

**MARCH 11, 2003**

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD TUESDAY, MARCH 11, 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:**

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

**CITY STAFF PRESENT:**

Corando Garza, Interim City Manager  
Diana F. Valadez, City Secretary  
Courtney Alvarez, City Attorney  
Sammy Maldonado, Utilities Superintendent  
Al Lopez, Interim Fire Chief  
Roel Cavazos, Interim Fire Marshall  
Dora Byington, Director of Purchasing  
Sam Granato, Chief of Police  
Dianne Leubert, Solid Waste Superintendent  
Jennifer Detloff, Director of Development Services  
Diana Gonzales, Director of Personnel  
Stanley Fees, City Engineer / Interim Assistant City Manager  
John Garcia, Garage Superintendent / Interim Assistant City Manager

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING:**

Mayor Filemon "Phil" Esquivel, Jr., opened the meeting at 6:00 p.m.

**INVOCATION / PLEDGE OF ALLEGIANCE – (MAYOR ESQUIVEL).**

Mr. Max Castillo, brother of Commissioner Horacio (Hoss) Castillo led the Commission and members of the audience in an invocation. Immediately thereafter, Mr. Danny Canales, cousin of Mayor Esquivel, led the Pledge of Allegiance.

**MINUTES OF PREVIOUS MEETING(S)**

There were no minutes for approval.

**II. PUBLIC HEARING – (REQUIRED BY LAW).**

**1. OPEN PUBLIC HEARING REQUESTED BY HECTOR M. HINOJOSA ON FEBRUARY 10, 2003, FOLLOWING THE PASSAGE OF A PRELIMINARY RESOLUTION OF REMOVAL, RESOLUTION #R-2003-04. (CITY COMMISSION).**

Mayor Esquivel read and informed members of the audience regarding the rules and procedures that would be followed during this public hearing. He stated that anyone wishing to speak during this public hearing would have five minutes to address the Commission.

Mayor Esquivel opened the public hearing at 6:05 p.m.

Mr. Hector M. Hinojosa, 1318 Christy, addressed the Commission. He stated that the Commission suspended him for the following reasons:

1) Inadequate communication with the City Commission on on-going projects, jobs, issues, concerns, etc. 2) Lacks skills in communicating with the citizens in not responding to their problems, concerns or issues. 3) Fails to complete or implement ideas suggested on numerous occasions by the City Commission. 4) Fails to anticipate problems and does not develop effective plans or approaches to solve them. 5) Reactive to situations instead of being proactive. 6) Seldom represents the City in community activities. 7) Fails to treat city employees with proper respect; and 8) Loss of grant opportunities for not submitting proper documentation.

Mr. Hinojosa stated that he totally disagreed with all of the above reasons. He stated that he began e-mailing all members of the Commission on a daily basis to keep them informed, but Mayor Esquivel stated that sending e-mails to the Commission was not the answer to comply with the City Commission's request. Mr. Hinojosa stated that the Mayor preferred that he visit Commissioner's Castillo and Pecos' offices to inform them on issues, problems and concerns. Mr. Hinojosa stated that he felt uncomfortable about going to the office of Commissioner Pecos because they would be discussing City business during County time. Mr. Hinojosa stated that communications is a two-way street. Commissioner's Pecos and Castillo were quoted on television that they would receive complaints from taxpayers, but they failed to communicate the complaints to him.

Mr. Hinojosa stated that in response to citizens problems, concern, issues, etc, the system in place at City Hall is to delegate the problems to the appropriate department head for the proper action to occur; however there were times that he had to handle problems that were not favorable to taxpayers because of existing ordinances, resolutions as well as the City Charter must be followed.

Mr. Hinojosa also stated that regarding micro management, Commissioner Castillo requested monthly reports and engineering plans for the wastewater treatment plant. Commissioner Castillo suggested that the City hire Coym & Rehmet Engineering Firm from Alice, Texas. He stated that the City of Kingsville had been using Smith and Russo from Corpus Christi, Texas. Mr. Hinojosa stated that Smith and Russo had constructed our wastewater plants and were familiar with the plants.

Mr. Hinojosa further stated that the City Commission has failed to sit down with him to discuss an evaluation and set up a plan to improve his deficiencies within six to twelve months. He stated that he is active in his church community by serving in the finance committee and as a Eucharistic Minister and is a member of the Third and Fourth Degree Knights of Columbus and presently serving as a Trustee.

Mr. Hinojosa respectfully requested that the Commission not proceed with any action to terminate him. He stated that he believes that all of the reasons given for terminating him are merely a pretext to hide the real reasons majority of the Commission wants to use to justify his termination.

Mr. Hinojosa's five-minute time limit expired at this time. He made one last comment and directed it to Commissioner Castillo. He stated to Commissioner Castillo, "if you expect respect, you have to give respect to earn respect. Respect is earned and not given.

Mr. Dan Suson, 408 South Lantana, stated that if the Commission proceeds with the termination of Mr. Hinojosa, the case could result in a wrongful termination and could cost the City a considerable amount of money. He urged the Commission to postpone this action until it could be handled legally and professionally. Mr. Suson made an appeal to Mayor Esquivel. He stated that Mayor Esquivel was the swing vote and could be

a true leader of this community if in fact he would vote against the termination of Mr. Hinojosa.

Mr. Oscar Castillo, 1620 Annette stated that he has known Mr. Hinojosa for at least ten years and he strongly concurred with the termination. He stated that Mr. Hinojosa did not work cooperatively with the Commission and did not fully accept assigned duties and also did not comply with all the laws.

Mr. Faustino Erebia, Jr., 230 East Doddridge stated that he is a Sales Consultant for Neesen Chevrolet and is also a part-time journalist for a newspaper. He stated that the leader of the recall group recently contacted him at his place of employment. Mr. Erebia stated that the recall group is being led to believe that he was responsible for a newspaper article that appeared in the Defensor Newspaper. He stated that in his opinion all five members of the Commission were elected by majority of the citizens voting in the last election, and that vote should be respected.

There were no other citizens wishing to address the Commission at this time.

Mayor Esquivel then closed the public hearing at 6:20 p.m.

### **III. PUBLIC COMMENT ON AGENDA ITEMS.**

No other comments were made at this time.

### **IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.**

#### **1. INTERIM CITY MANAGER'S REPORT. (INTERIM CITY MANAGER).**

No other report was given at this time.

#### **2. CITY ATTORNEY'S REPORT. (CITY ATTORNEY).**

Mrs. Courtney Alvarez, City Attorney stated that at the request of Mayor Esquivel she contacted Mr. Richard Thallman regarding a proposed waterline extension project to Escondido Estates. She stated that Mr. Thallman had explored other alternatives and was no longer interested in City services.

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

Commissioner Horacio (Hoss) Castillo stated that since Mr. Hinojosa had singled him out in the statement Mr. Hinojosa read, he responded that respect starts with the City Manager. He stated that Mr. Hinojosa never initiated trying to respect either Commissioner Pecos or himself.

### **V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.**

1. There were no items for consideration by Commissioners.

**VI. ADJOURNMENT.**

The special meeting adjourned at 6:28 p.m.

Filemon "Phil" Esquivel, Mayor

**ATTEST:**

Diana F. Valadez, City Secretary