

FEBRUARY 9, 2004

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, FEBRUARY 9, 2004 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
 Horacio Hoss Castillo, City Commissioner
 Arturo Pecos, City Commissioner
 Charlie Wilson, City Commissioner
 Al Garcia, City Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
 Irene Ramirez, City Secretary
 Courtney Alvarez, City Attorney
 Stanley Fees, Director of Engineering
 Dora Byington, Director of Purchasing
 Dianne Leubert, Solid Waste Superintendent
 Corando Garza, Fire Chief/Asst. City Manager
 Caron Vela, Interim Finance Director

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)

Ms Dora Byington led the Commission and members of the audience in an invocation. Immediately thereafter, Commissioner Castillo led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

None.

II. Public Hearing - (Required by Law).

None.

III. Public Comment on Agenda Items.

Mr. Jose Arevalo, 120 W. Ave. D stated that the three members of the Commission that were recalled and should go in peace.

Mr. Steve Childress, 2522 N. County Rd 1024 stated that his current home is not receiving city services. He further stated that he would like for the Commission to look into the situation and see if the city could provide services to his home and others nearby.

Mr. Javier Canales, 904 S. 18th stated that he would like for the members of the Commission to treat this recall election with respect.

Mr. Jose Canales, 317 W. Lee stated that he would like to know what the outcome of the recall did for the Citizens for the Betterment of Kingsville Group. He further stated that taxpayer's money was misspent knowing that there would be a general election right around the corner.

Mr. Daniel Suson, 408 S. Lantana stated that the majority of the voters who cast ballots in this recall election felt differently. They felt it was an issue that needed to be resolved and it got done. He stated that the recall election is over and feels that it is time for the Mayor and the two commissioners to honor the results of the election and do the right thing for the whole city.

IV. Petitions, Grievances, and Presentations.

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

City Manager Yerena stated that city crews have begun the installation of the Centennial banners.

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

Mrs. Courtney Alvarez stated that she will be reporting for jury duty tomorrow and could be contacted by Nextel. She briefed the Commission about what the City Charter states if there should be a recall election of two or more members. She further stated that a replacement election needs to be done on a uniform election date, which in this case would be May 15, 2004. She further briefed the Commission on the situation that was going on with the City of Haltom, TX.

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

Commissioner Castillo stated that he has received some information from the Secretary of States Office and from a legal expert and still hold to Section 17 of the State Constitution. He stated that unless he receives a response in writing from the Attorney Generals Office or the Secretary of States Office, he feels that those who were recalled should remain in office.

Mayor Esquivel stated the recall of him and two fellow commissioners was not done solely on what the City Charter states. He further stated that he would like something in writing based on Ms Alvarez's decision.

City Manager Yerena stated that after being asked by Mayor Esquivel to call Mr. Ben Hanson of the Secretary of States Office, Mr. Hanson referred Mr. Yerena to Article 16 Section 17, of the Texas Constitution in reference to elected officials remaining in office until their successors are duly appointed. He further stated that he briefed Ms Courtney Alvarez on what Mr. Hanson had discussed with him.

Ms Alvarez stated that Mr. Hanson phoned her to make her aware of the section in regards to canvassing. She further briefed the Commission about her conversation with Mr. Hanson.

Mayor Esquivel stated that he wants to make sure that this situation is handled fairly.

V. Items for consideration by Commissioners.

1. Consider resolution in support of the federal Highway Funding Equity Act of 2003. (City Manager).

City Manager Yerena stated that he has received a request from the Economic Development Corporation to pass a resolution in support of the Federal Highway Funding Equity Act.

Mayor Esquivel briefed the Commission about the Highway Funding Equity Act.

Motion made by Commissioner Pecos seconded by Commissioner Castillo to approve resolution in support of the Federal Highway Funding Equity Act. Motion passed by a unanimous vote.

2. Consider final passage of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for a copier. (Interim Finance Director).

Ms Caron Vela briefed the Commission on the funds that will be used from different departments to purchase the copier.

Motion made by Commissioner Wilson to adopt the ordinance as presented by staff seconded by Commissioner Pecos. Motion passed by a unanimous vote.

3. Consider introduction of an ordinance amending the fiscal year 2003-2004 budget for the City of Kingsville for the TAMUK Black Heritage Committee. (Interim Finance Director).

Ms Vela stated that this expenditure is just a formality to move the monies into the line item where the money was actually expended in. She further stated that the City Special line item 103 covered the \$3,000 which is consistent where all the donation money has been sent to so therefore this money will be moved into this line item. She further stated that \$1,500 is from Special Services and the other \$1,500 is from travel and training.

Mayor Esquivel asked Ms Vela if this is part of the \$9,000 that was budgeted in the city special.

Ms Vela responded that yes this is part of that budgeted money.

No action taken introduction item only.

4. Consider introduction of an ordinance abandoning a 60 foot wide street right of way on Doddridge Avenue between 6th Street and the railroad tracks in the Fourth Addition. (City Engineer).

Mr. Stanley Fees, City Engineer stated that Mr. Leslie Adams has requested that the 60' wide Doddridge Street right-of-way in the Fourth Addition between 6th Street and the Railroad tracks as abandoned. He further stated that he has come in contact with all utility companies concerning this request. He stated that all of the utilities have responded either by mail or telephone and they do not have an objection to the street closure. He further stated that the closing of this street will allow an additional 0.2066 acres to be placed on the tax rolls.

Mayor Esquivel asked if there is a plat on the 60' wide.

Mr. Fees stated that this property is platted and can be abandoned with Commission approval. He further stated that depending on how they want to split the property the ordinance states that half and half to each property to legitimately make it a legal document. He further stated that the city will have to re-plat both lots if it is split in half. He stated that it also allows the possibility that Mr. Adams could purchase the entire 60' strip but the northern neighbor decided that he did not want that done.

Mayor Esquivel stated that the last time there was a piece of property that was abandon it had to go up for auction.

Mr. Fees stated that this is city right-of-way is not actual city platted property.

No action was taken introduction item only.

5. Consider awarding bid for a copier for City Hall. (Bid No. 24-25) (Purchasing Director).

Ms Dora Byington, Purchasing Director stated that staff recommends the purchase of the City Hall copier be awarded to Dahill Industries from Corpus Christi for the amount of \$30,424.00. She stated that this is the cost of the copier with five year maintenance. She further stated that notices were advertised in the Kingsville Record on November 16 and November 23, 2003. She stated that bids were opened on December 2, 2003 and six bids were received.

Motion made by Commissioner Castillo seconded by Commissioner Wilson to award bid to Dahill Industries for the City Hall copier. Motion passed by a unanimous vote.

6. Consider awarding bid for a sedan for the Task Force. (Bid No. 24-29) (Purchasing Director).

Ms Byington stated that Task Force has requested to reject all bids.

Motion made by Commissioner Wilson seconded by Commissioner Castillo to reject all bids. Motion passed by a unanimous vote.

VI. Adjournment.

Motion made by Commissioner Pecos seconded by Commissioner Wilson to adjourn the meeting. Motion passed by a unanimous vote.

Filemon "Phil" Esquivel, Jr. Mayor

ATTEST:

Irene Ramirez, City Secretary

PRESENTED and ADOPTED by the Kingsville City Commission on this 24th day of May, 2004.

Charles E. Wilson
Charles E. Wilson, Presiding Officer

ATTEST:

Edna S. Lopez
Edna S. Lopez, Interim City Secretary