

**NOVEMBER 13, 2002**

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD WEDNESDAY, NOVEMBER 13, 2002 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Filemon "Phil" Esquivel, Jr. Mayor  
 Horacio Hoss Castillo, City Commissioner  
 Charlie Wilson, City Commissioner  
 Arturo Pecos, City Commissioner  
 Al Garcia, City Commissioner

**CITY STAFF PRESENT:**

Hector Hinojosa, City Manager  
 Courtney Alvarez, City Attorney  
 Diana Valadez, City Secretary  
 OTHER STAFF PRESENT - UNKNOWN

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

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

**II. PUBLIC HEARING - (REQUIRED BY LAW).<sup>1</sup>**

1. None.

**III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.<sup>2</sup>**

**1. MAYOR AND CITY COMMISSIONER'S REPORTS. (CITY COMMISSION).**

Commissioner Wilson stated that he was surprised when he saw a picture in the Kingsville Record where some City Commissioners had their picture taken while a remake of signing of a contract took place. He stated that he voted against the contract, but stated that once the Commission takes action that becomes his agenda and hopes that he was not singled out by any of the individuals for any particular reason for voting no or any other reason. He assured the community that if he had been invited he would have made every effort to be in the picture. He also expressed his thanks to Mayor Esquivel for apologizing for what happened but that doesn't lessen his questioning to the timing of which this photograph was taken. He also stated that in the future that either city staff or any one from the Commission would have the courtesy to include him or give him the opportunity to be included in photographs that are taken on behalf of the city.

Mayor Esquivel stated that there was no reason for Commissioner Wilson to be singled out of a meeting where everyone was invited.

Commissioner Wilson stated that he was invited to the luncheon but was not aware that there would be a picture taken in the remake of signing an important document.

Commissioner Garcia stated that he was not told of the photograph in advance that it was something that just took place at the last minute.

Mayor Esquivel congratulated President Rumaldo Juarez who had his installation of Presidency today.

## 2. CITY MANAGER'S REPORT. (CITY MANAGER).

### 2.1 Update regarding bond rating presentation.

Mr. Hector Hinojosa, City Manager, stated that representatives of Moody's Investments had a bond rating for the City of Kingsville during a meeting at El Jardin Restaurant on Thursday where people from the community and staff were present. He also stated that the City of Kingsville's Financial Advisor Ann Barger was also present at the meeting with Moody's Investors. There had been a previous visit from Moody's Investors back in July 2001. The results from this visit were that the City of Kingsville has improved in the bond rating from a BAA to AAA.

Mayor Esquivel stated that the bond rating is very important to the City of Kingsville. He also stated that the better the bond rating the cheaper the insurance will be on our bonds.

Mr. Hinojosa stated that the City of Kingsville Local Registrar, Diana Valadez has received the 2002 Five Star Local Registrar Award from the Texas Department of Health. Not many cities or counties receive this award. There are over 540 Local Registrars in the State of Texas and only 65 were awarded the Five Star Award. The criteria to receive this award are by submitting certificates in a timely manner. Mr. Hinojosa also stated that this award is to be shared with Ms. Mary Valenzuela who assisted Ms. Valadez.

## IV. PUBLIC COMMENTS ON AGENDA ITEMS.

### 1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.

There were no comments made at this time.

## V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.<sup>4</sup>

### 1. Consider final passage of an ordinance changing the zoning of Lots 14 and 15, Block 6, Vista Alegre Addition from Class "R-2" Two-Family Residential District to Class "C-2" Retail Commercial District, 1421 East Kleberg Avenue. (Director of Development Services).

Ms. Jennifer Detloff, Director of Development Services, stated that this ordinance is in its second reading and has been brought to the City Commission for final approval. This property is an undeveloped piece of property and applicant Mr. Leo Ramos, III is requesting a change from R-2, Two Family Residential to Class C-2, Retail Commercial to operate a plant nursery. Notices have been sent out to the surrounding area and have not received any phone calls or any negative information from those who received notices. Ms. Detloff stated that the Planning and Zoning recommendation was unanimously approved.

Mayor Esquivel asked Ms. Detloff if the road on 19<sup>th</sup> street was completely paved. He further asked what type of response she received from that project and what the game plan is for the future of that street.

Ms. Detloff stated that the applicant did not have any problems with it at all.

Mayor Esquivel stated that he would like to see 19<sup>th</sup> street paved and seal coated due to it being the first street coming into Kingsville.

Commissioner Garcia stated that another thing to look at will be the curb and gutters. They also need to be taken care of while working on paving 19<sup>th</sup> street.

**Motion made by Commissioner Pecos seconded by Commissioner Garcia. No further discussion took place. The motion passed by a unanimous vote.**

**2. Consider final passage of an ordinance amending Chapter XI, Article 11, Oil and Gas Wells, adopting Sections 11-11-60 through 11-11-68, providing for seismic testing permits, fees, applications, terms, conditions, bonds, and hours of operation. (Director of Development Services).**

Ms. Detloff briefed the City Commission on the ordinance being presented.

**Motion made by Commissioner Pecos seconded by Commissioner Garcia. No discussion took place. Motion passed by a unanimous vote.**

**3. Consider final passage of an ordinance amending Sections 9-3-2 and 9-3-3, Enumerating and Conforming the Animal Permit List; limiting the livestock exhibition exception to exhibitions held in Kleberg County. (Health Director).**

Mayor Esquivel stated that he was asked by staff and Mr. Brett Bull to table item #3 so they may try to work things out.

**Motion was made by Commissioner Castillo to table item #3 seconded by Commissioner Garcia. Motion passed by a unanimous vote.**

**4. Consider ordinance authorizing the issuance of City of Kingsville, Texas Certificates of Obligation, Series 2002; and approving a paying agent registrar agreement, a bond purchase agreement, and all other matters relating to the issuance of the Certificates of Obligation. (City Manager).**

Mr. Hinojosa stated that the city will not be applying for the extra \$1,000,000 due to the commission approving only \$4,000,000.

Mayor Esquivel stated that he would like to see an agenda item for the extra \$1,000,000 as soon as possible.

Ms. Ann Barger of First Southwest stated that the market has been very volatile from the last time she made a presentation to the City Commission. She further briefed the Commission on what is going on in the market.

**Motion made by Commissioner Pecos seconded by Commissioner Castillo. Motion passed by a unanimous vote.**

**5. Consider authorizing the transfer of \$12,000 from the parks department capital improvement budget to purchase three new mowers. (Parks Director).**

Ms. Susan Ivy addressed the Commission in regards to the need for the \$12,000 to purchase three mowers. Ms. Ivy further stated that the county is matching the \$12,000 as well. She also stated that the Parks Department has a commitment with Boeing and

NAS Kingsville to remove the led paint from the airplane located at Kleberg Park and that will be an estimate of \$10,000.

Commissioner Garcia asked Ms. Ivy if the plane displayed at the park will be lighted.

Ms. Ivy stated that part of the project is to install lighting around the plane and flags.

Mayor Esquivel made a motion to get two mowers instead of three. No one seconded the Mayor's motion.

Mayor Esquivel stated that it is an injustice to the taxpayers of Kingsville to allocate \$12,000 to the Parks Department for the purchase of three lawn mowers.

**Commissioner Castillo made a motion to transfer \$12,000 for capital improvements for the three new mowers and seconded by Commissioner Wilson. The motion passed by a 4/1 vote with Mayor Esquivel casting the dissenting vote.**

Mayor Esquivel requested for agenda item#9 to be moved up before agenda item #6. Mr. Hector Hinojosa, City Manager, requested for his evaluation to be in open session.

**9. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation of the City Manager, the City Attorney and the Municipal Court Judge. (Mayor Esquivel).**

The Commission went into executive session at 7:32 p.m. meeting reconvened in open session at 8:24 p.m.

The Commission reconvened in open session to evaluate the City Manager, Hector Hinojosa.

Mayor Esquivel stated that the last time they met with Mr. Hinojosa, they discussed communication problem with fellow Commissioners. He asked Mr. Hinojosa how the communication with fellow Commissioners was coming along from the last time they discussed the situation.

Mr. Hinojosa stated that when Commissioners usually want an item on the agenda they fax him the information with no discussion. He said at times it is hard to get in contact with some of the Commissioners and doesn't know if by calling them to work would be a good idea. He further stated that there is a lack of communication on both sides.

Mayor Esquivel stated that the whole point was that the City Manager is appointed by the City Commission and that the City Commission needs to be informed on any situation that affects the City. Communication is very important between the City Commissioners and the City Manager and would like to reevaluate the situation in thirty days to see if any improvements have been made.

Mr. Hinojosa stated that the Commissioners can also call him for information. He also stated that there are some differences between himself and Commissioners Castillo and Pecos.

Mayor Esquivel stated that professionalism should prevail over personalities.

Mr. Hinojosa said that there are two other people that need to show some improvements.

Commissioner Wilson stated that his only request is that he be informed of any emergency situations that the city is preparing for.

Mayor Esquivel stated that the way it is being handled is that the Kingsville Police Department has issued a Metrocall pager and issues information through the pager to the City Commission.

Commissioner Pecos stated that during the last evaluation of the City Manager, he had been the most negative as far as the City Managers job performance. He said that the lack of communication has been a problem and has not improved. He also stated that due to the communication problem, he would write the City Manager memos of complaints from citizen phone calls he would receive from the citizens. He stated that Mr. Hinojosa is not performing his duties and has lost all confidence and trust in Mr. Hinojosa. He stated that he was very dissatisfied with the City Managers performance and that reflects on the City Commissioners and the Mayor.

Mr. Hinojosa stated that it has been hard to communicate with Commissioner Pecos due to lost of trust.

Commissioner Castillo stated that Mr. Hinojosa was evaluated three months ago in executive session and the same concerns are still the problem. He stated that there is no communication from Mr. Hinojosa. He feels that he shouldn't have to call the City Manager for updates on city issues. He stated that the other concern was the hiring of Mr. Hinojosa's son at the police department. He stated that the hiring of his son was illegal. He further stated that Mr. Hinojosa's evaluation is a total failure on his part.

Commissioner Garcia stated that he agrees with some of the communication problems that the other Commissioners have, but there are those who appreciate what Mr. Hinojosa is doing for the City.

Mayor Esquivel stated that communication is very important.

Mr. Hinojosa stated that he would try to communicate more with the City Commission but because of their attitude it is hard. He stated that when Commissioner Castillo ran for Commissioner, he did it with the intent to get rid of him.

Commissioner Castillo stated that Mr. Hinojosa is lying.

Mayor Esquivel calls for a point of order.

Mr. Hinojosa further stated that he has been told by three individuals that Commissioner Castillo intended in getting rid of the City Manager. He also stated he could name those three individuals.

Mayor Esquivel calls for point of order.

Commissioner Castillo stated that he wants to continue his term as City Commissioner but if Mr. Hinojosa is still City Manager within the next two years, he would not seek re-election.

Mayor Esquivel apologized to staff and citizens present at the meeting for what had transpired during the evaluation of the City Manager and further stated that is the reason why they do evaluations in executive session.

**6. Discuss and approve hiring of Attorney Michael Guerra as legal counsel on a retainer contract. (Commissioner Castillo).**

Commissioner Castillo made a motion to table item #6 after discussing the item with Ms Courtney Alvarez, City Attorney. Commissioner Garcia seconded the motion. The motion passed by a unanimous vote.

**7. Discuss and approve revisions to the City's hiring policy. (Commissioner Castillo).**

Commissioner Castillo made a motion that all ML-1 and ML-2 positions must require council confirmation before permanently assigned into those positions. The motion was seconded by Commissioner Pecos.

Ms. Courtney Alvarez, City Attorney, stated that with confirmation of the motion that all ML-1 and ML-2 positions require Commission approval before hiring.

Commissioner Castillo stated that was the motion made.

Ms. Alvarez stated that there would need to be some research done to see if there would be any problems with what is stated in the City Charter or any City Ordinance that may currently be in place.

**Motion failed with a 3/2 vote with Mayor Esquivel and Commissioners Wilson and Garcia casting the dissenting votes.**

**8. Consider out-of-state travel for Mayor Esquivel to attend the 71<sup>st</sup> Winter Meeting of The United States Conference of Mayors in Washington, DC on January 22-24, 2003. (Mayor Esquivel).**

Commissioner Wilson asked if the travel has been budgeted.

Mayor Esquivel stated that this travel has been budgeted.

**Motion made by Commissioner Pecos and seconded by Commissioner Garcia. Motion passed by a unanimous vote.**

**IV. Adjournment.**

The meeting adjourned at 8:45 p.m.

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Filemon "Phil" Esquivel, Jr., Mayor

**ATTEST:**

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Diana Valadez, City Secretary

**PRESENTED and ADOPTED by the Kingsville City Commission on this 12<sup>th</sup> day of April, 2004.**

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Charles E Wilson, Presiding Officer

**ATTEST:**

*Edna S Lopez*  
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Edna S Lopez, Interim City Secretary