

AUGUST 11, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, AUGUST 11, 2003 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

John Garcia, Interim City Manager  
Courtney Alvarez, City Attorney  
Dora Byington, Director of Purchasing  
Jennifer Detloff, Director of Development Services  
Stanley Fees, Director of Engineering  
Caron Vela, Interim Finance Director

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING**

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

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

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

None

**II. PUBLIC HEARING - (Required by Law).<sup>1</sup>**

**1. Request to grant a Special Use Permit to allow a 110' monopole telecommunications tower to be constructed on Lots 2, 3, 4 of Suburban Gardens, also known as the 1200 Block of West King. (Director of Development Services).**

Ms. Jennifer Detloff, Director of Development Services, stated that this item has gone before the Planning and Zoning Commission and they did not approve this item. She further stated that Mr. Bauman presented a petition to the Planning and Zoning Commission not supporting the Special Use Permit. She further briefed the Commission on the telecommunications tower and what T-Mobile is requesting.

Frank Bauman Jr., 1131 W. Yoakum, stated that the proposed tower is located directly behind his home. He further stated that he would like for the City Commission to deny T-Mobiles request due to the tower being an eyesore and will adversely affect the esthetics of a nice neighborhood. He stated that the tower will have a negative impact on the values of the homes in the neighborhood.

He further stated that if the request was denied that he hopes that T-Mobile will accept the communities responsibility and be sensitive to the wishes of those in the neighborhood. He further stated that this issue was thoroughly discussed in two different meetings with the Planning and Zoning Commission and this item was denied by the Planning and Zoning Commission by a 5/1 vote. He further requested that the City Commission honor the Planning and Zoning vote and reject T-Mobile request.

David Cano, 1143 W. Yoakum, stated that any tower will be an eyesore and a detriment to the property value of the neighborhood. He further stated that he would like for the City Commission to deny any and all permits.

Michael Baty, representative of T-Mobile stated that T-Mobile has done their research in regards where a telecommunications tower can be placed within the city. He further stated that T-Mobiles Towers are open to pole locating city emergency equipment rent free. He further stated that T-Mobile is actively pursuing economic development as part of an infrastructure to support it and will be building a retail store that will bring in ten positions directly or indirectly to the City of Kingsville. He stated that he had a petition with two signatures in support of the telecommunications tower.

Commissioner Castillo asked that if a 110 foot tower on the North side of the campus would serve the same coverage as if they install it on the South side.

Mr. Baty stated that the nearest tower to the west is about 14 miles away and they would need to make sure that as the accuracy is there when heading out of Kingsville. He further stated that the spot that is being requested would be the best spot for the telecommunications tower.

Mayor Esquivel asked what was the reaction of the four that did not sign Mr. Baty's petition.

Mr. Baty stated that those people that did not sign were Mr. Bauman and Mr. Cano who were present at this meeting. He further stated that he was not able to make contact with Mr. Kruegel and the owner of the Country Luau.

Ms. Detloff stated of the six that were sent letters two signed the petition not in favor and two signed in favor, the other two just didn't want to sign the petition either way.

Frank Bauman stated that the welding shop is monetarily favorable to the telecommunications tower because the tower will be located in shops backyard and will receive a monthly rent for the tower being located in backyard.

Public hearing for item #1 closed at 6:17 p.m.

**2. Request to grant a Special Use Permit to place a mobile home on Farm Lot 1, Section 20, K.T.&I. Subdivision also known as CR 1030 South. (Director of Development Services).**

Public hearing item #2 began at 6:17 p.m.

Ms. Detloff stated that this request is made by Mr. & Mrs. Tiffey to place one mobile home on their property. She stated that the entire tract is 36.6 acres and the property surrounding is very lightly developed. She stated that this item has gone before the Planning and Zoning Commission a couple of times and there were never any problems with anyone involved with the surrounding area with regard to having a mobile home in this property. She stated that this property has water services but no sewer service and would require for a septic tank to be installed.

Commissioner Garcia asked if the mobile home would be used for residential or commercial use.

Ms. Detloff stated that it would be used for residential for the land owner's son.

No further comments were made and public hearing for item #2 closed at 6:20 p.m.

**3. Rezoning request to rezone a half (.5) acre tract out of Farm Lot 1, Section 20, K.T.&I. Subdivision from Class "AG", Agriculture to Class "I-1", Light Industrial in area known as CR 1030 South. (Director of Development Services).**

Public hearing item #3 began at 6:20 p.m.

Ms. Detloff stated that this item is relatively the same piece of property to Mr. & Mrs. Tiffey. She further stated that Mr. & Mrs. Tiffey had a long range plan for this area with anticipation of putting in a mobile home subdivision. She stated that the Tiffey's would purchase mobile homes and refurbish them on industrial property and then in turn sell them in a mobile home subdivision. She stated that this item has gone before the Planning and Zoning Commission with no problems.

Commissioner Garcia asked if there is a current water main and sewer that would service this location.

Ms. Detloff stated that there is a water main located at this property but no sewer, but would have to comply just like all other subdivisions.

Commissioner Garcia asked if a sewer line is developed later, what the cost will be to the city.

Ms. Detloff stated that this will be an issue that will be addressed financially estimated when the request is brought before the City Commission. She stated that these estimates have not been made at this time and due to them being light industrial they can use a septic tank.

Commissioner Garcia questioned if septic tanks are allowed in the city limits.

Ms. Detloff stated that it has been allowed and that there is no ordinance stating that it would have to be from a sewer line.

Mayor Esquivel stated that the majority of the trailer parks in town are in bad shape. He stated that a close eye needs to be kept on trailer and mobile home parks including the one that is before the Commission to make sure that they are complying with City Ordinances.

Public hearing for item #3 closed at 6:26 p.m.

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

Robert Angiano 1720 Santa Fe stated that an issue that was addressed in the last special meeting was done bilingually and stated that a freedom of expression is not needed to be done in English only.

Henry Molina 821 E. Warren stated that there is a two hour daytime curfew parking with no curfew after 5:30 p.m. He stated that the parking in the back is very limited and would like convenience for his customers and also would like a section for his employees. He stated that he would like permission from the City to park in the front and make things more convenient for his customers and employees.

Carol Ann Anderson 1204 W. Lee Executive Director of the Kingsville Convention and Visitors Bureau stated that her concern was preservation for tourism. She stated that she would like for the Commission to consider the future of downtown historic Kingsville. She further stated that people that travel into Kingsville are looking for a unique experience. She stated that the integrity of downtown Kingsville needs to be kept in tact to assure the future and ourselves that when visitors come into Kingsville they will enjoy themselves in our historic downtown. She stated that she would like for the Commission to direct the Kingsville Historical Development Board in coming up with some guide lines and bring to the City Commission for approval to keep the downtown area in tact as it is now.

Don Manhymer 1602 Lawndale stated that the 8-Liner machines were illegal within the State of Texas. He further stated that having two to three 8-liner businesses will kill the downtown area and will result in parking issues.

Glenda Webb owner of a business located at 219 & 221 E. Kleberg stated that it would be a big mistake to allow the 8-liner businesses to come into the historical downtown area. She further stated that it would cause parking problem.

Jose Blanco 623 W. Alice stated that he came across a map that shows the Southwest part of Texas particularly the Kingsville area.

He stated that he would like to give a copy of the map to any citizen that is interested.

Trey Elmore operates Roy's Hobbies located 217 E. Kleberg stated that the parking in the downtown area has become a problem and stated that this issue needs some improvements.

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

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

Mr. John Garcia stated that TML will be having its annual conference on November 19-22, 2003 and would like for staff that will be attending to contact the City Secretary so arrangements may be made. He also stated that he is working on a budget schedule and would like to schedule a special meeting on August 20 at 6:00 p.m. and would like to have the first reading on the August 25 and final reading on September 8. He also stated that a joint meeting with the County might be scheduled depending on any changes being made to the budget. He further stated that the clean up crew is currently working on zone five.

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

Mrs. Courtney Alvarez stated that due to representation of certain individuals by a family member and to avoid impropriety she will be recusing herself from agenda items #16 & 17.

Mayor Esquivel requested for Mrs. Alvarez to research whether we can charge an annual fee for towers that are in place.

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

Commissioner Wilson stated that this past weekend the District Convention was held in Kingsville and that it drew in over 100 participants. He stated that this Convention was well attended and after speaking with some of the attendants they would like to come back to our area.

Mayor Esquivel stated that Ailsie Street will be restored from 6<sup>th</sup> St. to Business 77. He further stated that he would like for the citizens of Kingsville to shop Kingsville so that sales taxes may be kept in Kingsville.

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

##### **1. Discuss and act on accepting certified total appraised, assessed, and taxable values of all property and total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Finance Director).**

Ms. De La Garza a representative of the Kleberg County Tax Office briefed the Commission on the taxable value of all property and total taxable values of new property in the City of Kingsville.

**Motion made by Commissioner Castillo seconded by Commissioner Garcia to approve the certified values for the City of Kingsville. The motion passed by a unanimous vote.**

**2. Discuss and act on a proposed tax rate; if proposed tax rate will exceed the rollback rate or 103 percent of the effective tax rate (whichever is lower), take a record vote and schedule a public meeting. (Finance Director).**

Ms. De La Garza stated that the amount of taxes, which is the effective tax rate meaning that this is the amount that can be adopted without the city raising taxes, she further stated that the effective tax rate would be .68511. She also stated that this years tax rate is .69527 it has gone down to an increase in value. She further stated that the Notice & Hearing Limit is .70566 is the highest tax rate that the Commission may adopt without notice and public hearings. She stated that if the city plans to exceed the .70566 at tonight's meeting it must take a record vote and publish in the Kingsville newspaper. She further briefed the Commission on notices that would need to be published in the Kingsville newspaper.

Mr. Garcia stated that if the Commission decides not to take action on this agenda item he would prefer not to table the item or take any action.

Ms. De La Garza stated that if the Commission decides to act on this item on Thursday, notices must be published in the newspaper and on the City of Kingsville website as well on the local television station. She stated that the tax rate is composed of two components that being maintenance and operation rate and the interest in sinking fund. She stated the interest in sinking fund will be published in the Kingsville Record on Wednesday being .25531. She stated that this debt rate after it has been published could not be changed.

Commissioner Garcia requested that Mr. Luke Womack be present at Thursdays scheduled meeting.

Mr. Garcia stated that Mr. Womack will be present at Thursdays scheduled meeting.

Mayor Esquivel stated that he would be putting everyone on notice that he will not be support going above the Notice and Hearing Limit.

Commissioner Garcia stated that he would like to hear Mr. Womack's point of view.

**No action taken on agenda item #2.**

**3. Consider awarding bid for the janitorial maintenance services contract at City Hall. (Bid No.24-02) (Purchasing Director).**

Mrs. Dora Byington Director of Purchasing stated that advertisement was done on June 8 through June 15, 2003 and received two bids. She further stated that this contract will be effective October 1, 2003 through September 30, 2006. She stated that the Kingsville Police Department had problems with Mr. Macias when he was awarded the contract for the janitorial services at the Law Enforcement Center. She stated that it is recommended that the contract be awarded to J&M Cleaning Services from Kingsville. She stated that this amount also includes carpet cleaning and tile floor refinishing twice per year and cleaning the windows three times per year.

Commissioner Wilson asked if light bulbs and other consumable products are included in this contract.

Mrs. Byington stated this contract does include light bulbs.

**Motion made by Commissioner Castillo seconded by Commissioner Pecos to award contract to J&M Cleaning Services of Kingsville. Motion passed by a unanimous vote.**

**4. Consider awarding bid for the purchase and installation of a perimeter fence at the City Landfill. (Bid No.23-43) (Purchasing Director).**

Mrs. Byington stated that this item authorizes the purchase and installation of 4,803 feet of a 7 foot galvanized fence at the landfill. She stated that the advertisement was done on June 29 and July 6, 2003 and received two bids. She further stated that the successful bidder will not draw any money nor be paid for any portion of his work until the job is completed and accepted. She stated that the installation completion of this fence will be made within 90 days after receipt of purchase order. It is recommended that the bid be awarded to the lowest bidder J.D. Company from Kingsville.

**Motion made by Commissioner Pecos and seconded by Commissioner Wilson to award bid to J.D. Company from Kingsville. Motion passed by a unanimous vote.**

**5. Consider awarding bid for an equipment shed for the Sanitation Department at the City Warehouse. (Bid No.23-39) (Purchasing Director).**

Mrs. Byington stated that this item authorizes building an equipment shed for the Sanitation Department and was advertised on June 11 and June 18, 2003. She further stated that the bid be awarded to the lowest bidder VanFleet Construction Co. Inc., from Kingsville.

Motion made by Commissioner Pecos seconded by Commissioner Garcia to award bid to VanFleet Construction Co. Inc., from Kingsville. Motion passed by a unanimous vote.

**6. Discuss location of funding for commitment to Kleberg County Extension Agent John Ford for support of Extension Youth Program. (Mayor Esquivel).**

Mr. John Garcia stated the Mr. Quesada of the Housing Authority is willing to assist the city with half of the amount.

No action taken on this item.

**7. Consider authorizing Interim City Manger to enter into a lease with the Kleberg County Heritage Foundation for the Railroad Depot and Downtown Visitor's Center. (City Attorney).**

Commissioner Wilson has recused himself from agenda items #7 & 8.

Mrs. Courtney Alvarez stated that items 7&8 deals with the consent to sublease and also a lease between the Union Pacific Railroad and the Kleberg County Heritage Foundation. This agreement is for the railroad depot located to the west of Kleberg Bank. She further stated that the Kleberg County Heritage Foundation will lease the property from Union Pacific Railroad and in turn will lease it to the City of Kingsville as a requirement under the a grant that is being used to restore the depot that the city be the one to be on the title for the ten year time frame. She further stated that agenda item #8 has attached a copy of the lease between Union Pacific and Kleberg County Heritage Foundation.

Mayor Esquivel requested with authorization from the City Commission to take agenda item #8 prior to agenda item #7.

With Commissions approval agenda item #8 was taken care of before agenda item #7.

**Motion made by Commissioner Castillo seconded by Commissioner Pecos to authorize Interim City Manager to enter into a lease with the Kleberg County Heritage Foundation for the Railroad Depot and Downtown Visitor's Center. Motion passed by a 4/0 vote with Commissioner Wilson abstaining.**

Mayor Esquivel stated that he would like to make sure that this money is budgeted due to it including some maintenance cost. He further stated that he would like some kind of financial game plan in place prior to the opening of the Depot Museum.

**8. Consider authorizing Interim City Manger to execute the Consent to Sublease with the Kleberg County Heritage Foundation and the Union Pacific Railway. (City Attorney).**



Mrs. Alvarez briefed the Commission on the lease agreement between Union Pacific Railroad and Kleberg County Heritage Foundation.

Mr. Glusing briefed the Commission on the history of the railroad depot and how this project got on its way. He further stated that the whole idea for this project was the centennial of the City of Kingsville and the railroad.

**Motion made by Commissioner Castillo seconded by Commissioner Pecos to execute the Consent to Sublease with the Kleberg County Heritage Foundation and the Union Pacific Railway. Motion passed by a 4/0 vote with Commissioner Wilson abstaining.**

**9. Consider amending Guidelines and Criteria for Stimulating Residential Development Within the City of Kingsville. (Director of Development Services).**

Ms. Jennifer Detloff stated that staff had committed an oversight in not including the irrevocable letter of credit.

**Motion made by Commissioner Garcia seconded by Commissioner Pecos to approve the amending of the Guidelines and Criteria for Stimulating Residential Development within the City of Kingsville. Motion passed by a unanimous vote.**

**10. Consider resolution supporting a Community Master Plan. (Mayor Esquivel).**

Commissioner Garcia stated that he would like to see something more specific to see if other entities agree with the time line and any changes.

Mayor Esquivel stated that a time line could be done. He further stated that the Commission has already approved for Mr. Raul Rubio to resubmit the EDA Grant.

Commissioner Wilson stated that he thought he heard the Mayor say that the EDA Grant had been applied for again.

Mayor Esquivel stated that the grant was not resubmitted in its entirety. He further stated that there is an informal and formal application. He stated that the informal application is basically a preliminary application and if the blessing comes from the EDA then the formal application will be submitted. He further stated that the letter of support was the preliminary application.

Commissioner Wilson asked who the letters of support were sent to.

Mayor Esquivel stated that they were forwarded to Arnold Mata.

Commissioner Wilson requested a copy of the preliminary application and all the letters of support.

**Motion made by Commissioner Castillo seconded by Commissioner Pecos to approve the resolution supporting a Community Master Plan. Motion passed by a unanimous vote.**

**11. Consider resolution repealing Resolution No. 99039 which provided for the duties, responsibilities, and performance evaluation of the City Attorney under the supervision of the City Manager. (Commissioner Wilson).**

Commissioner Wilson stated that who ever the City Attorney is in the future, it should be separate and alone and under the exclusive direction of the City Commission. He further stated that the resolution that is in affect was drafted for specific reasons and certain issues in place. He stated that those issues no longer apply and feels that the Commission is strong enough that they could give the guidance and direction that is needed in the City Attorney's department. He further stated that some of the obligations from that department would be released from the Interim City Manager or the future City Manager.

Mayor Esquivel stated that the reason for Resolution No. 99039 was due to some problems with the previous City Attorney.

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

**12. Consider introduction of an ordinance rezoning a half (.5) acre tract out of Farm Lot 1, Section 20, K.T.&I. Subdivision from Class "AG", Agriculture District to Class "I-1", Light Industrial District. (Director of Development Services).**

Ms. Detloff stated that this item is what was discussed in the Public Hearing section of this meeting. She stated that the Planning & Zoning Commission recommended unanimous approval. She stated that water services are available but no sewer line is located at this area.

Commissioner Castillo asked what type of plans Mr. & Mrs. Tiffey have for this property.

Ms. Detloff stated that the overall plan is to use this property to refurbish mobile homes but will not be allowed any more than the number stated in the City Ordinance.

Mayor Esquivel stated that the city needs to make sure that Mr. & Mrs. Tiffey install a septic tank. He further stated that he would like to see the plat for this property. He further stated that the city needs to make sure that a plat is in place so that in the future everyone else in the same situation as Mr. & Mrs. Tiffey will receive the same type of treatment.

Ms. Detloff stated that the information submitted is sufficient and adequate for the rezoning request.

Mr. Stanley Fees Director of Engineering briefed the Commission on a similar situation with Mr. Carrizales.

Commissioner Castillo stated that his main concern was the total amount of water that would be used for a septic tank.

Mrs. Tiffey stated that she would not anticipate using very much water other than for rinsing out paint brushes and washing hands. She further stated that it will only be to refurbish a home then move the home to another lot.

Mayor Esquivel stated that he is really disappointed with some of the trailer parks that are already in existence in the city. He further stated that all the city guidelines need to be followed.

Commissioner Garcia asked how many fire hydrants are there in that location.

Mr. Fees stated that there are not any in the immediate area but they would need to add some fire protection at the owners expense.

Commissioner Garcia asked if the acres are sold will the new owner be applying for a septic tank or will they have to connect to the main city sewer line.

Mr. Fees stated that the septic tank will already be there because the house was already there.

Commissioner Garcia that he would like to know how the situation will be handled when new buyers come in and request septic tanks.

Mr. Fees stated that situation should be taken care of by the platting requirements. He further stated each individual lot will have a mobile home on it and ready to move in when it gets sold.

Commissioner Garcia stated that his point is that there will be too many septic tanks in one location verses having sewer services.

Mr. Fees stated that the closest sewer line is located by Turcotte Mortuary.

Mayor Esquivel stated that the city will receive water and tax valorem revenue but will be losing sewer revenue if the owner decides to go with septic systems. He further stated that the cities main goal is to be able to create revenue every year.

Commissioner Garcia asked if the city will require a curb and gutter and at who's expense.

Mr. Fees stated that according to the subdivision ordinance a curb and gutter is required and paid for by the developer as well as the road.

No action taken on agenda item #12 introduction item only.

**13. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit to locate a mobile home on Farm Lot 1, Section 20, K.T.&I. Subdivision. (Director of Development Services).**

Ms. Detloff stated that this is the same property that belongs to Mr. & Mrs. Tiffey. She further stated that this permit would be for one mobile home to be allowed with a septic tank.

No further comments or questions took place.

No action taken on agenda item #13 introduction item only.

**14. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for a telecommunications tower. (Director of Development Services).**

Commissioner Garcia stated that he owns property in the vicinity where the tower will be placed and asked the City Attorney Courtney Alvarez if he would be in violation of the law if he proceeded with this particular agenda item.

Mrs. Alvarez stated that if he is within the distance requirements of what had to be notified then he would not be a necessary party of interest but if it would make him feel more comfortable for sake of propriety he could recuse himself from any discussion or action on agenda item #14 but he wouldn't be required to do so.

Commissioner Garcia stated that he is further then two hundred feet.

Mrs. Alvarez stated that if he was within the two hundred feet then by law he would have received a notice and would have to recuse himself from any discussion or action taken for this agenda item.

Commissioner Garcia stated that he did not receive any notice. He further asked if it would be okay to proceed with this item if he wishes to do so.

Mrs. Alvarez stated that under the conflicts requirements that are in place in the State Guidelines and the City Charter there is no technical conflict.

Commissioner Castillo stated that he thought it was more suited for commercial type of activity and therefore he would be opposed to the ordinance.

Mayor Esquivel stated that if the city denies the 110' monopole telecommunications tower they could put 85' towers. He further

stated that if there would be any other way to relocate the tower and compromise with everyone within the neighborhood including students of Texas A&M University or anyone else who would want services.

Mr. Baty stated that they would like to find a property that meets the network concerns and community concerns and also the cities interest.

Mayor Esquivel stated that his main goal is to come up with something that the community and T-Mobile can compromise with and make everyone happy.

Mr. Baty stated that this is a location based and the tower would need to be located west where there is already a tower located.

Commissioner Wilson stated that he would like to remind the representatives from T-Mobile that the citizens who live in this area have the right to complain and therefore he would like for them to keep that in mind before they single out anyone who may have a problem with this telecommunication tower. He further stated each citizen who lives in that area and live in this community have the right to step up to the podium here in the Commissioners Court and complain about anything they might have concerns for.

Mr. Baty stated that they have spoken to the citizen and agree with what Commissioner Wilson just stated.

Mr. Bauman stated that he is not the only one who doesn't agree with the installation of the telecommunications tower. He further stated that there are twelve other property owners that he has contacted and signed the petition saying that they don't want the tower located in their area. He further asked the Commission to keep in mind that there are a lot of tax payers and concerned citizens that are worried about this situation.

Mayor Esquivel stated that the Commission has a civic duty to listen to the concerns that the citizens of Kingsville have and at the same time try to balance out the ordinances that the Commission has to follow as well and guidelines that the City has in place. He further stated that if the Commission denies the permit, T-Mobile might still install an 85' tower. He stated that if there is any middle ground that both parties are willing to make. He further asked if both parties could possibly meet and come upon an agreement that would make both parties happy and come back to the Commission for approval.

Mr. Baty stated that he would be happy to meet with Mr. Bauman and work on a middle ground with him.

Mr. Frank Salinas stated that he is one of the twelve citizens that live in the vicinity where T-Mobile would like to install a tower. He further stated that the Planning & Zoning Commission has met on this issue and he would like for the City Commission to respect the Planning & Zoning Commission opinions.

Mr. Balde Leal stated that most of the citizens in his neighborhood are not aware of a tower possibly being installed in their neighborhood.

**No action taken on agenda item #14 introduction item only.**

**15. Consider introduction of an ordinance amending Schedule III: Truck Routes of Chapter VII, Article 5, traffic schedules, providing for an addition to the truck route schedule of Shelley Street from 900 feet north of General Cavazos Boulevard to General Cavazos Boulevard. (City Engineer).**

Mr. Stanley Fees stated that the purpose behind this ordinance amendment is to continue the agreement with Lowe's Development.

Commissioner Wilson asked what type of mechanisms does the city plan to put in place to prevent any truck traffic that does not comply with this ordinance beyond that zone to insure the neighborhood security.

Mr. Fees stated that on the north end there will be a sign that says trucks turn left and as you turn right on Shelly Street heading north there will be a no truck route sign installed.

Commissioner Wilson stated adequate policing would be needed to patrol that area for specific violations.

Mayor Esquivel stated that by installing speed bumps it might give extra security to that particular neighborhood.

Mr. Fees stated that he recently acquired the design standard for speed humps from the City of Corpus Christi and possibly installing some speed humps in the vicinity of Harvey Elementary School.

**No action taken on agenda item #15 introduction item only.**

**A five minute recess was taken by the request of Commissioner Garcia.**

**16. Consider introduction of an ordinance amending Chapter XI, Article 4, Section 11, Games and Amusement Devices, requiring a permit for establishments operating certain game and amusement devices; requiring payment of fee prior to issuance of permit; providing for miscellaneous prohibitions. (Mayor Esquivel).**

Mayor Esquivel stated that there should be an age requirement to enter the 8-liner businesses.

Commissioner Castillo stated that he could not support this ordinance due to the Texas Supreme Court declaring all 8-liner

machines illegal in the State of Texas. He further stated that he would like to see a written legal opinion stating that these game rooms are legal.

Commissioner Wilson stated that for the record he had voted not to allow these game rooms to operate in the City of Kingsville.

Commissioner Pecos stated that he echoes Commissioner Castillo's comments. He further stated that since Mrs. Alvarez has recused herself from this agenda item he recommends that the city hire outside legal counsel to assist the City in this situation.

Commissioner Garcia stated that since the beginning he opposed the issue of 8-liners in the City of Kingsville. He further stated that he hasn't changed his view on the issue of the 8-liners.

Mayor Esquivel stated that he would like to contact Michael Guerra to see if he would be available to assist the City in this issue and possibly do some research in regards to the 8-liners. He further briefed the Commission on the revenue the City has collected from these 8-liners.

**Mayor Esquivel opened the meeting back up to Public Comments.**

Mrs. Glenda Webb stated that she would like for the Commission to deny any other permits until some research is done.

Lupita Mendoza, stated that no action should be taken until those who are against the situation are further educated.

Ms. Manheimer stated that she doesn't agree with City allowing 8-liner businesses to stay in the city.

Further public comments took place on agenda item #16.

**No action taken on agenda item #16 introduction item only.**

**17. Consider resolution establishing a moratorium on the acceptance of applications for the permitting of additional amusement redemption machines. (Mayor Esquivel).**

Mayor Esquivel stated that he recommends approval of this resolution. He further stated that Mrs. Alvarez has recused herself from this item but that as City Commissioners they can take action in not accepting anymore applications for 8-liners.

Commissioner Castillo stated that if this moratorium is lifted at a later date, they would need to see the legality impact on the downtown area.

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

**18. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to evaluate the job performance of the Interim City Manager, the City Attorney, and the Municipal Court Judge. (Mayor Esquivel).**

**19. 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 City Manager. (Mayor Esquivel).**

**20. 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 Carla Lee Suson vs. Irene Ramirez, City Secretary of the City of Kingsville, et. al. No. \_\_\_\_\_, In the Court of Appeals Thirteenth Judicial District of Texas. (City Attorney).**

The City Commission convened into Executive Session at 9:35 p.m.

The City Commission reconvened into open session at 10:07 p.m.

**21. Consider hiring outside counsel for defense of Irene Ramirez, City Secretary of the City of Kingsville; Filemon Esquivel Jr., Mayor of Kingsville; Horacio Castillo, Arturo Pecos, Charles Wilson, and Alfonso Garcia, Commissioners of the City of Commission of Kingsville in matter styled Carla Lee Suson vs. Irene Ramirez, City Secretary of the City of Kingsville, et. al. No. \_\_\_\_\_, In the Court of Appeals Thirteenth Judicial District of Texas. (Interim City Manager).**

No action was taken on agenda item #21.

**22. Discuss and act on applications for the City Manager position. (Mayor Esquivel).**

Motion made by Commissioner Castillo seconded by Commissioner Pecos to approve Albert Uresti, Carlos Yerena and Gil Rodriguez as the top three applicants to be interviewed for the position as City Manager. Motion passed by a unanimous vote.



**VI. ADJOURNMENT**

Meeting adjourned.

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Filemon "Phil" Esquivel, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Irene Ramirez, City Secretary

**PRESENTED and ADOPTED by the Kingsville City Commission on this 27<sup>th</sup> day of April, 2004.**

\_\_\_\_\_  
Charles E Wilson, Presiding Officer

**ATTEST:**

  
\_\_\_\_\_  
Edna S Lopez, Interim City Secretary