

NOVEMBER 9, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 9, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Susan Ivy, Parks Manager
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Robert Rodriguez, Library Director
David Mason, Purchasing Director
Cynthia Martin, Downtown & Volunteer Supervisor
Ricardo Torres, Police Chief
Willie Vera, Task Force Commander
Bill Donnell, Assistant Public Works Director
Joey Reed, Fire Chief
Joe Casillas, Water Production Supervisor
Pete Piña, Landfill Supervisor
Kyle Benson, Help Desk Coordinator
Frank Garcia, Waste Water Supervisor
Charlie Sosa, Street Supervisor
Sharam Santanilla, Engineer's Assistant

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mrs. Courtney Alvarez, Interim City Manager/City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – October 26, 2015

Mayor Fugate called for a motion to approve the minutes of October 26, 2015.

Motion made by Commissioner Pena to approve the minutes of October 26, 2015 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

II. Public Hearings - (Required by Law).¹

1. Public hearing to consider an ordinance granting a special use permit for 1055 South US HWY 77 (.088 acres, Lot 8, Jesse 2) for car storage for Enterprise Rent A Car. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:02 P.M.

Mr. Tom Ginter, Planning & Economic Development Director reported that currently Enterprise Rent A Car is located at Phil Neesen Chevrolet Dealership. Enterprise is looking to build a standalone office building as their customer volume has increased. The Planning & Zoning Commission has heard the item and recommends approval of this request. No complaints were received from the citizens.

Commissioner Leubert asked if this location will have some landscaping once the business opens. Mr. Ginter responded that the location will be landscaped as per policy

Mr. Steven Overguard, Enterprise representative stated that there will be a fence installed and any other necessities that are prescribed in the City ordinance.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

There being no further comments made by staff or the public, Mayor Fugate closed this public hearing at 6:07 p.m.

2. Public hearing to consider approval of the preliminary plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751 acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:07 p.m.

Mr. Ginter announced that this item is for approval of Phase II. The Development Review Team has reviewed the preliminary plat and had no questions. The Planning and Zoning Commission has also reviewed this item and had no issues and approved the item unanimously for the estate.

Mayor Fugate asked about concerns from Mr. Steve Zamora.

Mr. Ginter responded that the Planning & Zoning Commission approved the preliminary plat for the subdivision and the final plat for the Park was tabled due to them not having a plat titled final plat in front of the plan.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

There being no further comments made by staff or the public, Mayor Fugate closed this public hearing at 6:10 p.m.

3. Public hearing to consider approval of the final plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751 acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:10 p.m.

Mr. Ginter stated that this is the same issue that was just spoken about in the previous public hearing.

Mayor Fugate asked why staff could not just mark through preliminary and write in final.

Mrs. Alvarez stated that it states in the ordinance that specifies that they must be labeled in a certain way.

Mr. Garza commented that in this particular case, nothing changed between preliminary and final plat as to in other scenarios there would have potentially had some change.

Commissioner Leubert commented that she has an issue with the preliminary plat and the final plat being brought to the City Commission at the same time.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

There being no further comments made by staff or the public, Mayor Fugate closed this public hearing at 6:13 p.m.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works-Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mayor Fugate welcomed Mr. Jesús Garza, City Manager to the City of Kingsville.

Mrs. Alvarez commented that as for agenda item #1, this is the same resolution that the City Commission approved on October 26th. Because TXDOT provided city staff the revised agreement, on the night of the meeting, the original resolution included that the city will have six equal payments of one amount, they have requested that it be identical to what is in the agreement so that there are five equal payments of one amount and the sixth payment is two cents less. Agenda item #22, with regards to the donation to the Parks Department, when staff worked on this item staff did not have a specific number that was going to be attached, and today at the County Commissioners' meeting, the County did approve the donation from the Kleberg District Attorney's office in the amount of \$2,500 for their drug campaign that they will doing with some of their fitness and other youth activities. The correct amount of donations is \$5,950.00, if the Commission approves all the donations. Alvarez further stated that the next scheduled meeting is November 23rd with agenda items and staff reports due to the City Manager's Office on Friday, November 13th. City Offices will be closed Wednesday, November 11th in observance of the Veteran's Day.

Commissioner Leubert commented that she has received compliments on the installation of the fence on the Pavilion. She further stated that the trees on Santa Gertrudis, there are some dead trees that need to be looked at. Leubert further commented that as for the old hospital building, the City Commission has approved its condemnation and would like to know what the status is on knocking down this structure. She further asked where city staff stands regarding the Landfill.

Mr. Cardenas commented that staff has received the survey and would need to submit updated maps of the landfill and a list of adjacent property owners.

Commissioner Garcia asked for staff to look into leasing out the restaurant facility located at the Golf Course.

IV. Public Comment on Agenda Items³

1. Comments on all agenda and non-agenda items.

Susan Ivy, 410 E. Johnston, commented that the Recycling Center, Community Appearance Department, and Parks Department will be hosting Kingsville Recycle Day on Saturday, November 14th from 9:00 a.m. to 12:00 p.m.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

Mayor Fugate stated that if there weren't any objections, Commissioner Garcia would like to remove agenda item #13 from the Consent Agenda for discussion. There being no objections, Mayor Fugate asked for a motion to approve items #1-12 from the consent agenda.

Motion made by Commissioner Leubert to approve the consent agenda items #1-12 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

1. **Motion to approve resolution authorizing the Mayor to enter into an agreement with the Texas Department of Transportation to contribute right of way funds (fixed price) for improvements to US 77 for right of way acquisition and the relocation**

and adjustment of utilities from General Cavazos Blvd. to the southern city limits along US 77. (Mayor Fugate).

2. Motion to approve the Historical Development Board decision on an application for a new garage at 402 E. Huisache Ave., which was unanimously approved by the board. (Downtown Manager).

3. Motion to approve the Historical Development Board decision on an application for windows replacement at 418 E. Fordyce Ave., which was unanimously approved by the board. (Downtown Manager).

4. Motion to approve the Historical Development Board decision on an application for a new front porch at 324 E. Lott Ave., which was unanimously approved by the board. (Downtown Manager).

5. Motion to approve the Historical Development Board decision on an application for a roof repair and siding replacement at 429 E. Fordyce Ave., which was approved by a 3-2 vote of the board. (Downtown Manager).

6. Motion to consider approval of out-of-state travel for Task Force agent Mike Tamez to the Operation Pipeline training in Phoenix, Arizona on November 18-20, 2015 with the DEA paying all travel expenses and per diem. (Task Force Commander).

7. Motion to approve final passage of an ordinance amending the fiscal year 2015-2016 budget to include Texas Department of Transportation agreement to contribute right-of-way funds for US-77 Hwy/I-69. (Finance Director).

8. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to accept and expend a donation for the Kingsville Fire Department. (Finance Director).

9. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Utility Fund and CO Series-2011 Utility Budget for Water Well #23 repairs, completion of the 18" waterline transmission project, and completion of Water Well #25. (Finance Director).

10. Motion to approve final passage of an ordinance amending the Code of Ordinance of the City of Kingsville, Texas, Chapter XI, Article 7, Food Sales and Food Establishments, Sections 15 & 17, providing for adoption of new Texas Food Establishment Rules and clarification of permit provisions. (Health Director).

11. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter XV, Article 5, Historical Districts and Landmarks, Section 15-5-4, providing for an application and fee for Local Historic Landmark Designation. (Downtown Manager).

12. Motion to approve final passage of an ordinance amending the Code of Ordinances of Kingsville, Texas, Chapter XV-Land Usage, Article 1-Building Regulations, Section 15-1-56, providing for adoption of the 2014 edition of the National Electric Code. (Planning & Economic Development Director).

13. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter IX-General Regulations, Article 10-Streets and Sidewalks, to add Street Maintenance Fee Sections to establish monthly street maintenance fees for the purpose of funding the city streets system, establishing a street maintenance fund and an appeals process. (Public Works Director/City Engineer).

Mrs. Alvarez commented that it is her understanding that there were some questions regarding the exemptions listed on this ordinance. Alvarez stated that the Commission has a couple of options, they may choose to adopt the ordinance as presented and go back and amend that section later or they may consider tabling the item and allow staff to work out the items between now and the next City Commission meeting.

Mayor Fugate commented that his concern is that staff is on a short schedule and with staff wanting to make this ordinance effective January 1st, it would be hard to get the information to the citizens of Kingsville.

Commissioner Garcia stated that his concern is with regards to the exemptions. If it remains as it is written, 501(c)(3), and with the ordinance developing a Board for reviewing the fee process, there are some other tax exempt organizations that fall under other categories of the 501(c). Garcia further stated that there are 29 different types of exemptions under the 501(c) and have staff look into these exemptions and see which will affect our community.

Mr. Garza commented that because of the timeline of January 1st, he would like to make sure that staff has enough time to make the community aware of the new fee. Garza

further commented that staff has had conversations internally on how to assist in educating the community of this fee.

Mayor Fugate stated that the City Commission does not have any concerns with regards to the fee; staff just needs to look into cleaning up the language. Mayor Fugate suggested not taking any action on this item until staff has an opportunity to look into the exemptions.

No action taken.

Mayor Fugate further stated that if there weren't any objections from the City Commission, he would like to take agenda item #17 before item #14. No objections were made.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

14. Consider introduction of an ordinance granting a special use permit for 1055 South US HWY 77 (.088 acres, Lot 8, Jesse 2) for car storage for Enterprise Rent A Car. (Planning & Economic Development Director).

Introduction item.

15. Consider approval of the preliminary plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

Motion made by Commissioner Pena to approve this item, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

16. Consider approval of the final plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

Motion made by Commissioner Leubert to approve this item, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

17. Consider request from County Judge for waiver of rental fee for J.K. Northway building for courthouse restoration concert. (Commissioner Pecos).

Commissioner Pecos stated that the County is requesting a waiver of fees for the use of the J.K. Northway for a fundraiser to restore the courthouse.

Rudy Madrid, County Judge stated that this fundraiser is to collect monies to restore the courthouse. Madrid further stated that the County will also be applying for grant monies that will require a match. This is the County's first event for this fundraiser and will have more coming up in the future. He further stated that all proceeds collected from this concert will go to the restoration of the courthouse.

Mayor Fugate stated that the City can't waive fees for the J.K. Northway. Fugate further stated that he hopes that the Commission helps in keeping this money in the Parks System as it is desperately needed. Fugate also stated that by waiving the fees for this event would have to reconsider what the Commission is doing with the Stock Show.

Commissioner Leubert commented that as much as they would like to waive the fees for the County, it is important to be fair to all other organizations. Leubert further stated that she understands the need for money to restore the Courthouse, but the Parks also need some repairs as well.

Mr. Madrid stated that if the Commission does not approve the waiver of fees, maybe at a later meeting, the County can request a donation of \$1,500.00 from the City of Kingsville. Madrid further stated that he believes that the Courthouse does belong to the City of Kingsville and its residents and if the common post can donate a little money so can the City.

Commissioner Garcia asked if the current cost for this event is \$1,500.00.

Mr. Madrid responded that this is the amount that was received by Mrs. Susan Ivy, Parks Manager.

Commissioner Pena stated that for the record, the City has partnered with the County in many different things such as the Kleberg County Airport, which was recently approved by this City Commission.

Commissioner Garcia asked that if the County is going to be charged \$1,500 for their event, and \$1,500 for the rodeo that is going on the same day, is the charge being done by the hour.

Mrs. Ivy responded that the contracts are made for a performance per day. The language for the rodeo contract is for one performance. This is a different organization hosting it as well as different liabilities. The contract specifically reads that the fee is for each performance per day.

Mayor Fugate asked for a motion to approve this item.

Motion made by Commissioner Pena, seconded by Commissioner Pecos.

Commissioner Pena rescinded his motion for this item.

Mayor Fugate asked for a motion to approve this item.

No motion made, therefore items dies.

18. Consider a resolution casting the City of Kingsville's votes for candidate Al Garcia to the Board of Directors of the Kleberg County Appraisal District. (City Attorney).

Motion made by Commissioner Pena to approve all the City of Kingsville's votes for candidate Al Garcia, seconded by Commissioner Leubert. The motion was passed by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR". Garcia "ABSTAINED".

19. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys & Girls Club of Kingsville for drug abuse prevention programs. (Task Force Commander).

Commander Vera reported that this is the same donation that has been given for the last four years. This is a donation of \$5,000.00 for the Boys & Girls Club of Kingsville.

Motion made by Commissioner Leubert to approve this donation, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

20. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Family Counseling Services for drug abuse prevention programs. (Task Force Commander).

Commander Vera reported that this is the first time for the Family Counseling Services. There is verification that the Family Counseling Services does serve the Kingsville area and qualify under the guidelines to receive a donation.

Motion made by Commissioner Garcia to approve this donation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

21. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Parks Department for drug abuse prevention programs. (Task Force Commander).

Commander Vera reported that this also is a first time for this request. Since the Parks Department is under the City of Kingsville, the Task Force is able to donate money to them for various drug prevention programs.

Motion made by Commissioner Garcia to approve this donation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

22. Consider acceptance of approximately \$3,450.00 in donations for the Parks Department. (Finance Director).

Mrs. Deborah Balli, Finance Director reported that the new amount being donated to the Parks Department is \$5,950.00.

Motion made by Commissioner Garcia to approve the acceptance of approximately \$5,950.00 in donations for the Parks Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

23. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to accept and expend 5K and other donations for the Parks Department. (Finance Director).

Introduction item.

24. Consider authorizing purchase of storage array, as per staff recommendation. (Purchasing & Technology Director).

Mr. David Mason, Purchasing & Technology Director, reported that in order to meet the current and future expansion needs of document storage from Laserfiche and backup of important data, it is necessary to expand the storage capabilities. Staff is recommending a Nimble CS 300 for \$77,966.63 from CDWG under the National Joint Powers Alliance Coop pricing. This will satisfy competitive bidding regulations for the initial acquisition of the product. A four year lease will be executed with Capital City Leasing of Austin, TX in order to lessen the single year budgetary impact of the purchase to \$20,940.03 each year for four years. This item is budgeted in the Technology budget where there is sufficient funds to cover the initial annual payment.

Motion made by Commissioner Pena to authorize the purchase of a storage array, seconded by Commissioner Pecos.

Commissioner Garcia asked if this storage unit will be received before the move to the new city hall. Mr. Mason responded that it will come before the move.

The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

25. Consider resolution authorizing the Mayor to enter into a Governmental Lease/Purchase Agreement by and between Capital City Leasing, Inc., and the City of Kingsville for a storage array, as per staff recommendation. (Purchasing & Technology Director).

Mr. Mason reported that Capital City Leasing is the leasing company the City uses for the pavement lay down machine and the last oil truck. This leasing company uses smaller Texas local bank to acquire their funds. Mason further stated that Mrs. Alvarez, City Attorney has reviewed the lease and made some adjustments to the lease. The leasing company is ok with the changes. Mason further stated that the payments for this lease will be \$20,940.03 each year for four years, which will be paid in arrears.

Motion made by Commissioner Pena to authorized this lease purchase agreement, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

26. Consider authorizing emergency replacement of the ground storage tank at water well #22. (Purchasing & Technology Director).

Mr. Mason stated that this item authorizes the replacement of the ground storage tank at Well #22. The current tank at Well #22 is leaking in several locations and is in desperate need of replacement. If allowed to continue leaking, the amount of water lost will only increase and could result in catastrophic failure of the tank. Under Section 252.022 of the Texas Local Government Code, there are several exemptions but the primary interest is the procurement necessary to preserve the public health or safety of the municipality residents. It is staff recommendation to allow Hubert Construction Company who is already building the tank at Well #25 which is a similar operation and can have it done in a timely manner.

Mayor Fugate asked what that timely manner is.

Mr. Joe Casillas, Water Production Supervisor responded that once the approval is made, the project can be completed within 90 days.

Commissioner Pecos asked if the water well was shut down. Mr. Casillas responded that is currently operating at this time but still leaking water which is going into the creek.

Commissioner Leubert asked how much water is leaking from this tank.

Mr. Casillas responded that the tank is leaking about 120 gallons per hour. He stated that there are different pinholes throughout the tank.

Commissioner Leubert commented that this is too much water leaking.

Motion made by Commissioner Pena to authorize the replacement of the ground storage tank at Well #22, seconded by Commissioner Leubert and Commissioner Pecos.

Mayor Fugate commented that staff needs to be more proactive in inspecting these tanks so that these types of issue do not occur again.

Mr. Casillas commented that the tanks get inspected annually as required.

The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

27. Consider authorizing the Mayor to execute a proposed settlement agreement with the TCEQ for wastewater case #51346. (City Engineer/Public Works Director).

Mr. Charlie Cardenas stated that this is related to a notice of enforcement and violation letter that was received in September in exceeding the copper levels of the effluent water coming out of the 3MGD North Wastewater Plant. Last year, TCEQ made some changes to the regulations whereas they are stricter in the copper levels of the effluent water. Cardenas continued to state that the violation occurred during the spring months. These excursions can come from several different sources within the collection system. It can come from the inflow and infiltration during the peak spring rain months, commercial user from oil industries depositing into our system, and/or the newly connected Naval Air Station Kingsville waste received into our system. Cardenas further stated that on October 21, 2015, the City of Kingsville received a proposed settlement agreement from the TCEQ. In the proposed agreed order, the city will pay \$31,500.00 in fines or that amount towards a Supplemental Environmental Project (SEP), or a combination of the two. Engineering has been in contact with the TCEQ Enforcement division on the City's willingness to perform SEP projects. The city has 30 days to submit a proposed SEP plan or combination of a SEP and monetary fine, those combined total would equal the amount of \$31,500.00. Funds to pay for this item will come from the Utility Fund and Public Works will ask for a budget amendment for this matter. Mr. Cardenas stated for the record that this is not operator error or a reporting error. Reports on effluent water are done on a daily basis.

Mayor Fugate commented that after looking at a TCEQ report that stated that this violation went on for sixty days.

Mr. Cardenas responded that staff tests the water every day and whatever the result is, it is reported to TCEQ.

Mayor Fugate commented that TCEQ's report stated that no reports were received.

Mr. Cardenas responded that this is stated on the DMR which is the discharge monitoring report. Staff reports it themselves to TCEQ on a weekly basis.

Mr. Frank Garcia, Wastewater Supervisor responded that the report gets sent out every month. The sampling done for the copper is performed once a week.

Commissioner Pecos asked what the actual figure is as far as copper is concerned.

Mr. Garcia responded that there are still some issues with it. Staff has looked into several options but at this time staff is looking into doing a cubicle injection during the treatment and see if that will lower the levels.

Commissioner Pecos further asked if this was only the effluent water and not the drinking water.

Mr. Cardenas responded that it's only the effluent water which goes into the creek.

Mayor Fugate further stated that the TCEQ report talks about what measures the City took to remediate this, but states that the City didn't take any measures to remediate the problem.

Mr. Cardenas stated that the report received from TCEQ was already a report of violation. It didn't give the City a report of notification cause the violation had already passed.

Mr. Garcia commented that on the report, it shows past history as well.

Mayor Fugate stated that the report he recalls didn't show past history.

Commissioner Leubert asked what staff has done to find out where the copper levels are coming from.

Mr. Cardenas responded that staff is taking the effluent water to an independent lab to see what the copper levels are. One in particular is the water being received from the base. Cardenas further stated that staff is halting some of the other waste that is received from contractors and oil industries. The city has never had high copper levels before, until this incident.

Commissioner Leubert further asked if there is still a Lab located at the plant where staff can do a preliminary test.

Mr. Garcia responded that there is still a Lab located at the plant, but copper samples are sent to a lab in Corpus Christi as the City's plant does not have the equipment to do these types of samples.


Commissioner Leubert asked if the City will do an SEP for this violation.

Mr. Cardenas responded that staff is looking into doing an SEP.

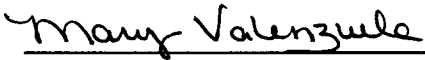
Motion made by Commissioner Pena to approve this item, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:21 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary