

NOVEMBER 10, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, NOVEMBER 10, 2003 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

John A. Garcia, Interim City Manager
 Courtney Alvarez, City Attorney
 Irene Ramirez, City Secretary
 Dora Byington, Purchasing Director
 Stanley Fees, City Engineer
 Caron Vela, Interim Finance Director
 Joe Casillas, Field Water Supervisor
 Chito Hinojosa, Streets Supervisor
 Yolanda Vasquez, Municipal Court Supervisor
 Jennifer Detloff, Dir. Of Development Services
 Sammy Maldonado, Public Utilities Superintendent
 Danny Almeida, Wastewater Field Supervisor
 Joel Saenz, Code Enforcement Officer
 Al Lopez, Fire Captain
 David Garza, KPD Officer

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING

The meeting was opened by Mayor Phil Esquivel at 6:00 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE - (Mayor Esquivel)

Ms Dora Byington to lead everyone in prayer, followed by the Pledge of Allegiance led by Mr. Lupe Garcia and the Pledge to the Texas flag led by Commissioner Garcia.

Mayor Esquivel asked for a moment of silence in remembrance of all veterans. He recognized Commissioners Pecos, Castillo, Garcia and Interim City Manager John Garcia for their military service.

MINUTES OF PREVIOUS MEETING{S} - Required by Law

The minutes of October 27, 2003, October 30, 2003, and November 03, 2003 were reviewed during Item V - #6, Mayor and City Commissioner Report.

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

None.

III. Public Comment on Agenda Items.3

Mr. Ken Moses of the American Legion Post 99 addressed the Commission about a Memorial Dedication for WW II veterans which will take place on May 29, 2004. He asked for the Commission's support in planning the event.

IV. Petitions, Grievances, and Presentations.2

1. Presentation on request for bandstands by the Woman's Club of Kingsville. (Interim City Manager).

No one was available to make this presentation.

2. Presentation by Integrity Development Group. (Mayor Esquivel).

Mr. Roland Ramirez of Integrity Developer Group, Inc. made a presentation on his company's \$17M planned unit development project totaling 166 lots along with three commercial pads, including a new shopping center. The new development will be known as Paulson Falls and is located east of Bypass 77 on General Cavazos Boulevard to Golf Course Road. He is in the process of rezoning the property, platting, and submitting a residential development incentive agreement to the City.

Mr. Ramirez stated Integrity will give back to the community by way of using local banking, local realtors to market their homes, they are negotiating with four lumber yards for building materials, and plan to hire local labor.

Upon a question raised by Commissioner Wilson, Mr. Ramirez stated Integrity is applying for grants and is asking for assistance from both the city and county to extend the infrastructure to the site which current lacks sewer services. They will also request that TXDOT extend the new 4-lane roadway construction to the entrance of their property. The residential development project is scheduled to begin in January 2004 and a total of 5 new spec homes will be built by the end of March 2004.

3. Workshop session identifying items for \$12.5M of capital expenditures and water and wastewater improvements to be funded by new issue of certificates of obligations. (Mayor Esquivel).

The Mayor stated Ms. Ann Berger and Mr. Luke Womack will make a presentation at a later date.

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

Mr. Garcia stated city offices will be closed tomorrow in observance of Veteran's Day. A tabletop meeting on Weapons of Mass Destruction will take place on November 12, 2003 and the KWOP program has been accepted and will begin in February 2004 with 15 properties and 17 structures to be demolished.

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

Ms Alvarez stated she forwarded a contract draft to Mr. Carlos Yerena and is waiting to hear from him. A copy will be provided to the commission.

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

Commissioner Castillo commented on the recent grand jury report that was released on October 30, 2003. He stated due to the seriousness of the report the commission needs to review the recommendations and take action. Mayor Esquivel stated this needed to be passed on to the city manager. He then read the following speech and asked that it be included in the minutes:

Dearest Citizens of Kingsville,

By the end of the night, two of the most vital positions will be in place. As I vowed to you (the citizens) that I would support and vote for the most qualified city manager to take our city to another level of cooperation, progress, and efficient and quality service to you and your family, the new city manager, Carlos Yerena, fits the mold and gives me the peace of mind that the right person was chosen. As for the chief of police, the interim city manager John Garcia has given his recommendation with the knowledge and understanding of the police department's current situation. I know we have some good officers the new chief can work with and mold into one of the best departments in the state. I had many questions and concerns to the interim city manager which has been addressed with the same thoroughness as some of his prior recommendations. The new Chief of Police, Rick Torres, has worked in both the KPD and the Sheriff's Office organizations. He understands the importance of representing the City of Kingsville.

I'd like to give a special thanks to Julian (Cavazos) for holding down the fort with integrity and fairness. I have no doubt he would be an asset for the transition. To conclude, dearest citizens of Kingsville, we will continue to move forward in improving the city government to become efficient, effective, and productive, in turn improving the quality of life for all, for today and for future generations.

Commissioner Wilson asked that the minutes that were provided be considered.

MINUTES OF PREVIOUS MEETING(S) - Required by Law

A motion was made by Commissioner Castillo and seconded by Commissioner Garcia to approve the minutes of October 27, 2003, October 30, 2003 and November 03, 2003 as presented. Commissioner Wilson stated the following corrections needed to be made: Page 3, Item #1 of the November 03, 2003 minutes should read: "... and should be completed prior to the end of the month", and Page 4, Item #9 of the October 27, 2003 minutes should read: "... speed humps", not speed bumps. Commissioners Castillo and Garcia withdrew their motions.

A motion was then made by Commissioner Castillo and seconded by Commissioner Garcia to accept the minutes of October 30, 2003 as printed and the October 27, 2003 and November 3, 2003 minutes as corrected by Commissioner Wilson. Motion carried, 5/0.

V. Items for consideration by Commissioners.4

1. Consider resolution authorizing the submission of an application with the South Texas Water Authority and the Ricardo Water Supply Corporation to the Texas Water Development Board for a Research and Planning Fund Grant for the purpose of requesting funding for Regional Water Supply and Wastewater Facilities Planning. (Interim City Manager).

Ms Carola Serrato addressed the Commission with regard to this item. Commissioner Wilson stated he was concerned with Item #6 in the document and asked that it be changed to reflect what is actually true.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the resolution with one change, to remove roman number VI. Motion carried 4/0/1, with Mayor Esquivel abstaining from voting.

2. Consider final passage of an ordinance amending Chapter V, Article 1,

Garbage, providing for an increase in the truck rental fee for residential or nonprofit customers. (Solid Waste Collections Field Supervisor).

No action was taken on this item.

3. Consider final passage of an ordinance amending Chapter V, Article 1, Garbage, providing for rates for special pickups. (Solid Waste Collections Field Supervisor).

No action was taken on this item.

4. Consider authorizing attorney Augustin Rivera, Jr. to seek attorney fees on behalf of the City of Kingsville. (Mayor Esquivel).

A motion was made by Commissioner Pecos and seconded by Commissioner Castillo to authorize attorney Augustin Rivera, Jr. to seek attorney fees on behalf of the City of Kingsville with regard to the recall. Motion carried, 3/2, with Commissioners Wilson and Garcia voting against the motion.

5. Consider resolution of the City of Kingsville' suspending the effective date of Central Power and Light Company's requested rate changes to permit the city time to study the request and to establish reasonable rates; approving cooperation with other cities within Central Power and Light company's service territory; authorizing intervention in the proceeding at the Public Utility Commission; requiring reimbursement of cities' rate case expenses; requiring notice of this resolution to the company. (City Engineer).

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve the resolution. Commissioner Castillo stated a correction needed to be made on Line 3 to the word "changes". Commissioners Garcia and Pecos withdrew their motion.

A motion was then made by Commissioner Garcia and seconded by Commissioner Pecos to approve the resolution with the correction noted by Commissioner Castillo. Motion carried, 5/0.

6. Consider removing from table consider authorization of identifying items for \$12.5M of capital expenditures and water and wastewater improvements to be funded by new issue of certificates of obligations. (Utilities Superintendent).

No action was taken on this item.

7. Consider authorization of identifying items for \$12.5M of capital expenditures and water and wastewater improvements to be funded by new issue of certificates of obligations. (Utilities Superintendent).

No action was taken on this item.

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter X, Article 3, Traffic Control Devices, providing for the installation of a stop sign on Shelly Drive at General Cavazos Boulevard (FM1356) for South bound traffic. (City Engineer).

Introduction only.

9. Consider introduction of an ordinance amending the fiscal year 2003-2004 budget of the City of Kingsville for the Storm Water Fund. (Interim Finance Director).

Introduction only.

10. Consider introduction of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for the City Manager Department. (Interim Finance Director).

Introduction only.

11. Consider approval of a Master Agreement governing Local Transportation Project Advance Funding Agreements with the Texas Department of Transportation. (City Attorney).

Commissioner Wilson stated he was abstaining from this item.

In a response to a question by Commissioner Garcia, the city attorney stated this is a standard contract.

A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to approve the Master Agreement governing Local Transportation Project Advance Funding Agreements with the TXDOT. Motion carried, 4/0/1, with Commissioner Wilson abstaining.

12. Consider appointments to the City/County Health Board. (Health Director).

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia. It was unclear who was being appointed, and each commissioner withdrew their motion.

Mayor Esquivel made a motion, seconded by Commissioner Garcia to table this item until the next meeting. Motion carried, 5/0.

13. Discuss status of Raul Rubio grant applications on behalf of the City of Kingsville with the Economic Development Administration. (Commissioner Garcia).

Commissioner Garcia stated he wanted to discuss the status of Mr. Rubio's grant applications for the City of Kingsville with the EDA. Mayor Esquivel stated a meeting was held in August with Mr. Arnold Mata, Mr. Rubio's appointed liaison on this project, and all entities (NAS, county, school and city) agreed to move forward and sent in letters of support for a comprehensive master plan and they were forwarded to the CBCOG. On October 31, 2003 a resolution supporting the master plan was approved by the CBCOG.

Commissioner Garcia stated the contract has expired and asked that Mr. Rubio provide the city with a written report. Commissioner Castillo stated the "stormy

city problems" caused our application to fail. Commissioner Wilson stated since the contract has expired we need to contractually bind Mr. Rubio to it or get our money back. Mayor Esquivel stated he appreciates everyone's concerns and asked the city manager to contact Mr. Rubio and get something in writing for the commission.

14. Discuss direction given to staff with regard to the review and revision of the 1973 Master Plan Study. (Mayor Esquivel).

Mayor Esquivel gave some brief comments about the 1973 master plan study prepared by Carter & Burgess. He stated he will ask Arnold Mata to include the plan to fund our revisions and review of the study.

15. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment, employment of applicants for the position of Chief of Police. (Mayor Esquivel).

Mayor Esquivel asked the commission if there was no objection he would not conduct an executive session (he didn't feel it was needed). Executive session convened at 7:06 p.m.

16. Consider confirmation of appointment and/or employment of the Chief of Police. (Mayor Esquivel).

Mr. John Garcia stated he completed his interview and selection process along with Mr. Corando Garza and named Mr. Ricardo (Rick) Torres as his choice for the position of Chief of Police. He stated he considered it his job to go back and re-interview all four recommendations made by the Law Enforcement Selection Committee and after much consideration he chose Mr. Ricardo (Rick Torres) for the position. Mr. Garcia stated Mr. Torres' experience of 20 years in all areas of law enforcement was very impressive. He will graduate in December 2003 from TAMUK with honors with his bachelor's degree in Criminology. He asked for the commission's support of his selection to confirm Rick Torres as the new Chief of Police.

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to confirm the employment of Ricardo (Rick) Torres as Chief of Police for the City of Kingsville with his employment date of November 10; 2003. Motion carried, 3/2, with Commissioners Wilson and Garcia voting against the motion.

Commissioner Garcia stated he was against the selection process, stating neither he nor Commissioner Wilson was given an opportunity to name individuals to the committee. In his opinion, it was not a fair process and he could not support the interim city manager's decision. He stated he is voting against the process, not the individual being named for the position. Commissioner Wilson stated he did nominate Jaime Garza to the Law Enforcement Selection Committee, but like Commissioner Garcia he also was against the process. He stated this was not a decision to be made at this time and commented although he works wells with Rick Torres, he is not in favor of the appointment.

Mayor Esquivel welcomed Mr. Torres who was in the audience and he was welcomed by the commission and the audience with a round of applause. Chief Torres read a speech he prepared.

VI. Adjournment.

**A motion was made by Commissioner Pecos and seconded by
Commissioner Wilson to adjourn at 7:25 p.m.**

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Irene Ramirez, City Secretary