

SEPTEMBER 8, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, SEPTEMBER 08, 2003 AT 5:00 P.M. IN THE HONORABLE ROBERT H. ALCORM COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Filemon "Phil" Esquivel, Mayor
Horacio "Hoss" Castillo, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner
Charles E Wilson, Commissioner

CITY STAFF PRESENT:

John Garcia, Interim City Manager
Irene Ramirez, City Secretary
Courtney Alvarez, City Attorney
Dora Byington, Director of Purchasing
Caron Vela, Interim Director of Finance
Yndalecio Hinojosa, Street Supervisor
Vilma Castillo, Collections Manager
Jennifer Detloff, Director of Development Services
Stanley Fees, Director of Engineering

I. PRELIMINARY PROCEEDINGS.

Workshop session opened at 5:00 P.M.

CONVENE INTO PETITIONS, GRIEVANCES, AND PRESENTATIONS –ITME IV #1 / WORKSHOP SESSION WITH CITY STAFF.

Interim City Manager John Garcia states that in regard to the budget some of the areas to look at include 0.68 cents per hundred compared to 0.70 cents per hundred. Cut residential garbage pick-up to once a week instead of twice a week. Some positions that were getting reclassified are now getting cut out of the budget. Interim Director of Finance Caron Vela adds that overtime and some other expenses may be overstated.

Mayor Esquivel inquires about the Ordinance for the Towers, Interim City Manager John Garcia states that City Attorney Courtney Alvarez is working the details of that out. He also states that Sprint is looking to put antennas on top of the water tower located in front of Wal-Mart. This looks like it will bring revenue into the City. The T-Mobile Plan will also fall under this ordinance. T-Mobile is now looking at property just south of what they originally were, which was located on King Street. City attorney, Courtney Alvarez later states that the lease payment for the towers would be approximately \$800 per month, which would be 50,000 over 5 years.

Mayor Esquivel also inquires about the jail. The most that can be allocated out of the budget is \$70,000, but right now it is looking like \$120,000. Mayor Esquivel also states that this is about a cent and a half on the tax rate.

Caron Vela, Interim Director of Finance, briefs the Commission on the different tax rates. If 0.68 were used then \$76,000 in cuts would have to be made in the General Fund. If 0.695 were to be used then \$36,000 would have to be cut and if 0.70 were used then no cuts would have to be made and there would be a \$23,000 surplus. Luke Womack states that \$330,000 of 8-Liner money is being used for General Fund purposed and that money should be moved out to Capital Projects.

Commissioner Castillo states that he reviewed the summary sheets of all the departments heads submitted and there is a \$400,000 increase from last year's budget. Interim City Manager John Garcia states that \$70,000 to \$80,000 of that could be cut in the areas of overtime and maintenance. Mayor Esquivel then inquires about which of these costs are fixed costs such as insurance and worker's compensation and which of these costs are variable costs.

Mayor Esquivel starts to discuss the garbage pickup from twice a week down to once a week. He states that the city needs to partner up with the community and be more efficient. If this means neighbors doubling up or a neighborhood putting there trash on one side of the street. Commissioner Wilson points out that the ordinance states that there is only one pickup per week, overtime it has become two pickups.

Commissioner Garcia inquires about an analysis he asked for. He wanted to know the difference in what would be hauled if the containers were filled up on a daily route throughout the route versus what we are picking up now on the first pickup and the second pickup. It is noted that sometimes quarter and half full cans are being picked up. Joel Saenz, gives some preliminary numbers on how many tons are being picked up daily.

Luke Womack, discusses that commercial garbage rates when compared to Corpus Christi and other BFI users, Kingsville is \$20.00 per container pickup cheaper. He then states that if garbage and sewer are combined together it would still be 17-56% cheaper than surrounding communities. He also states that it may be a good idea to move the Collections department to the utility Fund since 90% of the collection activity has to do with the utility fund. Also, proposing the sewer rate to go to \$6.50, which is still half of what the nearest competitors are charging.

Workshop session ended with a five minute recess following.

6:00 P.M. – Regular Session of the agenda continues

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)

Mayor Esquivel, led the Commission and members of the audience in an invocation. Immediately thereafter, the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) –Required by Law

II. PUBLIC HEARING – (Required by Law).

1. None

III. PUBLIC COMMENTS ON AGENDA ITEMS.

Dan Suson, 408 S Lantana Drive, expresses his concern about item number 21 on the agenda. He understands the importance and the need for going to training but at this point in time when relying on 8-liner finances, making significant cuts to the city budget, and cutting back on services, he asks the commission to table this item and reconsider when the new budget is in place.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

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

2. Presentation by Hal Ham on the Hotel / Motel Tax Fund for the John E. Conner Museum.

Hal Ham, Director of the John E. Conner Museum gave a presentation requesting that a portion of the Hotel/Motel tax go the museum. He states that a large portion of the money goes to the Ranch and Heritage Festival, which is in its twelfth year. The money is also needed due to cuts from the state and the Texas A&M University-Kingsville Endowment fund. Mayor Esquivel points out that the museum is a vital part of our community and that the Kingsville Convention and Visitor's Bureau need to present their budget as well.

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

John Garcia, Interim City Manager, states that TX-Dot is about to open up maintenance contracts for the overpass on US Highway 77. This process should start around October. The speed limit on the by-pass will possibly be decreased to 55 mph on the area they are working on. He then states that Diana Gonzales, Director of Human Resources is going to brief them on the new city manager interview process. Diana then states that contact has been made with the three candidates and they will be available for interviews and tours on September 15, 2003. Mayor Esquivel then suggests that a reception on the same day be held at 5:00 P.M. so the people of Kingsville can meet them.

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

Courtney Alvarez, City Attorney compliments TX-Dot for the lights working on 77 & 1717. It is now a much safer crossing. She also states that she is working with staff on some upcoming ordinances and working on some ongoing litigation.

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

Commissioner Pecos states that there is going to be a September 11 ceremony in honor of the men and women who died. Corando Garza, Fire Chief, then states that

there will be a service at the Fire Station to honor the fallen police officers and firefighters.

Mayor Esquivel states that staff is working hard on the budget process and he feels confident their will be a balance budget. Changes as far as city clean up are going good. He also states that it was an honor and a privilege to be a guest of the Mayor of Miami, which helps build good networks.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. Consider authorizing the Interim City Manager to enter into a memorandum of understanding with John Womack & Co., P.C. to perform all pre and post audit procedures for the year ended September 30, 2003. (Interim City Manager).

John Garcia, Interim City Manager states this is a preliminary contract that needs approval. Luke Womack then states this is for pre and post audit functions, which a certified CPA performs and independence is not an issue.

Motion made by Commissioner Castillo seconded by Commissioner Garcia to enter into a memorandum of understanding with John Womack & Co., P.C. Motion passed by a 5/0 vote.

2. Consider authorizing the Interim City Manager to enter into a memorandum of understanding with Patrick L. Moore, CPA to audit the financial statements for the year ended September 30, 2003. (Interim City Manager).

Mayor Esquivel states that the fee for Patrick L. Moore, CPA to audit the financial statements is \$4,800 and he is needed to maintain independence.

Motion made by Commissioner Castillo seconded by Commissioner Pecos to enter into a memorandum of understanding with Patrick L. Moore, CPA. Motion passed by a 5/0 vote.

3. Consider removing from table the final passage fo 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).

Motion made by Commissioner Pecos seconded by Commissioner Wilson to remove this item from the table. Motion passed by a 5/0 vote.

4. 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).

Michael an 8-liner owner looked over the ordinance and wanted to see if the commission would consider some changes that are compliant with the Texas Penal Code and the Rules announced by the Texas Supreme Court. The

Ordinance currently prohibits the use of 8-liner machines in away that is inconsistent with the state law.

Michael then states a few changes that may need to be made to the ordinance such as once you receive a permit that business cannot sell it to another business and then that business uses up the duration of the permit. Also, if you want to relocate, the business would have to repay the fee. Jennifer Detloff, Director of Development Services states that \$250.00 would be a reasonable amount for this fee.

Michael then states he and LT Barry Blackstock met and it was determined that City police are going to start taking steps to see if the 8-liner are legal. Mayor Esquivel then asks for the item to be tabled.

Motion made by Mayor Esquivel seconded by Commissioner Pecos to table the item of final passage of an ordinance. Motion passed by a 5/0 vote.

5 minute recess taken.

5. Consider awarding bid for annual contract for Water Meters (Bid #24-07).

Dora Byington, Director of Purchasing went out for bids on August 12, 2003 for water meters. Four were received, which will have a cost of \$27,700 for a twelve month period. Ms Byington recommends Hugh Supply Company from San Antonio.

Commissioner Wilson raises the question as to whether these meters are really needed right now due to the fact that it was proposed to replace one hundred percent of the water meters through capital projects.

Motion made by Mayor Esquivel seconded by Commissioner Pecos to table the item awarding the bid for annual contract for water meters. Motion passed by a 5/0 vote.

A motion made by Commissioner Garcia seconded by Commissioner Pecos to consider items 6-9 altogether. Motion passed by a 5/0 vote.

6. Consider awarding bid for annual contract of Gasoline (Bid # 24-12). (Director Pruchasing).

Dora Byington, Director of Purchasing states that the price for gasoline will increase by \$77,000 due to the rise in gas prices and recommends the lowest bidder.

7. Consider awarding bid for annual contract for Diesel Fuel (Bid #24-11). (Director of Purchasing).

The prices of diesel have also gone up, so the price will increase. Recommends the lowest bidder.

8. Consider awarding bid for annual contract of Tires and Tubes for all departments except Police and Task Force (Bid #24-06). (Director of Purchasing).

Dora Byington, Director of Purchasing, recommends that the bid for Tires and Tubes goes to Gray's Wholesale, Inc due to a \$13,327.43 difference between Gray's and Firestone.

9. Consider awarding bid for annual contract for Water and Wastewater Utility Supplies (Bid #24-02). (Director of Purchasing).

Dora Byington recommends the lowest bidder for this item.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to award the bids for items 6-9. Motion passed by 5/0 vote.

10. Consider awarding bid for annual contract of Tires and Services for the Police and Task Force Departments. (Bid #24-15). (Director of Purchasing).

Dora Byington recommends the current vendor, which is Kingsville C&A Tire Company, to be awarded the bid. The cost will be approximately \$9,500.

Motion made by Commissioner Pecos seconded by Commissioner Garcia to award the bid for annual contract of Tires and Services for the Police and Task Force Departments. Motion passed by 5/0 vote.

11. Consider awarding contract for Bid #23-45 for the Roadway Reconstruction of Ailsie Street (Director of Purchasing).

Dora Byington, Director of Purchasing states that the bid for this project opened on September 2, 2003. Two were received and the lowest bidder met the specifications.

Mayor Esquivel inquires and wants to know why this item had to be rebid. Stanley Fees, Director of Engineering, states that this item had to be rebid due to the fact that Hunter Industries did not use the correct bid bond forms specified in our bid bond specifications. The difference between the two bids is \$39,930.10.

Motion made by Mayor Esquivel seconded by Commissioner Pecos to table the item for awarding bid for the Roadway Reconstruction of Ailsie Street. Motion passed by a 3/2 vote with Commissioners Garcia and Wilson casting the dissenting votes.

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

This item was tabled due to the fact that the city is still waiting for information from Edinburg and other cities in the valley to see how it works.

Motion made by Commissioner Pecos seconded by Commissioner Garcia to table the item for final passage of an ordinance. Motion passed by a unanimous vote.

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

Commissioner Garcia motions that the item be tabled due to the fact that it relates to item 12.

Motion made by Commissioner Castillo seconded by Commissioner Garcia to table the item for final passage of an ordinance. Motion passed by a unanimous vote.

14. Consider final passage 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 Drive at Palm Drive westbound. (Street Supervisor).

Mayor Esquivel states that speed bumps should be used at Shelly Drive as a test to see how they work. Corando Garza then states that once there is a final passage, the street department will start working on the bumps.

Motion made by Commissioner Wilson seconded by Commissioner Garcia of the final passage of an ordinance. Motion passed by an unanimous vote.

15. Consider introduction of an ordinance amending Chapter V, Article 3, Water, amending Section 5-3-20, providing for fire hydrant meter fees. (Collections Manager).

Caron Vela, Interim Director of Finance states that fire hydrant meters don't have anything in place at this time as far as fees go. Proposing if a business uses the meter for more than 6 months then the business will be charged the usage fee. Mayor Esquivel then states this is just a introduction.

16. Consider introduction of an ordinance amending Chapter V, Article 3, Water, providing for bulk water purchases and fees. (Collections Manager).

Caron Vela, Interim Director of Finance proposes that the rate for bulk water be changes \$2.50 to \$4.00 per thousand gallons. Mayor Esquivel then states this is just an introduction.

17. Consider introduction of an ordinance amending Chapter IX, Article 2, Alarm Systems, providing for false alarm fee for more than one false alarm per calendar year. (Interim Director of Finance).

Caron Vela, Interim Director of Finance proposes to change the ordinance already in place to state that their can be one false alarm per calendar year instead of one per month. The first false alarm would be free but thereafter would be a charge of \$40.00. Mayor Esquivel then states this is just an introduction.

18. Consider introduction of an ordinance adopting the annual budget of the City of Kingsville, Texas, and

appropriating funds for the fiscal year beginning October 01, 2003 and ending September 30, 2004 (Interim Director of Finance).

Mayor Esquivel states that he would feel more comfortable dealing with this item at a later date.

Commissioner Wilson motions to table this item.

Courtney Alvarez, City Attorney then states under the Texas Tax Code their need to be an introduction, so a final passage can be done on September 22, 2003.

Motion made by Commissioner Wilson seconded by Commissioner Pecos to table items 18 and 19. Motion passed by a unanimous vote.

19. Consider introduction of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2003 and ending September 30, 2004, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Interim Director of Finance).

Item tabled.

20. Discuss and appoint outside "Law Enforcement Selection Committee" to assist the City Manager in recommendation for a new Chief of Police. (Commissioner Castillo).

Commissioner Castillo motions to table this item and will discuss this item at the special meeting to be held on September 17, 2003.

Motion made by Commissioner Castillo seconded by Commissioner Pecos to table item. Motion passed by a unanimous vote.

21. Consider approval of out-of-state travel for the City Commission and City Staff to the National League of Cities Conference to be held in Nashville, Tennessee from December 09-13, 2003. (Commissioner Garcia).

Commissioner Garcia states that he wants to get a head start on this item, so their can be money saved on flights and registration. It is then discussed who will be attending them meeting.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to consider out of state travel for Commission and City staff. Motion passed by a unanimous vote.

22. Discuss and consider establishing City Commission goals for 2003-2004. (Mayor Esquivel).

Mayor Esquivel states that it is important for the commission to set goals for the 2003-2004 year. But feels more time

needs to be allocated to this item and will discuss this item next meeting.

No action taken.

23. Consider appointment(s) to the Planning and Zoning Commission. (Director of Development Services).

Mayor Esquivel motions to table items 23-25 since some other information is still needed.

Motion made by Commissioner Esquivel seconded by Commissioner Pecos to table items 23-25. Motion passed by a unanimous vote.

24. Consider appointment(s) to the Electrical Board. (Director of Development Services).

Item tabled.

25. Consider appointment(s) to the Historical Development Board. (Director of Development Services).

Item tabled.

26. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to review the job performance of the Interim City Manager, the City attorney, and the Municipal Court Judge. (Mayor Esquivel).

VI. ADJOURNMENT.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Irene Ramirez, City Secretary

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

Charles E Wilson, Presiding Officer

ATTEST:



Edna S Lopez, Interim City Secretary