

OCTOBER 30, 2003

A SPECIAL EMERGENCY MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON THURSDAY, OCTOBER 30, 2003 AT 2:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE TO COMPLY WITH AN OPINION OF THE COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS ISSUED 10/28/03 AND RECEIVED 10/29/03.

**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  
 Augustin Rivera, Jr., Contract Attorney  
 Stanley Fees, City Engineer  
 Caron Vela, Interim Finance Director  
 Tina Galvan, Solid Waste Field Supervisor  
 Joe Casillas, Field Water Supervisor  
 Y I Hinojosa, Streets Supervisor  
 Dora Byington, Purchasing Director  
 Yolanda Vasquez, Municipal Court Supervisor  
 Art Alvarez, Risk Manager  
 Jennifer Detloff, Dir. Of Development Services  
 Dianne Leubert, Solid Waste Superintendent  
 Julian Cavazos, Interim Chief of Police  
 Sean Mitchell, KFD  
 Cindy Garza, KPD Officer  
 Rick Salinas, KPD Officer

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING**

The meeting was opened by Mayor Phil Esquivel at 2:02 p.m.

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

Ms Dora Byington to lead everyone in prayer, followed by the Pledge of Allegiance led by Ms. Yolanda Vasquez and the Pledge to the Texas flag led by Commissioner Castillo.

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

None available.

**II. Public Hearing - (Required by Law).<sup>1</sup>**

None.

**III. Public Comment on Agenda Items.<sup>3</sup>**

None.

#### IV. Petitions, Grievances, and Presentations.<sup>2</sup>

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

None.

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

None.

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

None.

#### V. Items for consideration by Commissioners.<sup>4</sup>

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 Carla Lee Suson vs. Irene Ramirez, City Secretary of the City of Kingsville, et. al. No. 13-03-00470-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 2:08 p.m. in the Mayor's office to seek legal advice from Mr. Augustin Rivera regarding pending litigation of Case No. 13-03-00470-CV, Suson vs. Ramirez.

The City Commission reconvened into open session at 3:58 p.m. in the commission chambers.

2. **Submit to the City Commission the petitions received July 17, 2003 requesting that the question of removing Mayor Filemon "Phil" Esquivel, Commissioner Horacio "Hoss" Castillo and Commissioner Arturo Pecos be submitted to the electors pursuant to Article II, Section 24 of the Charter of the City of Kingsville. (City Secretary).**

In accordance with an opinion issued by the Court of Appeals Thirteen District of Texas which was issued on 10/28/03 and received on October 29, 2003, City Secretary Irene Ramirez submitted the recall petitions that were received on July 17, 2003 to comply with the order.

The Mayor and Commissioners immediately returned the petitions to Ms. Ramirez for safe-keeping. Due to pending litigation, Mayor Esquivel stated the Commission is reserving all its options, and referred all questions to attorney Augustin Rivera.

**VI. Adjournment.**

**A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to adjourn at 4:00 p.m.**

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Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

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Irene Ramirez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 12<sup>th</sup> day of April, 2004.

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Charles E Wilson, Presiding Officer

ATTEST:

  
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Edna S Lopez, Interim City Secretary