

NOVEMBER 17, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, NOVEMBER 17, 2003 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG.

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:

Carlos R. Yerena, City Manager
 John A. Garcia, Garage Superintendent
 Courtney Alvarez, City Attorney
 Irene Ramirez, City Secretary
 Augustin Rivera, Jr., Contract Attorney
 Stanley Fees, City Engineer
 Caron Vela, Interim Finance Director
 Vilma Castillo, Utility Billing Supervisor
 Tina Galvan, Solid Waste Field Supervisor
 Chito Hinojosa, Streets Supervisor
 Dora Byington, Purchasing Director
 Yolanda Vasquez, Municipal Court Supervisor
 Dianne Leubert, Solid Waste Management Superintendent
 Rick Torres, Chief of Police
 A. L. Noyola, Director of Health
 Samuel Maldonado, Director of Public Utilities

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING

The meeting was opened by Mayor Phil Esquivel at 6:00 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE - (Mayor Esquivel)

Ms Dora Byington to lead everyone in prayer, followed by the Pledge of Allegiance led by Mr. Robert Lawson and the Pledge to the Texas flag led by Commissioner Pecos.

Mayor Esquivel introduced and welcomed Mr. Carlos Yerena as the new city Manager. He thanked Mr. John Garcia for a great job as Interim City Manager during the past seven months.

MINUTES OF PREVIOUS MEETING(S) - Required by Law

A motion was made by Commissioner Pecos and seconded by Commissioner Castillo to accept the minutes of November 10 and November 12, 2003 as printed. Motion carried, 5/0.

II. PUBLIC HEARING - (REQUIRED BY LAW)

1. Public hearing regarding the proposed uses of the FY 2003 Local Law Enforcement Block Grant in the amount of \$10,281.00 from the Bureau of Justice Assistance. (Chief of Police).

Police Chief Rick Torres addressed the Commission. He stated a public hearing is required prior to drawing the remaining monies in the FY 2003 Local Law Enforcement Block Grant.

III. PUBLIC COMMENTS ON AGENDA ITEMS.

Mr. Raul Garza, Jr., 325 East Lott, stated he is concerned with the current recall issue and the negative impact and wasting of taxpayers dollars. He asked that everyone work together for the betterment of the community.

Mr. Luke Burns, 130 West Corral, voiced his concerns about the media item to be discussed, stating the city should continue to support TAMUK.

Professor Carl Saltarelli, 730 Santa Elena, Director of radio and television at TAMUK, stated the university has broadcast the regular city commission meetings live for the past two years at no cost to the city, which gives students an opportunity to develop their talents and receive compensation for their services.

IV. PETITIONS. GRIEVANCES. AND PRESENTATIONS.

1. Discussion with the Citizens for the Betterment of Kingsville regarding concerns about the City. (Mayor Esquivel).

Mayor Esquivel stated he requested this item be placed on the agenda to have an open forum with the citizens group, however, on Friday, November 14, 2003, they issued a press release that there is nothing further to discuss, therefore they would not join in any discussion.

He stated to date staff has received more than 32 open record requests, the majority from members of the citizens group, naming some of the subjects of the requests. He showed the audience the amount of paperwork produced by staff, stating although it is anyone's right to make open record request staff has spent countless man-hours in salaries complying with the requests. He stated regardless of the present situation, the City will continue to move forward, noting the cost for the 2002 city general election was approximately \$7,000 compared to the \$50K spent on all recall related issues so far this year.

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

Mr. Carlos Yerena stated he is looking forward to working with the mayor, the commission and city staff to create a team environment.

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

Ms Courtney Alvarez stated she will be attending the City Attorney's conference at TML later in the week. A public hearing and action item for an alcohol variance will be presented on the December 08, 2003 meeting, with an estimated 500-plus letters mailed out.

4. Mayor and City Commissioner's Report. (City Commission).

Commissioner Wilson praised the Javelinas on their winning football team and asked everyone to support them at Saturday afternoon against Tarlton State; he announced La Posada will kick-off on Saturday with the Ranch Hand breakfast, and spoke about the birding festival that will also take place this weekend.

Mayor Esquivel stated he had the honor of attending the Boy's and Girls Club's 40th anniversary celebration over the past weekend.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. Authorize a Special City Election to submit the question of recalling

Mayor Filemon "Phil" Esquivel, Jr., Commissioner Horacio "Hoss" Castillo and Commissioner Arturo Pecos to the electors pursuant to Article II, Section 24 of the Charter of the City of Kingsville, subject to a determination regarding the sufficiency of the signatures on the recall petitions as determined by the State District Court. (Commissioner Castillo).

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos to submit the question of recalling Mayor Filemon "Phil" Esquivel, Jr., Commissioner Horacio "Hoss" Castillo and Commissioner Arturo Pecos to the electors pursuant to Article II, Section 24 of the City Charter subject to a determination regarding the sufficiency of the signatures on the recall petitions as determined by the State District Court. Motion carried, 3/2, with Commissioner Wilson and Commissioner Garcia voting against the motion.

2. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter X, Article 3, Traffic Control Devices, providing for the installation of a stop sign on Shelly Drive at General Cavazos Boulevard (FM1356) for South bound traffic. (City Engineer).

Mr. Stanley Fees, City Engineer, stated there is a temporary stop sign in place at this new street intersection. Once road construction is complete on General Cavazos a permanent stop sign will be installed by TXDOT.

A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to approve the location of a stop sign for Shelly Drive at General Cavazos Boulevard for southbound traffic. Motion carried, 5/0.

3. Consider final passage of an ordinance amending the fiscal year 20032004 budget of the City of Kingsville for the Storm Water Fund. (Interim Finance Director).

Caron Vela, Interim Finance Director, stated this ordinance will amend the new storm water fund from \$20K to \$28K.

A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to approve the ordinance as presented. Motion carried, 5/0.

4. Consider final passage of an ordinance amending the fiscal year 20032004 budget for the City of Kingsville for the City Manager Department. (Interim Finance Director).

Caron Vela, Interim Finance director, stated this ordinance will amend the 2003-2004 budget for the city manager's department and allow for the transfer of monies from printing and publishing to training and travel.

A motion was made by Commissioner Pecos and seconded by Commissioner Wilson to approve the ordinance as presented. Motion carried, 5/0.

5. Consider removing from the table consider appointments to the City/County Health Board. (Health Director).

A motion was made by Commissioner Wilson and seconded by Commissioner Pecos to remove this item from table. Motion carried, 5/0.

6. Consider appointments to the City/County Health Board. (Health Director).

A motion was made by Commissioner Wilson and seconded by

Commissioner Garcia to appoint Ms. Lou Wilson, Dr. Jimmy Suarez, and Ms. Teresa Mayorga to fill the three vacancies that currently exist on the City/County Health Board. Motion failed 2/3, with Commissioners Wilson and Garcia voting for the motion and Mayor Esquivel and Commissioners Castillo and Pecos voting against the motion.

A motion was then made by Commissioner Pecos and seconded by Commissioner Castillo to appoint Mr. Leo Ramos, Mr. Caesar Garcia and Dr. Jimmy Suarez to fill the three vacancies that currently exist on the City/County Health Board. Motion passed, 3/2, with Commissioner Wilson and Commissioner Garcia voting against the motion.

7. Discuss video proposal submitted by Media Services & Entertainment Group for videotaping and broadcasting all city commission meetings and other events. (Mayor Esquivel).

Mayor Esquivel stated he asked the Interim City Manager to look into videotaping and broadcasting all city commission meetings a few times a week in order to better inform the general public of what is actually taking place in city government. Currently, only regular meetings are videotape recorded and aired live by TAMUK students on cable Channel 2. Mayor Esquivel stated his main concern is that special meetings and emergency meetings are not recorded or aired; therefore the public is not truly informed on the many important issues considered by the commission.

Commissioner Wilson stated the City "has bent over backwards" to work with the university to form partnerships and at the present time is not paying for the services to record and air the regular meetings. He stated perhaps the city can help fund a portion of the university's budget in order to videotape all meetings. Commissioners Pecos and Garcia stated they too felt it was important to continue supporting the university.

Michael Chartier, P. O. Box 5047, Kingsville, (Media Services & Entertainment Group - (MSE Group) spoke briefly about the proposal he prepared for the city.

Mayor Esquivel thanked everyone for their input and stated it was a good discussion. He asked the city attorney to place an item on the next agenda to require both audio and visual tape recording of all city commission meetings to improve record keeping and to provide more citizen involvement.

No action was taken.

VI. ADJOURNMENT.

A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to adjourn the meeting at 6:53 p.m.

Filemon "Phil" Esquivel, Jr., Mayor

ATTEST:

Irene Ramirez, City Secretary