

OCTOBER 21, 2003

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON TUESDAY, OCTOBER 21, 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
 Yolanda Cadena, Health Inspector
 Jason Torres, Health Inspector
 Sammy Maldonado, Utilities Superintendent
 Caron Vela, Interim Finance Director
 Vilma Castillo, Collections Manager
 Stanley Fees, City Engineer
 Chito Hinojosa, Streets Supervisor
 Tina Galvan, Field Supervisor Solid Waste Collections
 Jennifer Detloff, Director of Development Services
 Art Alvarez, Risk Manager
 Corando Garza, Assistant City Manager / Fire Chief
 R. Guajardo, KPD Officer
 Julian Cavazos, Interim Chief of Police

I. Preliminary Proceedings.

OPEN MEETING

The meeting was called to order by Mayor Esquivel at 6:35 p.m. due to a delay with Municipal Court.

INVOCATION / PLEDGE OF ALLEGIANCE - (Mayor Esquivel)

Mayor Esquivel led everyone in prayer, followed by the Pledge of Allegiance led by Ms Caron Vela, and the Texas Pledge by Commissioner Wilson.

MINUTES OF PREVIOUS MEETING(S) - Required by Law

None available.

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

1. None.

III. Public Comment on Agenda Items.3

1. Comments on all agenda and non-agenda items.

Mr. Antonio (Tony) Pena, 915 East Avenue C, told the commission he supported and recommended Rick Torres for the position of Chief of Police.

IV. Petitions, Grievances, and Presentations.2

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

Mr. John Garcia stated the Public Works department has been clearing the property behind the warehouse in preparation for the new equipment shed for sanitation equipment. Upon a question by Commission Pecos, Mr. Garcia stated he would report on the status of the trench burner at the next meeting.

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

Ms Alvarez stated the legislature passed a new law for next year regarding the election date - it will be held on the 3rd Saturday in May of 2004 and then revert to the 1st Saturday in May the following year. Ms Alvarez stated it is important for staff to forward all requests for open records to the legal department in order to meet deadlines set by the Attorney General's Office, and for staff to submit information requested by her office in a timely manner.

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

Commissioner Garcia asked how the city would handle a request for open records of prior minutes if they are not available. The City Attorney stated her office has received a request for minutes in the past that were not available, and if the information requested is not in the City's possession then we have nothing to produce.

Mayor Esquivel stated he wanted to go on record that he has had the same concern which goes back to last year, prior to the current City Secretary, and that this is a priority to him. He stated we need to get serious and free up the City Secretary 100% to get the minutes caught up or look at hiring someone to do the minutes. He directed the City Manager to look into the matter and use his discretion.

Also, he informed the public about a recent list of unclaimed property published by the State Comptroller's office which contains 142,000 names broken down by Texas cities. The Mayor stated the Lowe's appeal was reviewed and approved by a special electrical advisory committee appointed to hear the case. He asked that staff work together to present the recommendations made by the committee to the Electrical Board to incorporate some of the changes to bring Kingsville up to standard with other cities with regard to the NEC.

V. Items for consideration by Commissioners.4

1. Consider final passage of an ordinance granting a Special Use Permit to place a mobile home on a .35 acre tract out of a 1 acre tract of land on Farm Lot 1, Section 20, KT. & I. Subdivision. (Mayor Esquivel).

Ms. Detloff stated she spoke with Health Inspector Yolanda Cadena earlier today with regard to the size of the lot for a septic system installation. She stated the Planning and Zoning Commission recommended 7/1 to deny the request for a special use permit for the mobile home.

Ms Cadena stated that when she reviewed the agenda she realized there was a potential problem with the request as this area because is not served by city sewer and the size of the lot (0.35 acres) did not meet the minimum size of %

acre for a septic system as required by the state. However, after meeting with the City Secretary late this afternoon and obtaining additional information from the Appraisal District office, she does not see a problem with the mobile home being tied into an existing septic system so long as the owner can prove the mobile home is indeed on a 0.66 acre tract which abuts the 0.344 acre tract out of Farm Lot 1, Section 20, K.T. & I. (also platted as Gonzalez Subdivision).

Mayor Esquivel questioned Ms. Detloff about the application process and stated he was very disappointed with the way the case was handled. Ms. Detloff stated staff worked with the Engineering Department and the Appraisal District office and stated that is the address according to the Appraisal District office. The Mayor asked why the applicant was getting such a hard time to which she replied, "because nothing about this was done according to the procedure". She further stated one of her Inspectors checked the property and the "trailer is to the west on the westernmost side of the property, not the eastern side".

Mr. Luis Gonzalez, applicant, stated he drew a map of the entire tract for the planning administrator showing where the existing houses are located and specified to her where the trailer was placed when it was brought in. Mr. Gonzalez affirmed the mobile home is on the 0.66 acre tract of land addressed as 303 West General Cavazos, which is to the west side of the property.

After a lengthy discussion between Ms. Detloff, Ms Cadena, and the applicant, and after a recess called by the Mayor, a copy of the public notice printed in the September 24, 2003 edition of the Kingsville Record was provided to the commission. Mayor Esquivel asked the City Attorney to apprise the Commission on the legality of the public notice. Ms Alvarez stated as long as the public hearing that was posted and held by the Planning and Zoning Commission and the City Commission at our last regular scheduled meeting had either the correct acreage or the correct address of 303, and then the public received sufficient notice.

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to approve a special use permit for a mobile home to be placed on a 0.66 acre tract of land on 303 West General Cavazos Boulevard. Motion passed with a vote of 5/0.

Commissioner asked if the applicant realizes what a special use permit is and Commissioner Wilson asked if it is the intention of the applicant that he will work with the interim city manager and pay the permit fee to which Mr. Gonzalez responded "yes" to both questions. Mayor Esquivel asked the city attorney to write up a memo on this item and have it available in case an open records request is made to show that the decision made was done in a justified manner. Ms Alvarez made a comment to Mr. Gonzalez about obtaining a demolition permit prior to demolishing the house (he mentioned earlier).

2. Consider authorizing purchase of tractor mower for the Street Department utilizing Capital Projects Funds. (Interim City Manager.)

After a brief discussion, a motion was made by Commissioner Garcia and seconded by Commissioner Pecos to authorize the purchase of a tractor mower for the street department so long as the price is under \$25,000. Motion carried, 5/0.

3. Executive Session: Under Section 551.074, Texas Government Code, Personnel Matters. The City Commission shall convene in executive session to interview City Manager applicants, Gilbert Rodriguez, Carlos Verena, and Albert Uresti, and to deliberate the appointment and employment of said individuals for the position of City Manager and may include from time to time recesses as needed. (Mayor Esquivel).

Pursuant to Section 551.074 of the Texas Government code, Personnel Matters, the City Commission convened into executive session at 7:26 p.m. to interview city manager applicants Gilbert (Gil) Rodriguez and Carlos Yerena. (Mr. Albert Uresti notified the city he would not be able make the interview today, but still wanted to be considered for the position)

The commission reconvened into open session at approximately 10:05 p. m.

VI. Adjournment.

A motion was made by Commissioner Wilson and seconded by Commissioner Castillo to adjourn the meeting at 10:06 p.m.

Filemon "Phil" Esquivel, Jr. Mayor

ATTEST:

Irene Ramirez, City Secretary