: PERMIT AMENDMENT APPLICATION

Mr. Hector M. Hinojosa, City Manager stated that additional time is needed to review all of the different proposals. He stated that at this time the current landfill is almost full and he is in the process of negotiating a contract with El Centro Landfill to begin transporting daily garbage to their location. Mr. Hinojosa stated that Secor Engineering is currently negotiating with TNRCC to have a height extension approved at the landfill.

Mayor Esquivel stated that the short-term solution that staff has developed will be to transport daily garbage to El Centro Landfill in Robstown.

Mr. Hinojosa stated that at the next regular meeting, staff would present a contract with El Centro Landfill for consideration. He also stated that he wanted to assure the employees at the landfill that their positions would not be eliminated. Mr. Hinojosa stated that there is work to do at the landfill and the employees would be utilized.

Mayor Esquivel stated that information needs to get out about recycling. He said that recycling is very important and would definitely help with the landfill situation.

Mr. Don Gonzales, CPA, Financial Advisor, stated that the funding for this project will take approximately a six cent increase on the tax rate. He urged the Commission to explore all financial alternatives to fund this project.

There was a discussion regarding the height extension and the amount of time it would actually extend the life of the landfill and the actual time it would take to receive an answer from TNRCC.

No action was taken on this item at this time.

2. REVIEW OF H.M. KING HIGH SCHOOL'S REQUEST FOR FUNDING OF TWO TEAMS TO REPRESENT TEA-REGION II IN NASA'S TEXAS FLY HIGH 2001 PROGRAM. (MAYOR ESQUIVEL).

Mayor Esquivel stated that as a courtesy this item was placed on the agenda to allow the group an opportunity to give a formal appeal for funds.

Mr. Hinojosa stated that there is currently no money in the City budget to approve this funding request.

Mayor Esquivel stated that since there was no money in the budget, he would personally donate \$50.00 for this project. He also asked the other members of the Commission and staff members to donate \$50.00 as well.

No action was taken on this item.

3. CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE KINGSVILLE CONVENTION AND VISITOR'S BUREAU, INC. PROFESSIONAL SERVICES CONTRACT PROVIDING FOR AN INITIAL TERM EFFECTIVE UNTIL SEPTEMBER 30, 2001 WITH OPTIONS TO EXTEND FOR FIVE (5) ADDITIONAL SUCCESSIVE ONE (1) YEAR TERMS BY MUTUAL CONSENT. (CITY MANAGER).

Mr. Ruben Perez, City Attorney stated that the proposed contract provides for a Special License Permit for the use of specified improvements and property with payments beginning October 1, 2001. He stated that the initial term is effective until September 30, 2001 with options to extend the contract for five (5) additional successive one (1) year terms by mutual consent of the parties.

Mayor Esquivel stated that he wants to make sure that the proposed contract has an evaluation provision. Mr. Perez stated that they would also be required to provide a marketing and strategic plan.

A motion was made by Commissioner Rene "Mr. V" Villarreal and seconded by Commissioner Stanley Laskowski to approve Resolution #R-2001-02, authorizing the City Manager to enter into the Kingsville Convention & Visitor's Bureau, Inc. professional services contract. The motion passed by a unanimous vote.

4. CONSIDER FINAL PASSAGE OF LITTER ABATEMENT ORDINANCES. (SANITATION SUPERINTENDENT).

4.1 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.

4.2 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.

4.3 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.

4.4 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, AND REVISING THE DELINQUENT ACCOUNT POLICY.

4.5 AMENDING CHAPTER IX, GENERAL REGULATIONS, SECTIONS 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.

Mr. Perez stated that based on the recommendation by the Commission during the introduction of the ordinances, the fee for the adopt a truck rental was left at \$6.50 rather than increasing it to \$33.00.

There was a discussion regarding the brush pickup schedule and possibly discontinuing the allowance of free dumping on the first and third Saturday of the month.

A motion was then made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve the following ordinances:

Ordinance #ORD-2001-03, 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.

Ordinance #ORD-2001-04, 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.

Ordinance #ORD-2001-05, 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.

Ordinance #ORD-2001-06, 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 delinquent account policy, and discontinue the free dumping at the landfill on the first and third Saturday of each month in Section 5-1-3.

Ordinance #ORD-2001-07, 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.

The motion passed by a 4/1 vote. Commissioner Arturo Pecos cast the dissenting vote.

5. CONSIDER FINAL PASSAGE OF AN ORDINANCE PROVIDING FOR THE CONTINUATION OF THE CURFEW REGULATIONS FOR MINORS, SECTION 13-2-10 TO 13-2-13, AND DAYTIME CURFEW REGULATIONS FOR MINORS, SECTIONS 13-2-20 TO 13-2-23 OF THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE. (CITY ATTORNEY).

Mr. Perez stated that during the introductory phase of the ordinance, there were some concerns expressed regarding the number of citations issued for curfew violations. He stated that the requested information was provided in the packet. Mr. Perez stated that there are no recommended changes being made to the ordinance, and recommended approval in order to keep the ordinance current with State law.

Upon a motion by Commissioner Laskowski and second by Commissioner Villarreal, the Commission unanimously approved Ordinance #ORD-2001-08, providing for the continuation of the curfew regulations for minors, Section 13-2-10 to 13-2-13, and daytime curfew regulations for minors, Sections 13-2-20 to 13-2-23 of the Code of Ordinances of the City of Kingsville.

6. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING SECTION 9-6-2 ACTS CREATING UNLAWFUL NOISES PROVIDING TIME LIMITS BETWEEN 10:00 P.M. AND 7:00 A.M. FOR THE PLAYING OF ANY RADIO, TELEVISION, AND PHONOGRAPH, OR MUSICAL INSTRUMENT IN A MANNER AS TO DISTURB THE PEACE. (COMMISSIONER GARCIA).

Mayor Esquivel stated that this item was placed on the agenda because of a complaint Commissioner Garcia received.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to approve Ordinance #ORD-2001-09, amending Section 9-6-2 acts creating unlawful noises providing time limits between 10:00 p.m. and 7:00 a.m. for the playing of any radio, television, and phonograph, or musical instrument in a manner as to disturb the peace. The motion passed by a 4/1 vote. Commissioner Pecos cast the dissenting vote.

7. CONSIDER FINAL PASSAGE OF AN ORDINANCE SETTING AND AMENDING FEES FOR INSPECTIONS, LICENSES, PERMITS, PLAN REVIEW, AND OTHER MISCELLANEOUS FEES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE. (DIRECTOR OF PLANNING).

Mr. Stanely Fees, Director of Planning stated that he met with local contractors and based on their input, recommended approval of the ordinance as presented. He informed the Commission on some of the proposed changes.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve Ordinance #ORD-2001-10, setting and amending fees for inspections, licenses, permits, plan review, and other miscellaneous fees, as recommended by staff.

Commissioner Garcia stated that when a permit is obtained for a specific job, an inspector should make a site visit to make sure that the work that the permit was obtained for is actually being done and not any other type of work. He stated that the inspectors should be looking at the job sites very carefully.

Mr. Fees stated that Commissioner Garcia's suggestion could be implemented as an administrative policy.

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

8. CONSIDER AWARDING BID TO LEASE SEVEN VEHICLES FOR THE TASK FORCE DEPARTMENT. (BID #21-31). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the leasing of seven vehicles for undercover operations of the Task Force. This action will expend \$36,162 for an eight month lease. Mrs. Byington recommended that the bid be awarded to Capps Rent-A-Car from Dallas, Texas.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to award the bid as recommended by staff.

Upon a question raised by Commissioner Pecos, Mrs. Byington responded that the lease is for eight months only because that is the end of their grant funding period.

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

9. CONSIDER AWARDING BID FOR DRIVEWAY & PAVEMENT REPAIR PROJECT FOR THE WATER DEPARTMENT'S TDHCA WATERLINE GRANT PROJECT. (BID #21-30). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes repairs to approximately 528 square yards of driveway and pavement repairs. The repairs will be made at various locations throughout the waterline project between 6th and 14th Streets and on East Richard, Kenedy, Fordyce, Johnston, Doddridge, Warren and Ragland Avenues. Awarding the contract allows the contractor to repair several driveways and street crossings at a time. Mrs. Byington recommended the bid be awarded to A.M.P. Services from Corpus in the amount of \$18,004.80.

A motion was made by Commissioner Laskowski and seconded by Commissioner Villarreal to award the bid as recommended by staff. The motion passed by a unanimous vote.

The Commission took a short recess at this time, 8:47 p.m.

The Commission reconvened at 8:53 p.m.

10. CONSIDER RESOLUTION TO APPROVE FUNDING FROM THE FY-2000 LOCAL LAW ENFORCEMENT GRANTS PROGRAM IN THE AMOUNT OF \$15,422; ALLOCATING \$1,714 IN LOCAL MATCHING FUNDS; AND PROVIDING FOR APPROPRIATION OF SUCH FUNDS. (CHIEF OF POLICE).

Mr. Hinojosa stated that Sgt. Jack Oliver with the Kingsville Police Department would make the presentation on this item.

Sgt. Oliver stated that the purpose of the grant is to enhance security measures and enforce the law around the schools, as well as to advise all individuals at the school regarding law enforcement issues. He stated that the City's cash match is \$1,714 and recommended approval of the proposed resolution.

Upon a question raised by Commissioner Laskowski, Sgt. Oliver responded that the grant covers about four hours during a school day.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #R-2001-03 approving the funding from the FY-2000 Local Law Enforcement Grants Program in the amount of \$15,422; allocating \$1,714 in local matching funds and providing for appropriation of such funds.

11. CONSIDER MOTION TO REPROGRAM FUNDS FROM THE CERTIFICATES OF OBLIGATION SERIES 1998 (CAP 98) TO PURCHASE A UTILITY TRAILER FOR THE WATER PRODUCTION DEPARTMENT. (DIRECTOR OF UTILITIES).

Mr. Hinojosa stated that the Water Production Department is requesting to purchase a utility trailer. Currently there is \$1,515 in the CAP 98 Fund for a storage shed. Mr. Hinojosa recommended the Commission authorize the reprogramming of \$1,000 from that fund for the purchase of the utility trailer.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to reprogram the funds as recommended by the City Manager. The motion passed by a unanimous vote.

12. CONSIDER FINAL PLAT APPROVAL OF A 7.25 ACRE SUBDIVISION KNOWN AS THE SANTA GERTRUDIS ARROYO ESTATES FROM FARM LOT 12, SECTION 21, K.T. & I. SUBDIVISION. (DIRECTOR OF PLANNING).

Mr. Fees stated that the property owner Mr. Ramon Perez proposes to subdivide a 7.25-acre tract of land out of Farm Lot 12, Section 21, K.T.&I. Subdivision. He stated that a new waterline would be looped through the subdivision to provide the addition of three fire hydrants. This will provide adequate fire protection of the proposed development. Mr. Fees stated that the Planning and Zoning Commission approved the plat by a vote of 7/0.

A motion was made by Commissioner Laskowski and seconded by Commissioner Garcia to approve the final plat of Santa Gertrudis Arroyo Estates Subdivision as recommended by staff. The motion passed by a unanimous vote.

13. INTRODUCTION OF AN ORDINANCE GRANTING TO NUECES ELECTRIC COOPERATIVE, INC., A COOPERATIVE CORPORATION DULY INCORPORATED UNDER THE LAWS OF THE STATE OF TEXAS, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC LIGHT, HEAT, AND POWER FRANCHISE. (DIRECTOR OF FINANCE).

Mr. Victor Salas stated this is an introductory item only. The proposed contract provides for a one-year franchise agreement with Nueces Electric. They were requesting a ten-year contract, however with the electric industry continuously changing, he recommended that only a one year agreement be approved.

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

14. CONSIDER RESOLUTION CREATING THE POSITION OF TEEN COURT COORDINATOR AND ESTABLISHING A PAY RANGE; RECLASSIFYING AND RESTRUCTURING THE DIRECTOR OF PLANNING AND ENGINEERING, STREET SUPERINTENDENT, COMMUNICATIONS SUPERVISOR, AND EVIDENCE/CRIME SCENE TECHNICIAN. (CITY MANAGER).

Mr. Hinojosa stated that approving the proposed resolution grants the Chief of Police the ability to hire a Teen Court Coordinator that is not a patrol officer. He stated that the other positions being reclassified will allow him to operate the every day business of the City more effectively. Mr. Hinojosa recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #R-2001-04, creating the position of Teen Court Coordinator and establishing a pay range; reclassifying and restructuring the Director of Planning and Engineering, Street Superintendent, Communications Supervisor, and Evidence/Crime Scene Technician.

15. CONSIDER CONFIRMATION OF THE APPOINTMENT OF MRS. DIANA GUERRERO-PENA FOR A THREE-YEAR TERM ON THE CIVIL SERVICE BOARD/COMMISSION. (CITY MANAGER).

Mr. Hinojosa stated that Mrs. Diana Guerrero-Pena has expressed an interest in continuing to serve on the Civil Service Board / Commission. She will serve a term from January 14, 2001 through January 14, 2004, or until a successor is appointed. Mr. Hinojosa stated that since she has undergone training for civil service and has proven to be a good member, he has re-appointed her to serve this term. He recommended that the Commission confirm her re-appointment.

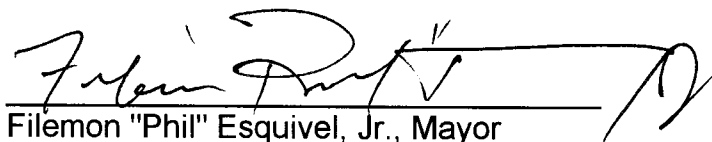
Upon a motion by Commissioner Garcia and second by Commissioner Villarreal, the Commission unanimously approved the confirmation of the appointment of Mrs. Diana Guerrero-Pena for a three-year term on the Civil Service Board / Commission.

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


Mr. Hinojosa stated that the first class of the Citizens Police Academy began last week.

VI. ADJOURNMENT.

The meeting then adjourned at 9:15 p.m.


Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:


Diana F. Valadez, City Secretary