

APRIL 23, 2001

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, APRIL 23, 2001 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
 Dianne Leubert, Solid Waste Superintendent
 Corando Garza, Assistant City Manager / Fire Chief
 Sam Granato, Chief of Police
 Maria Robles, Accountant
 Artemio Alvarez, Risk Manager
 Sammy Maldonado, Utilities Superintendent
 Isabel Valdez, Personnel Director
 Dora Byington, Director of Purchasing

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. Luke Womack, CPA, 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 on Monday, January 22, 2001 and February 12, 2001.

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

Mayor Filemon "Phil" Esquivel, Jr. requested that the City Manager provide a legislative review on ordinances and action items taken by the Commission. Mr. Hector M. Hinojosa, City Manager stated that he would have staff prepare this information.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. None.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDING SEPTEMBER 30, 2000. (LUKE WOMACK).

Mr. Luke Womack, CPA, made a presentation on the FY 1999-2000 Annual Financial Report. He reviewed the fund balances for each of the funds. Mr. Womack advised the Commission that the Task Force had an exceptional good year. There was a discussion regarding the transfer of monies from the utility fund to the general fund. Mr. Womack recommended that the City write off old uncollectable utility and ambulance accounts. He stated that with the addition of the Accountant, Maria Robles, and the Finance Director, Victor Salas, there have been several positive changes taking place in the Finance Department. Mr. Womack stated that overall the City was in a good financial position considering the unforeseen expenditures made during the budget year. He concluded by thanking all City staff that assisted during the auditing process.

2. QUARTERLY PRESENTATION BY INVESTMENT COMMITTEE ON CITY INVESTMENTS. (COMMISSIONER LASKOWSKI).

Commissioner Stanley Laskowski reported that the Investment Committee have been meeting. He said that between December 19th and the 31st, \$19,000 was earned in interest and in January through March 2001, the City realized earnings of \$49,000 in interest.

Upon a question raised by Commissioner Pecos, Commissioner Laskowski responded that the interest from Task Force revenues go back into the Task Force Fund.

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

A. REPORT ON FINANCIAL STATUS OF KINGSVILLE ON 2000-2001 ANNUAL BUDGET – UPDATE ON PENDING GRANT REQUESTS AND DRUG AND ASSET FORFEITURE FUND. (MAYOR ESQUIVEL).

Ms. Maria Robles, Accountant, provided to the Commission information regarding all pending grants. She stated that City staff recently attended a grant workshop sponsored by Congressman Ruben Hinojosa's Office. Ms. Robles stated that the workshop was a very informative session.

B. UPDATE ON STATUS OF INTERLOCAL COOPERATION AGREEMENT WITH KISD FOR THE PROVISION OF EMERGENCY SHELTERS AND TRANSPORTATION. (MAYOR ESQUIVEL).

Mr. Hinojosa stated this agreement was recently discussed during an emergency hurricane training exercise. He stated that staff is in the process of drafting a revised agreement for emergency shelters with the school district. Mr. Hinojosa stated that certain City staff would probably be trained to operate the shelters.

C. UPDATE ON COST ANALYSIS BETWEEN PURSUING SIX-MONTH OVERFILL VERSUS TRANSPORTING SOLID WASTE TO PRIVATE LANDFILL AND STATUS OF CURRENT CLASS 1 PERMIT MODIFICATION REQUEST BEFORE THE TNRCC. (MAYOR ESQUIVEL).

Mr. Hinojosa stated that Secor Engineering should be completed with the plans and specifications by the end of this week. He stated that bids for the construction work are due in by May 31st and the bids should be reviewed by June 7th. Mr. Hinojosa stated that Ms. Dianne Leubert, Solid Waste Superintendent, Mr. Ruben Perez, City Attorney and Mr. Victor Salas, Finance Director completed the cost analysis.

Upon a question raised by Commissioner Laskowski, Mr. Hinojosa responded that he would prefer that a City crew work on the backfill under the supervision of Secor Engineering. He said that Kleberg County has offered some help with equipment.

Mr. Perez addressed the Commission regarding the cost analysis, and said that the scenario that was used to compile the analysis was based on 6 months of operations; at 70 tons per day; 6 days per week; and tipping fees at \$16.25 per ton. He stated that there could be problems by using the overfill method, and the approach that is being recommended at this time is that City staff continue to transport daily garbage to El Centro Landfill in Robstown.

There was a discussion on the actual cost per ton that would be appropriate to charge at the landfill in order to cover all operating expenses of the landfill.

Mr. Hinojosa informed the Commission that at this point, he would continue transporting garbage to El Centro Landfill.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

Mr. Homer Castillo, 109 North 5th Street, expressed some concern with the contract awarded to Finch Energy in the amount of \$20,000 at the last Commission Meeting. He stated he was under the impression that the City should have gone out for bids for the services provided in the contract.

Mr. Perez stated that the amount of \$20,000 was not all being paid to Finch Energy, but rather to several other contractors. He said that since one sole contractor was not being paid the full \$20,000, the contract was a legal contract.

Mr. M.L. Dunn addressed the Commission and expressed his appreciation to the Commission members for all of their time and effort. He stated that the citizens of Kingsville voted down the overpass issue, and the Commission should listen to the wishes of the citizens.

There were no other comments made at this time.

Mr. Hinojosa requested that the Commission withdraw item number one and two and that item number three be tabled. He stated that the grant amount was misprinted on the agenda, therefore a Special Meeting had been posted for Thursday, April 26, 2001 to consider those items.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER APPROVAL OF A RESOLUTION APPROVING FUNDING FROM THE FY-2001 FIRE GRANT PROGRAM IN AN AMOUNT UP TO \$95,000 FOR A FAST ATTACK BRUSH TRUCK AND EQUIPMENT, ALLOCATING UP TO \$9,500 IN LOCAL MATCHING FUNDS, AND PROVIDING FOR APPROPRIATION OF SUCH FUNDS. (SOLID WASTE SUPERINTENDENT).

2. CONSIDER APPROVAL OF A RESOLUTION APPROVING FUNDING FROM THE FY-2001 FIRE GRANT PROGRAM IN AN AMOUNT UP TO \$71,000 FOR FIRE RESCUE EQUIPMENT, ALLOCATING UP TO \$7,100 IN LOCAL MATCHING FUNDS, AND PROVIDING FOR APPROPRIATION OF SUCH FUNDS. (SOLID WASTE SUPERINTENDENT).

No action was taken on item number one and two.

3. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH KLEBERG COUNTY PROVIDING UP TO \$7,500 IN FUNDING TO SHARE IN OPERATING AND MAINTENANCE COSTS OF AN INTEGRATED ALERT NOTIFICATION AND INFORMATION SYSTEM. (CITY MANAGER).

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

4. CONSIDER MOTION DIRECTING TEXAS DEPARTMENT OF TRANSPORTATION TO PROCEED WITH CONSTRUCTION OF IMPROVEMENTS TO GENERAL CAVAZOS BOULEVARD. (COMMISSIONER VILLARREAL).

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to direct the Texas Department of Transportation to proceed with the construction of improvements to General Cavazos Boulevard.

Mayor Esquivel stated that as a point of order, it was his opinion that if a Commissioner has voted in favor of an item and the item failed that a Commissioner can not place the item on another agenda.

Commissioner Villarreal stated that such a rule did not concur with our City Charter.

Mr. Perez stated that the City Charter allows that any member of the Commission to place any item on the agenda. He said that Robert's Rules of Order could not override a Commissioner's right under the Charter to place an item on the agenda.

Mayor Esquivel explained that by adopting the proposed resolution, it would be a missed opportunity for the safety of the citizens of Kingsville and future infrastructure. He stated there could be a possibility that someone could die because of the train blocking an intersection to the east side of town. Mayor Esquivel stated that the ballot wording for the overpass election conducted in January of last year was very confusing and was not promoted correctly. He explained that 3.5 million dollars from the Texas Department of Transportation would be put back into the State Project Fund and the City of Kingsville would never see those dollars again. Mayor Esquivel stated that 1.5 million was the City's match which would be paid at \$10,000 per year for twenty years at a 4.5% interest rate in the infrastructure bank.

There was a discussion regarding the payment of 1.5 million dollars and the exact amount of the yearly payments if the City were to obtain financing for the 1.5 million. Commissioner Laskowski explained that the City's yearly payment could not be \$10,000 a year for twenty years. After Mayor Esquivel reviewed the information provided by Commissioner Laskowski, he agreed that the payment would not be \$10,000 a year for twenty years.

Commissioner Al Garcia stated that there are no additional revenues, and perhaps it is the wrong timing for this project. He stated that the citizens of Kingsville voiced their objection on this project, and he respected their vote.

The Commission proceeded to vote on the motion made by Commissioner Villarreal. The motion passed by a 3/2 vote. Mayor Esquivel and Commissioner Pecos cast the dissenting votes.

5. CONSIDER APPROVAL OF CERTAIN COLLECTION SERVICE AGREEMENTS FOR OUTSTANDING MUNICIPAL COURT FINES AND WARRANTS. (CITY ATTORNEY).

Mr. Perez recommended approval of the proposed contracts. He stated that if an individual fails to pay a court fine or fails to appear in court, upon the renewal time of their driver's license they could be refused the license by the Department of Public Safety.

Mr. Paul Chapa, a member of the law firm stated that the firm has an extensive amount of experience dealing with the collection of delinquent taxes and court fees and fines. Mr. Chapa stated they are ready to begin working with the City of Kingsville.

5.1 INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO IMPLEMENT THE PROVISIONS OF CHAPTER 706 OF THE TEXAS TRANSPORTATION CODE (DENIAL OF RENEWAL OF LICENSE FOR FAILURE TO APPEAR).

5.2 CONTRACT FOR COURT FEES AND FINES COLLECTION SERVICES WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP.

A motion was made by Commissioner Villarreal and seconded by Commissioner Laskowski to approve the interlocal cooperation contract with the Texas Department of Public Safety and a contract for court fees and fines collection services with Linebarger Heard Goggan Blair Graham Pena & Sampson, LLP. The motion passed by a unanimous vote.

6. APPROVING THE CLASSIFICATION AND SALARY SCHEDULE WITH RESPECT TO THE POSITION OF CITY MARSHALL IN CONFORMITY WITH THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE GRANT. (CHIEF OF POLICE).

Police Chief Sam Granato stated that he received notice from the Governor's Office, Criminal Justice Division, that upon reviewing the salary schedules for the agents, that one agent, the Assistant Commander is not identified on the salary plan. He stated that the proposed resolution simply provides a salary range for all employees of the Task Force that is funded by the Criminal Justice Division. Chief Granato recommended approval of the proposed resolution.

Upon a motion by Commissioner Villarreal and second by Commissioner Laskowski, the Commission unanimously approved Resolution #R-2001-10, classifying such positions for City Marshals and Administrative Support Staff.

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

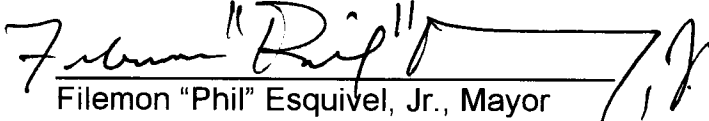
7.1 ENFORCEMENT OF TRUCK ROUTES WITHIN THE CITY LIMITS. PRESERVATION OF CITY STREETS, HEALTH AND SAFETY OF CITY RESIDENTIAL AREAS.

Mr. Hinojosa stated that the Kingsville Police Department would begin enforcement of the Truck Route Ordinance. He stated that he just wants to let the public know that the Police Department will be patrolling City streets.

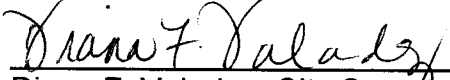
In other matters, Mr. Hinojosa reminded the Commission about the Special Meeting on Thursday, April 26, 2001 to discuss the items relating to the grants.

VI. ADJOURNMENT.

The meeting then adjourned at 8:25 p.m.


Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:


Diana F. Valadez, City Secretary