

**September 09, 2002**

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, SEPTEMBER 9, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Horacio "Hoss" Castillo, Commissioner  
Charles E Wilson, Commissioner  
Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Hector Hinojosa, City Manager  
Diana Valadez, City Secretary  
Dora Byington, Purchasing Director  
Sammy Maldonado, Utility Superintendent  
Stanley Fees, City Engineer  
Vilma Castillo, Director of Collections  
Jennifer Detloff, Director of Development Services  
Sam Granato, Chief of Police  
Corando Garza, Fire Chief

**I. PRELIMINARY PROCEEDINGS.**

**Open Meeting:**

The meeting was opened at 6:10 P.M. Ms Dora Byington lead everyone in prayer, Chief Granato the Pledge of Allegiance; and Chief Garza the Texas Pledge.

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

1. None.

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

**1. Quarterly report by Kingsville Convention and Visitor's Bureau. (KCVB Board President)**

Anse Windham, KCVB President addressed the commission, stating that the collections from the Hotel/Motel tax for July were up 4% over last July, he added that June collections were up too. He stated they were working on several events getting bid package for Judo Championship to take place next June; assisting with Brush Country Arts and Crafts Show in October; finishing up La Posada brochure of events; the Kingsville Wildlife and Birding Festival and the Chisholm Trail on November 23<sup>rd</sup>. He mentioned that a new event is a three-day cheerleading competition to be held in December at the University. He also stated that they were working on Cactus Bowl, trying to develop a bike ride, and working on 18-20 magazine advertisement and 2-3 other projects. He also stated that they were working with the Chamber of Commerce on the Wild Game Dinner, the University on Javelina jamboree, and working on the 100<sup>th</sup> anniversary of Kingsville.

Upon a question raised from Commissioner Wilson, Mr. Windham stated all spots on their board are filled.

Upon a question raised from Commissioner Castillo, Mr. Windham stated that the Mayor has visited with him regarding bringing in different events to town.

Mr. Windham stated that they have a lot of volunteers, but they are still looking for more.

Mayor Pro-tem Castillo thanked Mr. Windham for his presentation.

2. Mayor and City Commissioner's Reports. (City Commission)

Mayor Pro-tem Castillo stated that the Mayor sent his apology for not being in attendance, but he was out on family business. He also mentioned that Commissioner Pecos was out of state training.

3. City Manager's Report. (City Manager)

Mr. Hinojosa reported that January 6, 2003 is the starting date for the General Cavazos expansion project. He stated that September 11<sup>th</sup> is important and that several events are scheduled: 7:15 AM at the Law Enforcement Center; 8:30 AM at the Fire Department; and 4 Firefighters will be sworn in at 3:00 PM, at City Hall. He stated that a ceremony will be held at Javelina Stadium at 7:00 PM, and several events would be held at schools and churches.

- 3.1. Swearing-in of new fire fighters on Wednesday, September 11, 2002
- 3.2. Remembrance Ceremonies on Wednesday, September 11, 2002
- 3.3. Update regarding General Cavazos expansion project.

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

1. Comments on all agenda and non-agenda items

Judy Deboius, Advanced Aquatics Concepts, 635 E King addressed the commission, stating that she presented a letter from the Athletic Development Program, Athletic Director, for asking for a package to be presented to the USOC so that Kingsville can be selected a community elected center site. She requested the commission develop a Greater Sports and Athletic Committee for supporting the potential USOC site selection and future athletic events.

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

1. Consider approval of FY 2002-2003 Annual Budget for the Kingsville Convention and Visitor's Bureau. (KCVB Board President)

Mr. Windham addressed the commission, stating an overall upward increase in the amount budgeted based on anticipated revenue collected from the Hotel/Motel tax. He stated that the major changes are the same as those that own a home, insurance on building and health insurance. He added they are looking at a health insurance package. He stated that the KCVB is still in the top three across the State. Mr. Windham also stated that there is a significant increase on special events and festivals.

Commissioner Garcia raised a question concerning the Volunteer Coordinator insurance; Mr. Windham stated that the Volunteer Coordinator currently did not have health.

Commissioner Wilson stated that a 3% increase and a new line item for retirement were included in this budget. Mr. Windham stated it was a suggestion from their auditor. Mr. Windham stated ads are done in house, and there has been a big savings.

Upon a question raised by Commissioner Garcia, Mr. Windham stated that Carol Ann is the only one covered under the retirement, and a probationary period was

not developed. Mr. Windham added that no policies or procedures have been developed. He stated that the budget's total was \$238,384.00

Mayor Pro-Tem Castillo stated, for the record, each agenda item present at this meeting must receive a unanimous vote in order to be approved.

Commissioner Wilson made a motion to approve the FY 2002-2003 budget for the Kingsville Convention & Visitor's Bureau as presented by their staff and the President of the KCVB, seconded by Commissioner Garcia. The motion carried, 3/0.

2. Consider awarding annual contract for water and wastewater utility supplies. (Bid #23-01). (Director of Purchasing)

Ms Dora Byington, Director of Purchasing addresses the commission, stating that this bid is for approximately 257 items. She stated that the City advertised for bids on July 17<sup>th</sup> & 24<sup>th</sup>, bids were opened on August 6<sup>th</sup>. Ms Byington stated that staff is recommending not awarding several items; staff would rather purchase items as needed and would be purchased locally. She also stated that it is recommended that Municipal Pipe & Fabricating Co from McAllen be awarded the bid for approximate \$60,000.00 and Hughes Supply Co from Corpus Christi for approximate \$90,000.00. She requested commission approval.

Commissioner Garcia made a motion to award Water and Wastewater Utility Supplies, seconded by Commissioner Wilson. The motion carried, 3/0.

3. Consider awarding annual contract for tires and tubes for all departments except the police and task force. (Bid #23-02). (Director of Purchasing).

Ms Byington stated that it is recommended that the annual contract for approximate \$60,000.00 be awarded to Firestone from Kingsville.

Commissioner Garcia made the motion, seconded by Commissioner Wilson. The motion carried, 3/0.

4. Consider awarding annual contract for gasoline. (Bid #23-03). (Director of Purchasing Director).

Ms Byington stated that this item authorizes a 12 month contract, 5 bids were received, advertised on July 21<sup>st</sup> & 28<sup>th</sup>, and bids were opened on August 13<sup>th</sup>. She stated that regular unleaded gasoline is being recommended because there is a savings of approximately \$12,727.00. Ms Byington estimated usage approximately \$130,935.00, and the city will pay an additional \$1,250.00 for Petroleum Product Delivery fees. She stated that staff's recommendation was approval to award Truman Arnold Co. for regular unleaded gasoline delivered to Warehouse, and Oil Patch Petroleum for regular unleaded gasoline delivered to Landfill.

Commissioner Garcia made motion to approve, seconded by Commissioner Wilson. The motion carried, 3/0.

5. Consider awarding annual contract for automotive parts. (Bid #23 06). (Director of Purchasing).

Ms Byington addressed the commission, stating they were recommending two separate annual contracts for various types of automotive parts to Carquest Auto Parts and O'Reilly Auto Parts. She stated approximate expenditure for these two contracts is \$45,000.00 (Carquest \$19,000.00 and O'Reilly \$26,000.00). She stated she recommended approval.

Commissioner Wilson made a motion to accept staff's recommendation, seconded by Commissioner Garcia. The motion carried, 3/0.

6. Consider awarding annual contract for water meters. (Bid #23-07) (Director of Purchasing).

Ms Byington addressed the commission, stating this contract is for less than \$25,000.00, so she did not advertise in the Kingsville Record, only on the website. She stated that the Director of Collections has review and concurs with recommendation to award bid to Badger Meter, Inc. from Dallas, Texas.

Commissioner Wilson made motion to adopt staff recommendation, seconded by Commissioner Garcia.

Commissioner Garcia asked for discussion stating that U S Filter came in at \$2,000.52, and wanted to know the disparities. Ms Byington stated they chose a single source and chose one company who could provide item.

Upon a question raised by Commissioner Wilson, Ms Byington stated that the Director of Collections feels bid could be awarded at this time. She also stated that it would be a while until the City goes to managing our resources with Johnson Control.

The motion carried, 3/0.

7. Consider awarding annual contract for automotive batteries. (Bid #23-11) (Director of Purchasing).

Ms Byington addressed the commission, stating that recommendation was to award bid to the lowest bidder O'Reilly Auto Parts in Kingsville for annual cost of less then \$5,000.00. She stated this was not advertised in the Kingsville Record, only on the website.

Commissioner Wilson made a motion to adopt staff's recommendation, seconded by Commissioner Garcia. The motion carried 3/0.

8. Consider awarding annual contract for tires and services for the Police and Task Force Departments. (Bid #23-12). (Director of Purchasing).

Ms Byington stated that recommendation was to award bid to C&A Tire Company from Kingsville, bid amount approximately \$10,000.00.

Commissioner Garcia made a motion to award the annual contract for tires and services for the Police and Task Force Department, seconded Commissioner Wilson. The motion carried, 3/0.

9. Consider awarding annual contract for lubricants and oils. (Bid #23-13). (Director of Purchasing).

Ms Byington stated that approximately \$12,500.00 would be expended under this contract, based on estimated usage. She stated the bid be awarded to the lowest qualified bidder Coastal Unilube from Corpus Christi.

Commissioner Garcia made a motion to award the annual contract for lubricants and oils, seconded by Commissioner Wilson. The motion carried, 3/0.

10. Consider extending a contract for depository bank services with Wells Fargo Bank for an additional twelve months. (City Manager).

Mr. Hinojosa stated that Wells Fargo Bank had provided good service for the last two years. He stated the contract request was for the period of October 1, 2002 – September 31, 2003.

Commissioner Garcia made a motion to extend the contract for depository services with Wells Fargo Bank for an additional twelve months, seconded by Commissioner Wilson.

Discussion followed regarding depository agreement renewal time. Upon a question raised by Commissioner Wilson, Mr. Hinojosa stated problems had been worked out.

As a point of order, Commissioner Wilson question if the motion was for extending for only one year.....

(Break in recording)

Motion carried, 3/0.

11. Consider cancellation of contract with Public Safety Products for police uniforms. (Director of Purchasing).

Ms Byington stated that the contract was for two years; she was advised by Police Department they were having a lot of problems. She stated she is recommending this contract be terminated immediately and allow the Police Department to purchase replacement uniforms from open market.

Commissioner Garcia made a motion with discussion to consider cancellation of contract with Public Safety Products for police uniforms, seconded by Commissioner Wilson also for discussion.

Upon a question raised by Commissioner Garcia, Ms Byington stated that delivery was the problem. A representative from the Police Department addressed the commission, stating that bid quotes were not honored.

Ms Byington stated that the company had been made aware that the purchase order would be voided.

The motion carried, 3/0.

12. Consider final passage of an ordinance amending Chapter V, Article 3, Water, providing for fees for tampering with meters, damaging cut-off valve, discontinuing cut-off valve, certain service calls, street cuts and late fee charges, and a change in the penalty for late payments. (City Manager).

Mr. Hinojosa stated that the commission requested staff to find revenue and these are the items staff came up with. He stated that a \$75.00 fee would be the initial charge for violating this ordinance, \$150.00 for a second violation, and an additional \$150.00 fee for each additional violation not to exceed \$2,000.00. He also stated a fee of \$50.00 would be charged for unintentional damage of a cut-off valve. Mr. Hinojosa stated that a fee of \$20.00 would be charged if the customer requests the city to disconnect their cut-off valve for any reason, but would affect customers requesting permanent disconnection from service. He also stated that is a service call for a water repair service turns out to be on the customer's side there would be a fee of \$25.00 per hour for labor, and an additional \$45.00 per hour for equipment (backhoe). He stated that a fee of \$25.00 would be charged for a locked meter, and for restoration of service after regular working hours an additional fee of \$50.00 would be charged; the payment shall be due at the time of service, and such payment would be accepted only in the form of check or money order.

Mr. Hinojosa stated that the fee for late payment would be the greater of \$3.00 or 3%, but persons receiving social security benefits, retirement or disability, and low income would be exempted for a period of 25 days upon the request of the customer.

Commissioner Garcia made a motion to approve for discussion purposes, seconded by Commissioner Wilson.

Upon a question raised by Commissioner Garcia, Mr. Hinojosa stated that customers are already designated on the system.

Upon a question raised by Commissioner Wilson, Ms Castillo stated the customer must provide documentation. Commissioner Wilson stated that a mechanism needed to be put in place, an administrative policy that helps the City administer the ordinance.

Upon a question raised by Commissioner Garcia as to what would be considering unintentional and how it would be judged, Mr. Sammy Maldonado, Utility Superintendent stated that customer who intentionally damages the cut-off valve.

The motion carried, 3/0.

13. Consider final passage of an ordinance amending Chapter V, Article 4, Water and Sewer Main Extensions, providing for a change in the amount charged for connections to water and sewer mains and alternative methods. (City Manager).

Mr. Hinojosa stated that this ordinance allows the City to charge the actual cost per foot rather than the set price of \$2.25 for water connection and \$1.50 for sewer connection. He stated City Engineer would approve all applications before project begins.

Commissioner Garcia made a motion to approve for discussion, seconded by Commissioner Castillo.

Upon a question raised by Commissioner Wilson, Mr. Hinojosa stated that there was no penalty in place for anyone beginning construction prior to City Engineer's approval. Mr. Stanley Fees, City Engineer stated these are extensions, and City crews would not start until project has been approved.

Upon a question raised by Commissioner Garcia, Mr. Fees stated that actual cost is calculated depending on the length and depth of the line, concrete replacement repairs, and labors. Mr. Fees stated once check is in hand and deposited, then city crews will proceed with the construction of the line.

The motion carried, 3/0.

14. Consider final passage of an ordinance amending Chapter V, Article 2, Sewers, providing for a change in the Septic Tank or Liquid Waste Disposal Rates. (City Manager).

Mr. Hinojosa stated that this ordinance allows the City to charge a fee per gallon instead of per load; new fee for liquid waste generated within the city limits would be \$.03 per gallon instead of \$5.00 per load. He also stated that the new fee for liquid waste generated outside the city limits and within Kleberg County would be \$.03 per gallon; liquid waste generated outside Kleberg County would be \$.05 per gallon.

Commissioner Garcia made a motion for discussion, seconded by Commissioner Wilson.

No discussion. The motion carried 3/0.

15. Consider resolution declaring intentions to reimburse certain expenditures with borrowing proceeds. (City Manager).

Mr. Hinojosa stated that the City is considering borrowing some monies for equipment. He stated that at this point the City is not ready to borrow, but would like to buy the CAD RMS associated equipment which the Police Department does have the money from the drug fund. He stated that reimbursement to the drug fund would be made when money is borrowed; he added that if money were not borrowed than the drug fund would absorb these monies.

Commissioner Garcia made a motion, no second.

Commissioner Wilson stated he would encourage some further explanation. He stated this was an important item of business and that more people be present so they could have the opportunity to express their concerns or wishes, meaning the other commissioners.

Upon a question raised by Commissioner Wilson, Mr. Hinojosa stated by not voting on item this would only delay but would not jeopardize the purchase of equipment.

Mr. Hinojosa stated he would put this item on the next agenda.

Commissioner Wilson made a motion to table item #15, seconded by Commissioner Castillo.

The motion carried, 3/0.

16. Consider resolution requesting a public meeting from the Texas Commission on Environmental Quality and endorsing the efforts of Kleberg County in a contested case hearing on Kingsville Dome Mine PAA 3, Permit UR 02827-001. (City Manager).

Mr. Hinojosa stated that the County Commissioner David Rosse requested a public hearing on this agenda item. He stated the company mining uranium would like to move further north and that would affect our water. He stated no financial help has been requested.

Commissioner Wilson raised a question concerning effort made by the County to advance this and if a formal resolution has been made from the Health Department, Mr. Hinojosa stated he was unsure, but it would be good for the City of Kingsville to make such request.

Commissioner Wilson raised a question concerning the language on the resolution; Mr. Hinojosa stated that Commissioner Rosse had sent it in with Diana's help. Commissioner Wilson voiced several concerns as to the language.

Commissioner Wilson made a motion to adopt resolution requesting a public meeting from TCEQ as amended for Article #1, "Supports the efforts", seconded by Commissioner Garcia.

The motion carried, 3/0.

17. Consider appointment to Zoning Board of Adjustment. (Director of Development Services)

Ms. Jennifer Detloff, Director of Development Services addressed the commission, stating that the Planning Department provides staff support to four committees. She stated that Mr. Jose Cisneros had expressed a specific interest in serving on the Zoning Board of Adjustments, but he does not live within the city limits, so he is not eligible; the other gentleman is Mr. Robert Belt who submitted a resume stating he would like to serve the city on any type of board.

Commissioner Wilson made a motion to table item #17 until such time the commission receives a larger pool of candidates, seconded by Commissioner Garcia.

The motion carried, 3/0.

18. Consider motion to approve line item transfers for the City of Kingsville General and Utility Funds for fiscal year 2001-2002. (City Manager).

Mr. Hinojosa stated that the revenues would increase from \$11,137,259.00 to \$11,260,964.00 on the expenditure side of the general fund. He stated a memorandum has been issued to department heads to expense items necessary to provide a service, and they have been very cooperative. He stated that the utility fund revenue is being increased from \$4,615,000.00 to \$4,673,000.00; and expenditures are being increased \$4.5 million to \$4.6 million leaving a fund balance of \$56,131.00. He stated this is his recommendation for departments affected in the general and utility funds.

Mr. Hinojosa stated he would be asking for another request in the last meeting of the fiscal year.

Commissioner Garcia made a motion for discussion, seconded by Commissioner Wilson.

No further discussion.

The motion carried, 3/0.

## **VI. Adjournment**

The meeting was adjourned at time (UNKNOWN).

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Horacio "Hoss" Castillo  
Mayor Pro-tem

### **ATTEST:**

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Diana F. Valadez  
City Secretary