

SEPTEMBER 5, 2003

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD FRIDAY, SEPTEMBER 5, 2003, AT 10:30 A.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Horacio Hoss Castillo, City Commissioner
Arturo Pecos, City Commissioner
Charlie Wilson, City Commissioner
Al Garcia, City Commissioner

CITY COMMISSION MEMBERS ABSENT:

Filemon "Phil" Esquivel, Jr., Mayor

CITY STAFF PRESENT:

John Garcia, Interim City Manager
Courtney Alvarez, City Attorney
Dianne Leubert, Solid Waste Superintendent
Caron Vela, Interim Finance Director
Tina Galvan, Sanitation Supervisor
Irene Ramirez, City Secretary

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE -- (Mayor Esquivel)

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

MINUTES OF PREVIOUS MEETING(S) -- Required by Law

II. PUBLIC HEARING (REQUIRED BY LAW).

1. None.

III. PUBLIC COMMENT ON AGENDA ITEMS.

1. None.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. Interim City Manager's Report. (Interim City Manager).

John Garcia, Interim City Manager stated that the first portion of the Homeland Security fund had been used, coming within \$10.00 the allotted \$109,000.00. He added

that he expects the City to receive another \$109,000.00 shortly. He then adjusted the amount, stating that the additional fund will be in the amount of \$99,000.00, due to a portion being taken out.

He also states that the seal coating on streets and mowing of grass has fallen behind due to the wet weather.

2. City Attorney's Report. (City Attorney).

Courtney Alvarez, City Attorney stated that the City's internet and e-mail services were not working at this time. She indicated that David Gibson, Information Systems Technician was working on the problem.

She states that there was a meeting with the Fire Department's Collective Bargaining Team yesterday, September 4th. She stated that they presented monetary and non-monetary lists that she felt were quite reasonable in regards to the City's budgetary constraints. She advised that they were focusing on the non-monetary list and should be meeting again soon.

3. Mayor and City Commissioner's Report. (City Commission).

Commissioner Pecos asked John Garcia, Interim City Manager for the status on the trench burner, located at the landfill.

Mr. John Garcia stated that there is no burning at this time because the area needs to be fenced off. Mr. Garcia also stated that the award was granted 2 meetings ago. He then asked Dianne Leubert, Solid Waste Superintendent, if she was aware of the beginning date for construction.

Ms. Dianne Leubert stated that it depended on construction dates. Mr. Garcia asked for a follow up, and stated that he would convey that information as soon as he was informed.

Mr. John Garcia further stated that the site is located at the upper west-hand side of the landfill, near the previous break-in site. He explained that as soon as the fence is up, they can get rolling on the project.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. Review and discuss department budget requests, revenues, new proposals and projections pertaining to the proposed fiscal year 2003-2004 budget. (Interim City Manager).

Commission Castillo request to move past Item #1 and begin with Item #4, with Commission approval.

After discussion on Item # 7, Commission heard Item #1.

Ms. Caron Vela, Interim Finance Director stated that she had budgeted the current revenue for gaming and amusement for \$255,000.00, but was informed that 1,000,000.00 would be generated. Ms. Vela also stated that there were changes to the reclassification budget because some of the amounts did not reflect the correct step of employees who would be receiving a range change.

Commissioner Pecos stated that he would like to propose an employment freeze to save money. Commissioner Garcia asked for a list of the vacant positions. John Garcia stated that he, just yesterday, had lifted a freeze on employment but would provide a list.

John Garcia stated that the once a week pick up could possibly make up for the deficit.

Tina Galvan, Solid Waste Supervisor, stated that other cities were having problems with the once a week pick ups.

Commissioner Garcia stated he would like Staff to review the reclassifications and to decide which are the most critical.

Ms. Vela stated that one way to save money on overtime would be to amend the current overtime policy, which does not require an employee to actually work the 40 hours prior to overtime pay.

Courtney Alvarez stated that a .50 cent gradual increase on the sewage rate was suggested by Luke Womack to avoid a huge increase in later years.

Commissioner Garcia asked what services would be affected if the budget is cut by the \$400,000.00 increase from last year.

2. Consider removing from table the final passage of an ordinance amending Chapter XI, Article 4, Section 11, Games and Amusement Devices, requiring payment of fee prior to issuance of permit; providing for miscellaneous prohibitions. (Mayor Esquivel).

Commission Castillo request to move past Item #2 and begin with Item #4, with Commission approval.

3. Consider final passage of an ordinance amending Chapter XI, Article 4, Section 11, Games and Amusement Devices, requiring payment of fee prior to

issuance of permit; providing for miscellaneous prohibitions. (Mayor Esquivel).

Commission Castillo request to move past Item #3 and begin with Item #4, with Commission approval.

4. Consider introduction of an ordinance amending Chapter V, Article 1, Garbage, amending Section 5-1-55, providing for amendment of residential and commercial monthly charges. (Finance Director).

Courtney Alvarez, City Attorney states that Ms. Caron Vela, Interim Finance Director is making copies of packets. Ms. Alvarez explained that the memo from Caron Vela, included in the Agenda Packet, reiterates what Mr. Luke Womack, had previously submitted to the Commission in prior budget meetings, regarding his justification and research for the increase.

Commissioner Pecos asked John Garcia if an article in the local newspaper reflects the comparison made with the surrounding cities. Commissioner Pecos asked if it was made clear that our prices were lower than surrounding areas, even with a \$2.00 increase.

John Garcia stated that he could not answer that question.

Courtney Alvarez stated that she wasn't sure if they had the information but that it wasn't printed.

Commissioner Pecos stated that more justification is necessary in the media so there are no misunderstandings in regards to Commission actions. John Garcia stated that the information was provided to the newspaper by Caron Vela. Commissioner Pecos stated that in the future John Garcia should request that all sides of the story are published.

Commissioner Castillo stated that he understood the increase in rates for commercial because they were not paying their fair share of the landfill costs but the residential is harder to justify because the increase in almost \$2.00 per month. Commissioner Castillo stated that Staff needed to think very carefully before proposing that increase.

Commissioner Castillo stated that he felt that the commercial were not paying enough for the 3 and 4 cubic yard containers. Commissioner Castillo stated that the rates were under what they should be. Commissioner Castillo also stated that the residential increase is harder to justify by just saying that we are bringing the rates up like everyone else's.

Commissioner Pecos stated that on a visit to Edinburg he found the residents to be paying more for less service. Commissioner Pecos suggested that a once a week pick up

would save wear and tear on the trucks, gasoline without raising the rates or taxes. Caron Vela stated that it will also save money on overtime.

Commissioner Pecos stated that a once a week pick up for residential would work because he knows that some people who do not have enough trash for twice a week trash pick up. He stated that the commercial rates are necessary to continue to run the landfill. He reiterated that it is unfortunate that the newspaper didn't have the rates of the surrounding cities rates. He stated that we have to run this place like a business, with clients and staff that must be paid. He also asked for figures comparing a one day pick up to a two day pick up, but states that we should certainly raise the rates for commercials since they are the ones who fill up the trash cans.

Commissioner Castillo asked if there were any other comments on this garbage ordinance.

Caron Vela verified that the proposed increase, for both residential and commercial, will generate would be substantially more than that at \$445,600.00.

Commissioner Garcia requested the proposed amount for the residential only. Caron Vela stated that \$159,600.00 is for residential only and \$286,000.00 for commercial. Ms. Vela also stated that the \$252,000.00 is to meet the commitment for the landfill closure costs and that this commitment must be kept by law.

Commissioner Pecos stated that he knew about the commitment, but the citizens don't. He restated that they think we are just raising the fees for no reason.

Commissioner Pecos stated that every penny charged in taxes equals \$50,000.00 so if this budget is based on 70 cents then that equals \$100,000.00 (loss) if we would like to go back to 68 cents.

Commissioner Garcia asked how many residential customers there are. It was verified that there are 6,500 customers.

Commissioner Castillo stated that some of the communities that we are comparing ourselves to are contracting this work out, thus the reason for the higher prices. Commissioner Pecos stated that even with the higher prices, they are still only getting one pick up a week. Commissioner Pecos also stated that by not contracting out we are saving the constituents money.

Commissioner Castillo asked if there were any further comments on this item.

No further comments were made.

5. Consider introduction of an ordinance amending Chapter V, Article 2, Sewers, amending Section 5-2-2, providing for an increase in sewer rates. (Finance Director).

Caron Vela, Interim Finance Director stated that our rates were substantially lower for sewer as well. Ms. Vela stated that we plan to also go out for a \$12,500,000.00 bond to make repairs to the sewer and wastewater system. She stated that in order to do that we must show the bond agency that we have the funds to pay back the COs.

Commission Pecos stated that the City of Corpus Christi and Alice charge their citizens 3 times as much as the new proposed rate and the City of Victoria, 5 times as much. He stated that for many years we have undercharged for these services and that now we are unable to repair problems with the infrastructure. He stated that this is the information that should have been included in the newspaper.

Commissioner Pecos stated that he did not have any ideas on how to save money on this. He stated that there are pipes that were constructed in the 1950's and that employees say that though they are functioning, there is only clay left. He also stated that the money that we are charging at this time is only enough to maintain the infrastructure, not to make additions.

Caron Vela stated that the proposed residential increase would generate \$128,000.00. Commissioner Pecos asked if this amount was in addition to the \$3.00 everyone pays for the landfill. Caron Vela stated that this was correct.

Commissioner Castillo stated that he would not have a problem with the sewer increase if it did not coincide with the garbage increase, targeting the residential. Caron Vela restated that this increase would still keep our rates below those of surrounding cities. Commissioner Pecos stated that after figuring the savings from a once a week trash pick up that we might possibly not need to increase these rates.

Commissioner Garcia requests figures for the volume of trash picked up weekly or monthly compared to the volume the container can hold. Commissioner Garcia stated that using this information he would determine whether or not a once a week pick up would be enough.

Courtney Alvarez asked, for clarification of Staff, if they were only interested in residential information. John Garcia stated that we can also make a comparison of the days since he has been told that Monday's are heavier than Thursday's route. Mr. Garcia also stated that they are working on an ordinance that would allow offering a special pick up for a fee. Courtney Alvarez stated that Tina Galvan, Solid Waste

Supervisor had met with her that morning to begin working on an ordinance to present to the Commission.

Commissioner Garcia stated that we need to concentrate on departments creating their own revenue but that the sewer is where we are hurting.

Caron Vela stated that the increase was needed to be able to meet the \$252,000.00 commitment for the landfill. Commissioner Pecos states that if we do not show enough revenue that our bonds will not pass.

Commissioner Pecos asked if the sales tax went down. Caron Vela stated that sales tax has gone down by \$250,000.00. Commissioner Garcia asked when this trend began. Caron Vela stated that it has been decreasing steadily beginning in February through March and April. Ms. Vela stated that it takes two months for the City to receive the money, due to it first being sent to the Comptroller.

Commissioner Castillo asked if there are any more comments from Staff.

Commissioner Garcia stated that hopefully we would not have to resort to layoffs to balance the budget. Ms. Alvarez requested that this Item be saved for Agenda Item #1.

6. Consider introduction of an ordinance amending Chapter X, Article 3, Traffic Control Devices, amending Section 10-3-12(O), providing for the installation of a stop sign at Shelly Dr. at Palm Dr. westbound. (Street Supervisor).

John Garcia, Interim City Manager stated that this Ordinance will allow for stop sign on Palm Avenue at its intersection with Shelly Drive.

Commissioner Pecos stated that he agrees. Commissioner Garcia asked if this has become a traffic area. Commissioner Pecos stated that the street is still closed.

7. Discuss membership and available seats on Planning & Zoning Board, Zoning Board of Adjustment, Electrical Board, and Historical Board. (Director of Development Services).

Jennifer Detloff, Director of Development Services, stated that the reappointment of the three committees under the Planning Department has come up. Ms. Detloff stated that she had advertised in the local area for new members, as there were vacancies.

Commissioner Pecos inquires as to the number of vacancies. Ms. Detloff stated that there is only one actual

vacancy. Ms. Detloff stated that the Kingsville Electrical Board needed to be 100% reappointed, the Planning and Zoning Board had one vacancy, and that the Zoning Board of Adjustments should have been included. She also stated that all current members were interested in reappointment. Ms. Detloff stated that if anything, we also have the option to not reappoint a member.

Commissioner Pecos stated that he did not have a problem with reappointing the members who have expressed interest, citing his appreciation for their community service.

Commissioner Garcia inquired as to why some of the members of the Electrical Board, terms having expired in May, had not come before Commission for reappointment sooner. Ms. Detloff stated that she was trying to do the reappointments as a whole. Commissioner Garcia asked whether their decisions would nullify the work they did because they had not been reappointed by the Commission. Ms. Alvarez stated that it probably did not. Ms. Alvarez stated that she would check on it, but in the case of elected officials, they would continue to serve until their duly elected or appointed representative assumes their role.

Ms. Detloff stated that the decisions made are only recommendations and that the City makes the final decision.

Commission Pecos stated that we should be more responsible for making sure the reappointments are made in a timely manner.

Ms. Detloff stated that she would like to apologize for not taking advantage of the time and bringing the reappointments to the Commission.

Ms. Alvarez stated that consideration for appointments to the Planning and Zoning, the Electrical Board and the Historical Board are on Monday's agenda draft.

Commissioner Castillo requested that the Commission pass on the first 3 items on the Agenda due to the absence of Mayor Esquivel and Commissioner Wilson.

V. ADJOURNMENT.

Time of adjournment was not stated.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

PRESENTED and ADOPTED by the Kingsville City Commission on this 27th day of April, 2004.

Irene Ramirez, City Secretary

Charles E Wilson, Presiding Officer
ATTEST: