

NOVEMBER 12, 2003

AN EMERGENCY MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON WEDNESDAY, NOVEMBER 12, 2003 AT 12:00 NOON IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE TO RESPOND TO A REQUEST OF THE COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS TO FILE REPLY ON 11/17/03.

**CITY COMMISSION MEMBERS PRESENT:**

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

**CITY COMMISSION MEMBERS ABSENT:**

Al Garcia, City Commissioner

**CITY STAFF PRESENT:**

John A. Garcia, Interim City Manager  
 Courtney Alvarez, City Attorney  
 Irene Ramirez, City Secretary  
 Augustin Rivera, Jr., Contract Attorney  
 Stanley Fees, City Engineer  
 Joe Casillas, Field Water Supervisor  
 Carlos Barrera, KPD Officer

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING**

The meeting was opened by Mayor Phil Esquivel at 12:05 p.m.

**INVOCATION / PLEDGE OF ALLEGIANCE - (Mayor Esquivel)**

Mayor Esquivel led everyone in prayer, followed by the Pledge of Allegiance led by Ms. Irene Ramirez and the Pledge to the Texas flag led by Ms Courtney Alvarez.

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

None available - emergency meeting.

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

None.

**III. Public Comment on Agenda items.2**

None.

**IV. Petitions, Grievances, and Presentations.2**

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

None.

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

Ms Alvarez stated Commissioner Garcia was delayed at a meeting in Corpus Christi.

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

None.

**V. Items for consideration by Commissioners.4**

**1. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to seek legal advice from the City Attorney regarding pending litigation concerning In re Carla Lee Suson, et. al. No. 13-03-00685-CV, In the Court of Appeals Thirteenth Judicial District of Texas. (City Attorney).**

Pursuant to Section 551.071 of the Texas Open Meetings Act, the City Commission convened into executive session at 12:08 p.m. to seek legal advice from the city attorney and Mr. Augustin Rivera regarding pending litigation in Case No. 13-03-00685-CV, in reference to Carla Lee Suson.

The City Commission reconvened into open session at 12:55 p.m.

**2. Consider hiring outside counsel Augustin Rivera, Jr. for defense of the City of Kingsville in the matter styled In re Carla Lee Suson, No. 13-03-00685-CV, In the Court of Appeals Thirteenth Judicial District of Texas. (City Attorney).**

Mayor Esquivel stated this is a new case filed on November 6, 2003 by Carla Lee Suson in the Court of Appeals Thirteenth Judicial District.

A motion was made by Commissioner Castillo to hire Augustin Rivera, Jr. for legal defense of the City of Kingsville in the matter styled Carla Lee Suson, No. 13-03-00685-CV, in the Court of Appeals Thirteenth Judicial District of Texas, and to instruct staff to have an agenda item for Monday, November 17, 2003 for the City Commission to order a recall election date of February 07, 2004, subject to a determination of the sufficiency of the recall petitions in district court, seconded by Commissioner Pecos. Motion carried, 4/0.

**VI. Adjournment.**

A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to adjourn at 12:57 P.M.

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Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

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Irene Ramirez, City Secretary