

**JULY 28, 2003**

**A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, JULY 28, 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  
 Corando Garza, Fire Chief / Assistant City Manager  
 Stanley Fees, City Engineer  
 Jennifer Detloff, Director of Development Services  
 Caron Vela, Accountant  
 Vilma Castillo, Utility Billing Supervisor  
 Diana Gonzales, Human Resource Director  
 Julian Cavazos, Interim Chief of Police  
 Tina Galvan, Solid Waste Field Supervisor  
 Joel Saenz, Code Enforcement Officer

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING**

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

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

Mayor Esquivel asked Mr. Homer Castillo to lead everyone in prayer, followed by the pledge of allegiance led by David Casteel and the pledge to the Texas flag was led by Commissioner Pecos.

**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>**

Mr. Jose Antonio Lomas, Jr., address unknown, addressed the commission requesting restroom facilities be installed at Flores Park and Thompson Park.

Mr. David Standish of the Kingsville Noon Lions Club stated he was very pleased with TXDOT for the community pride signs which will be installed on Bypass 77.

#### **IV. PETITIONS, GRIEVANCES, AND PRESENTATIONS.<sup>2</sup>**

##### **1. Presentation by Texas Department of Transportation on U.S. 77 Bypass Landscaping. (Interim City Manager).**

Mr. David Casteel, District Engineer for TXDOT, Mr. Chris Caron, Area Engineer, and Mr. Mike Flores, Maintenance Supervisor made a brief presentation on TXDOT's plan for landscaping for U.S. 77 Bypass. Mr. Casteel stated they plan to spend \$180K this fall for aesthetics to 4 entrances: Bypass 77 & S.H. 141, Business 77 and Sixth Street, S.H. 141 at Santa Gertrudis, and Bypass 77 at Corral.

Mr. Casteel stated in the last year TXDOT has allocated a total of \$24M for 4 projects in Kingsville. Future improvements to upgrade FM 1356 and FM 1717 from a 2-lane roadway to a 3-lane road with a turn lane is scheduled to be let in February 2005 for a total cost of \$785K.

Mayor Esquivel thanked TXDOT for their support in helping to beautify and improve our community.

##### **2. Interim City Manager's Report. (Interim City Manager).**

Mr. Garcia stated Exxon Mobile completed their seismic testing project in the city without incurring any problems. Mr. Garcia reminded the commission about "Kingsville Night" at Aviator Stadium in Robstown on Wednesday, July 30, 2003.

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

Mrs. Alvarez stated budget workshops resume next week. The South Texas Water Authority will have a negotiating meeting tomorrow at 5:30 p.m.; city staff met with the firefighter's collective bargaining negotiation team last week for preliminary ground work and will schedule another meeting within the next couple of weeks; and she commended Mr. Ben Glusing for all his work on the depot project.

##### **4. Mayor and City Commissioner's Reports. (City Commission).**

Mayor Esquivel extended condolences to the family of Martin Hinojosa who passed away yesterday. He stated the community master planning group meeting was well represented by each entity in the community.

#### **V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.<sup>4</sup>**

##### **1. Discuss Kash Marrow's application for Residential Development Agreement for the Las Palmas Del Rey Subdivision. (Director of Development Services).**

Ms. Detloff addressed the commission on Mr. Morrow's RDA application, stating he is requesting the city install the water lines in

his 24-unit subdivision, Las Palmas Del Rey on Loop 428. The minimum square foot will be 1400 s.f. of living space. The city's estimated cost for labor and equipment totals \$5,552. Staff recommended approval.

**No action was taken – discussion only item.**

**2. Consider authorizing Interim City Manager to enter into a Residential Development Agreement with Kash Morrow for the Las Palmas del Rey Subdivision. (Director of Development Services).**

**A motion was made by Commissioner Pecos and seconded by Mayor Esquivel to authorize the Interim City Manager to enter into a residential development agreement with Mr. Kash Morrow for Las Palmas del Rey Subdivision's water line installation.**

Commissioner Wilson raised a question on whether a cash bond or performance bond was being provided by the developer. Ms. Detloff stated Mr. Morrow has requested to provide an irrevocable letter of credit in place of a bond, stating she discussed this with the city attorney, but has not yet drafted one. Commissioner Wilson stated he is concerned with this option as it is not included in the guidelines, and perhaps the guidelines should be corrected to reflect this option.

**Mayor Esquivel made a motion to amend the first motion to include approval with the condition a statement that an irrevocable letter of credit be accepted in lieu of a cash performance bond. Commissioner Garcia seconded the motion. Motion carried, 4/0/1, with Commissioner Castillo abstaining.**

**A roll call vote on the original motion passed with a 4/0/1 vote, with Commissioner Castillo abstaining.**

**3. Discuss and act on request by Kleberg County Agent John Ford for support of Extension Youth Program. (Mayor Esquivel).**

Mr. John Ford, Kleberg County Extension Agent, stating he is requesting funding in the amount of \$8,780.42 (1/3 of actual salary) to maintain Mr. Frank Escamilla's position, the Kleberg and Kenedy County commissioner's courts are each supporting the position and contributing according to their fiscal or annual calendar. Mr. Ford stated he needs a commitment prior to August 31<sup>st</sup>, and in the amount of \$675 for the month of September which is included in the total, along with a letter of support to pay the remaining balance of \$8,105 at the beginning of the new budget year. Commissioner Wilson expressed concern with locating the additional \$8,105 for the upcoming budget as it is a very lean budget.

After a lengthy discussion, a motion was made by Commissioner Castillo and seconded by Commissioner Pecos to approve Kleberg County Extension Agent John Ford's request to participate in the Extension Youth Program with a 1/3 match (total of \$8,780.42) by

authorizing the expenditure of \$675.42 from the current budget and the remainder through the upcoming FY 2003-2004 budget.

**Motion passed 4/1, with Commissioner Wilson voting against the motion.**

**4. Consider approval of final plat for Neessen Chevrolet. (Director of Development Services).**

Ms. Detloff stated Neessen Chevrolet dealership recently rezoned an 8+ acre tract of land for the purpose of relocating their business from downtown to Ailsie and Bypass 77. They applied for and were approved for a Texas Capital Fund Grant to extend water and sewer service to this property. Ms. Detloff stated drainage has been a serious concern to residents of this area, although historically there is no data of any existing flooding problems due to lack of development. She stated the engineering department is currently working on drainage plans to improve the undersized drainage system with certificate of obligation funds, and staff does not feel development at this time will make any negative impact on this area.

Commissioner Wilson raised a couple of questions on the present drainage problem at Truan Boulevard and Mr. Fees responded that TXDOT will be putting in a secondary relief structure to address some of the drainage problem, although they have not specified a time frame.

**After a lengthy discussion, a motion was made by Commissioner Wilson and seconded by Commissioner Castillo to approve the final plat of Neessen Chevrolet as presented. Motion carried, 5/0.**

**5. Consider approval of final plat for Walgreen's. (Director of Development Services).**

Mr. Homer Castillo, engineer of record for Walgreen's, addressed the commission requesting approval of the final plat for Walgreen's as it will be a significant improvement to this busy area and great for economic development in our community.

**A motion was made by Commissioner Pecos, and seconded by Commissioner Garcia to approve the final plat of Walgreen's. Motion carried, 5/0.**

**6. Consider acceptance of the 2002 excess debt collections and the certification of the 2003 anticipated collection rate pursuant to Section 26.04(b) of the Texas Property Tax Code. (Interim City Manager).**

Mr. Garcia stated approval of this is necessary for the tax assessor collector to continue to do tax collection for the City of Kingsville. The cost for this service remains the same as last year.

**A motion was made by Commissioner Garcia and seconded by Commissioner Pecos to accept the 2002 excess debt collections and the certification of the 2003 anticipated collection rate prepared by the tax assessor collector's office.**

**7. Consider final passage of an ordinance abandoning an alley and retaining an easement for utility purposes in Block 5 of the Clyde Addition. (City Engineer).**

Mr. Fees stated this ordinance will abandon an alley and the city will retain an easement for utility purposes in the 500 block of South 14<sup>th</sup> Street between Huisache and Fordyce Streets, with the exception of the corner property located on 15<sup>th</sup> & Huisache. Whataburger Corporation purchased the property and will fence off the alley to that point.

Mrs. Carmen Rodriguez, property owner, stated she has incurred plumbing repair costs twice when her gas meter was run over since a portion of the alley was closed a couple of years ago. She stated she would be willing to maintain the easement if the property is deeded over to her so she can fence in the small section that is left.

Mayor Esquivel directed the city engineer to contact Whataburger about abandoning the entire alley. A motion was made by Commissioner Castillo and seconded by Commissioner Wilson to table this item. Motion carried, 5/0.

**8. Consider resolution authorizing submission of an application to the Texas Department of Public Safety for participation in the City Pride Sign Program. (Commissioner Garcia).**

Mr. David Standish of the Lions Club asked for the city's support in submitting an application to the Texas Department of Public Safety for participation in the City Pride Sign Program to install new signs along the entrances of the city.

**A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to approve the resolution for participation in the TXDOT City Pride Sign Program. Motion carried, 3/0/2, with Commissioner Wilson and Mayor Esquivel abstaining.**

**9. Discuss and consider appointing one member and one alternate member to represent the City of Kingsville on the Master Plan Group. (Mayor Esquivel).**

Mayor Esquivel stated the City has initiated a master plan committee which includes the City, the County, KISD, NAS Kingsville, and STWA in an effort to create a multi-jurisdictional community-wide master plan. He stated the first meeting was successful and they plan to meet quarterly. He and Commissioner Castillo recently met with Mr. Pedro Garza of the EDA and who appointed a staff member to help us through the application process. The City of Kingsville will be submitting an application for approximately \$450K to set up the master plan between all entities.

**A motion was made by Commissioner Castillo and second by Commissioner Garcia to appoint Mayor Esquivel as a voting member and Commissioner Pecos as an alternate member to represent the City. Motion carried, 5/0.**

**10. Report and consideration on the validation of signatures on the petitions received July 17, 2003 requesting that the question of removing Mayor Filemon "Phil" Esquivel, Jr.; 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).**

Ms. Ramirez presented the commission with the following results of the review of the recall petitions submitted to her on July 17, 2003:

Candidate	Qualified	Disqualified
Total		
Filemon "Phil" Esquivel, Jr.	323	573
896		
Bottom half of petition	147	
Horacio "Hoss" Castillo	332	592
924		
Bottom half of petition	137	
Arturo Pecos	334	594
928		
Bottom half of petition	147	

Mrs. Alvarez stated her interpretation of the charter on the 25% rule is the same since the first petition effort. She referred to a letter she prepared in March 2003, stating nothing has changed since then therefore, she did not reply to a letter she received in late June from the recall group. She stated she is still going with Mr. Russell Williams' interpretation from 1989.

A motion was made by Commissioner Castillo and seconded by Commissioner Pecos. Motion carried, 3/2 with Commissioner Wilson and Commissioner Garcia voting against accepting the certification of the petitions by the city secretary.

**11. 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).**

The City Commission adjourned into executive session to evaluate the job performance of the Interim City Manager, the City Attorney, and the Municipal Court Judge at 7:45 p.m.

The Commission reconvened into open session at 9:15 p.m.

**12. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene into Executive Session to deliberate the appointment, employment of applicants for the position of City Manager. (Mayor Esquivel).**

The Mayor announced this item will be considered for the August 11, 2003 meeting at which time they will narrow down the applicants to the top three candidates.

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

No action was taken.

**VI. ADJOURNMENT.**

A motion was made by Commissioner Castillo and seconded by Commissioner Wilson to adjourn at 9:17 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:**

*Edna S Lopez*  
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Edna S Lopez, Interim City Secretary