

JANUARY 13, 2003

A SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JANUARY 13, 2003 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Hector Hinojosa, City Manager
 Diana Valadez, City Secretary
 Courtney Alvarez, City Attorney
 Jaime Garza, Task Force Commander
 Stanley Fees, Director of Engineering

I. PRELIMINARY PROCEEDINGS.

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, Mayor Esquivel led the Pledge of Allegiance.

II. PUBLIC HEARING (REQUIRED BY LAW).

None

III. PUBLIC COMMENTS ON AGENDA ITEMS.

Carolyn Fees, 1506 Santa Cecilia, stated that she is the treasurer for the Kingsville Citizens Police Academy Alumni Association and she will be speaking in reference to agenda item #5. The Kingsville Alumni Association would encourage the City Commission to support their effort in keeping the South Texas Specialized Crimes & Narcotics Task Force. She further stated that the TASK Force was doing a great job in taking drugs off the streets and out of the community. She also stated that she would like for the City Commission to support the Task Force and help keep our community clean of drugs. The voters put the future of our community children's in your hands, so therefore vote yes for agenda item #5.

Mayor Esquivel and Mr. Hector Hinojosa, City Manager, presented a plaque to Mr. Juan Garza for thirty years of service to the City of Kingsville.

Virginia Frenzel, 1229 W. Henrietta, stated that she would like to speak on behalf of the City Manager, Mr. Hector Hinojosa, and would like to remind the City Commission of all the good things Mr. Hinojosa brought to the city. The bond ratings are an example of the good work he has done for us. She further stated that Chief Sam Granato has carried himself in a professional way and has a lot of support from those who work with him.

Andrea Munoz Miller, 1309 Brenda, stated that she would like to read a letter on behalf of her father Adan Munoz, Jr. in regards to Mr. Hinojosa's job performance and the good he did for our community.

Norma Nelda Alvarez, 725 W. Henrietta, addressed the Commission in regards to the possible removal of City Manager, Hector Hinojosa. She stated that the reasons for his dismissal were bothersome, especially item #7, failure to treat city employees with proper respect. During her time as City Commissioner she had the privilege of working with Mr. Hinojosa and felt he did a great job.

Rudy Galvan, 1908 Kelly, stated that Mr. Hinojosa has done a great job for the City of Kingsville.

Dianne Leubert, 715 W. Nettie, stated that she has had some difference with Mr. Hinojosa but they always seemed to work things out amongst themselves.

Cotton Markham commended Commissioners Garcia and Wilson for a job well done. She further stated that if the Commission decided to remove Mr. Hinojosa or Sam Granato, Chief of Police, she would personally start a recall.

Samuel Diaz, 224 W. Ave. B, stated that the City needs to work together and start addressing the important issue to improve our city.

Tomas Sanchez, 2009 Rettye, as the Emergency Coordinator he feels that the Chief of Police has done a great job for the Kingsville Police Department. He further stated that he has had some difference with Mr. Hinojosa, but they have always been able to iron out their differences.

IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. CITY MANAGER'S REPORT. (CITY MANAGER).

No report was made at this time.

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

Mrs. Courtney Alvarez, City Attorney, stated that she has received a fax at around 5:30 p.m today regarding a matter that might necessitate a special meeting on Friday assuming it doesn't meet the emergency exception to the 72-hour notice requirements for the open meetings act. She also stated that in regards to the Task Force, she has contacted the Criminal Justice Division with regards with the inquiry that one of the Commissioners has made about city officials being qualified or defined as an employee with regards to being a Projects Director. The Criminal Justice Division's response was that they haven't seen any city officials in that position since the change in the Texas Administrative Code and they would be not inclined to see elected officials hold that position. She further stated that she has been asked by the City Manager to step in as the Interim Project Director until someone else could be appointed or until the state sends notice that we are not able to assume that position.

3. MAYOR AND COMMISSIONERS REPORT. (CITY COMMISSIONERS).

Mayor Esquivel stated that he has come in contact with the Governor's office in regards to the signatures needed to keep the Task Force. He also stated that he feels comfortable with Ms. Alvarez being the Interim Projects Director.

Mr. Hector Hinojosa, City Manager stated that if the City of Kingsville were awarded the grant, the City would be able to fund the position of Projects Director.

Mr. Jaime Garza of Task Force addressed the City Commission of those individuals who still needed to sign for the grant award on behalf of the Task Force.

Mayor Esquivel stated that due to bad publicity, he has written a letter to the editor to voice his opinion to the citizens of Kingsville. He further briefed members of the audience reason for the removal of Mr. Hinojosa as City Manager.

Mr. Hinojosa stated that he depends on staff to do the work with the Assistant City Manager overseeing that department. He further stated that he is unable to correct the issues if he is not made aware of the problems in the city.

Mayor Esquivel stated that this decision is not politically motivated. He apologized to the citizens of Kingsville for the bad reputation this city is receiving.

Commissioner Garcia stated that issues come and go and the Commission needs to move forward. He also stated that the Commission has different views but must learn to work together to better the city.

Commissioner Wilson stated that the only way to effect change in politicians is at the ballot box, that's where the citizens have the power and should exert their influence and not by any other means. He further stated that he would like to applaud the community for making the Cactus Bowl a very successful event. He further stated that the Cactus Bowl was broadcasted through out the United States.

Commissioner Castillo stated that three of the Commissioners had received a death threat due to the intent to remove Mr. Hinojosa. He stated that he was elected as Commissioner by the citizens to do what is best for the community. He further stated that there needs to be a change in the City Managers position due to a poor job performance by Mr. Hinojosa.

Commissioner Pecos stated the reasons he decided to pursue the City Commissioners position from the beginning. He further stated that he only wants to do what's right for the City of Kingsville.

At Mayor's request, a five minute break was taken.

1.1 PROPOSED LIGHTING AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE TEXAS DEPARTMENT OF TRANSPORTATION. (MAYOR ESQUIVEL).

No discussion was done on this item.

V. ITEMS FOR CONSIDERATION BY COMMISSIONER'S.

1. CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SMITH, RUSSO & MERCER ENGINEERING FOR THE INSPECTION AND REHABILITATION OF WATER TOWERS AND GROUND STORAGE TANK. (CITY ENGINEER).

Mr. Stanley Fees, Director of Engineering, gave a brief explanation to the City Commission about the elevated water tower engineering contract.

No discussion took place.

Motion made by Commissioner Pecos seconded by Commissioner Garcia to approve the engineering contract. The motion passed by a unanimous vote.

2. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES, PROVIDING FOR AMENDMENTS TO THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN, TABLE "A-2" MANAGEMENT LEVEL FOR THE POSITIONS OF CITY MANAGER, ASSISTANT CITY MANAGER AND DIRECTOR OF FINANCE. (MAYOR ESQUIVEL).

Motion made by Commissioner Castillo to table item #2 seconded by Commissioner Pecos. The motion passed by a unanimous vote.

3. CONSIDER AUTHORIZING THE EXPENDITURE OF \$24,800 FOR PHASE 1 OF THE CITY OF KINGSVILLE WIDE AREA NETWORK DESIGN. (MAYOR ESQUIVEL).

Mayor Esquivel stated that this is a networking system that would improve the communications system for all city employees.

Ken Hughes a representative from Hughes Data System briefed the Commission and members of the audience the importance of this computer system.

Motion made by Commissioner Castillo seconded by Commissioner Garcia to approve items #3 and item #3.1. Motion for item #3 passed by a unanimous vote.

3.1 CONSIDER AUTHORIZATION TO SEEK REQUEST FOR PROPOSALS FOR THE DESIGN OF COMPUTER NETWORKING FOR THE CITY OF KINGSVILLE. (MAYOR ESQUIVEL).

Motion for item # 3.1 passed by a unanimous vote.

4. CONSIDER RESOLUTION OF THE CITY OF KINGSVILLE SUPPORTING THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE. (MAYOR ESQUIVEL).

5. CONSIDER RESOLUTION SUPPORTING THE KINGSVILLE CITIZEN'S POLICE ACADEMY ALUMNI ASSOCIATION'S PETITION IN SUPPORT OF THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE. (COMMISSIONER GARCIA).

At Mayor's request items #4 & 5 were to be considered together.

Mayor Esquivel briefed to the Commission and members of the audience the importance of the Texas Specialized Crimes and Narcotics Task Force to the City of Kingsville.

Motion was made by Commissioner Garcia seconded by Commissioner Pecos. No discussion took place. Motion passed by unanimous vote.

6. CONSIDER INCLUDING ELECTED CITY OFFICIALS IN CITY'S RANDOM DRUG TESTING PROGRAM. (COMMISSIONER GARCIA).

Commissioner Pecos stated that he is presently in the random drug testing program with his current employer and has no problem with this item, but would like to see the policy before considering adopting.

Mrs. Alvarez stated that she needs some direction from the City Commission as to what they would like to see in the policy.

Commissioner Garcia stated that he would like to see a policy similar to the one in place for all city employees. He further stated that the City Commissioners are also city employees and should be checked randomly.

Mayor Esquivel stated that he would like to include in the policy that prior to taking office as Mayor or City Commissioner they should be tested.

Motion made by Commissioner Wilson seconded by Commissioner Pecos to table item #6 to allow for staff to develop a policy. Motion passed by a unanimous vote.

7. DISCUSS AND ACT ON POLICY FOR REIMBURSEMENT OF PERSONAL CELLULAR PHONE BILLS FOR CITY-RELATED BUSINESS. (COMMISSIONER GARCIA).

Commissioner Garcia addressed the Mayor in regards to his reimbursement of cell phone bills from the City. He further stated that the Mayor Esquivel was profiting from public money.

Mayor Esquivel stated that he receives plenty of incoming calls and doesn't ask the city for reimbursement.

Motion made by Commissioner Garcia seconded by Commissioner Pecos to table item #7 to understand the policy to be developed including incoming and outgoing phone calls. Motion passed by a unanimous vote.

8. DISCUSS AND ACT ON INVESTIGATION BY CITY COMMISSION PURSUANT TO SECTION 19 OF ARTICLE V OF THE CITY CHARTER OF THE CITY OF KINGSVILLE OF ALLEGATION OF CONSPIRACY TO VIOLATE OPEN MEETINGS ACT AN ALLEGATION OF VIOLATION OF THE OPEN MEETINGS ACT BY CITY OFFICIALS IN FT. WORTH, TEXAS IN OCTOBER OF 2002.(COMMISSIONER GARCIA).

Mayor Esquivel recommended calling the Texas Rangers to do an investigation on the allegations to see if there are any violations.

Commissioner Garcia stated that the City Charter does allow investigations by Commission.

Motion made by Mayor Esquivel seconded by Commissioner Garcia to table item #8. Motion passed by a unanimous vote.

9. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DELIBERATE AND EVALUATE THE EMPLOYMENT OF CITY MANAGER HECTOR HINOJOSA. (MAYOR ESQUIVEL).

10. CONSIDER RESOLUTION FOR THE SUSPENSION AND REMOVAL OF HECTOR HINOJOSA AS CITY MANAGER AND STATING REASONS FOR HIS REMOVAL. (COMMISSIONER PECOS).

11. CONSIDER APPOINTMENT OF AN INTERIM CITY MANAGER. (COMMISSIONER PECOS).

Motion made by Commissioner Wilson seconded by Commissioner Garcia to table items #9, 10, 11 as a result to a fax that was received this afternoon at 5:30 p.m. from a Federal Judge ordering a restraining order on the suspension and removal of Hector Hinojosa, City Manager. Motion passed by a unanimous vote.

Mayor Esquivel stated that the City had a received a temporary restraining order from the Federal Judge.

VI. ADJOURNMENT

Filemon "Phil" Esquivel, Jr., Mayor

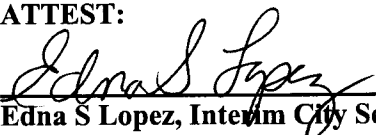
ATTEST:

Diana Valadez, City Secretary

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

Charles E Wilson, Presiding Officer

ATTEST:



Edna S Lopez, Interim City Secretary