

April 26, 2004

**A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE WAS HELD ON MONDAY, APRIL 26, 2004 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 PM.**

**Commissioners Present:**

Charles E Wilson, Commissioner  
Al Garcia, Commissioner

**City Staff Present:**

Carlos Yerena, City Manager  
Courtney Alvarez, City Attorney  
Edna S. Lopez, Interim City Secretary  
Dora Byington, Purchasing Director  
George Bejarano, Finance Director  
Joe Casillas, Water Production Supervisor  
Joel F Saenz, Code Enforcement  
Stanley Fees, City Engineer  
Al Lopez, Fire Captain  
Jennifer Detloff, Director of Development Services  
Diana Gonzalez, Human Resource Director  
Ricardo Torres, Chief of Police  
Tina Galvan, Solid Waste Field Supervisor  
Y. I. Hinojosa, Street Field Supervisor

**I. Preliminary Proceedings.  
OPEN MEETING**

The meeting was opened at 6:00 PM

**INVOCATION / PLEDGE OF ALLEGIANCE – (Presiding Officer)**

Ms Dora Byington led everyone in prayer, followed by Commissioner Wilson the Pledge of Allegiance, and Commissioner Garcia the Texas Pledge.

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

NONE

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

1. Public Hearing for an alcohol variance application for Roy's Stop located at 1230 East Santa Gertrudis. (City Manager).

The Public Hearing opened at 6:02 PM

Ms Jennifer Detloff, Director of Development Services stated that S&S Mart, Inc. had applied to the City of Kingsville for a change in ownership for a Beer Retailer's Off-Premise license for an existing business at 1230 E Santa Gertrudis - Roy's Stop & Save. She added that the property is within 1000 feet of Gillett Intermediate School. Ms Detloff stated that seventy-six (76) letters were mailed out and staff received no responses. She stated that the liquor application, site map and police report were attached.

Commissioner Wilson asked for comments from the public on this variance. There were none.

The public hearing closed at 6:03 PM.

2. Public Hearing for an alcohol variance application for Club Escape located at 601 N. 7th. (City Manager).

The Public Hearing opened at 6:04 PM.

Ms Detloff stated that the applicant, Mr. Miguel Medrano was applying for an On-Premise Alcohol License for a nightclub establishment located at 601 North 7<sup>th</sup> which will be known as Club Escape. She stated that the property is within 1000 feet of St. Martin's Church and Kleberg School and that the property is currently closed. Ms Detloff stated that staff mailed out two hundred seventy (270) letters, and that one (1) letter was received, which is attached, which opposes the variance. She added that two (2) phone calls were received opposing the variance. She stated that the liquor application, site map and police report were attached.

Upon a question raised by Commissioner Wilson regarding other businesses at the four (4) corners of that intersection, Ms Detloff replied one (1) was a bar, and on the side is a vacant and poor condition structure, and stated she could not remember what was on the other corner.

Commissioner Wilson announced that anyone that would like to speak for or against were welcome to come to the podium, and announce their name and address.

Mr. Juan Soliz, 220 E Alice, presented a petition with 45 signatures from people in neighborhood opposing the club. He stated several reasons for the opposition of the club. He stated that some people did not sign the petition because they were afraid. He also stated that parking would be a problem. He also stated that a City Ordinance be passed in not issuing any more alcohol licenses in the old historical district.

Ms Dora Rivera, 222 E Alice, commented on people willing to sign petition and advised that there are a lot of elderly in neighborhood. She stated she did not mind a restaurant coming in, but no alcohol.

Ms Gina Escobar, 1600 W Johnston, commented that the club would be opened at night and that the trafficking of the children will be taken into consideration. She added that this is a college town. She also stated that there is plenty of parking and security. Ms Escobar stated it would be totally different then the past.

Ms Armela Soliz, 220 E Alice, commented that clubs are opened at night but she has to live with all the noise. She stated she has to plan her life around all the night noise. She also stated she can't sit on porch to relax.

Ms Carloyn Fees, 1506 Santa Cecilia, commented that from listening she could see both sides. She said that maybe the City needs to start considering a night club row by zoning one (1) certain area of town for all the nightclubs, since we are a college town. Ms Fees asked that this be considered on the Master Plan and added this would keep the neighborhoods quiet and safe.

The public hearing closed at 6:17 PM.

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

1. Comments on all agenda and non-agenda items.

None

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

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

City Manager Yerena reported that one of the Presiding Judge would be unavailable to participate in the May 15<sup>th</sup> Election, so the Alternate Judge will be moved up to the Presiding Judge position and advised that an Alternate Judge would have to be approved by Resolution by the Commission. He stated that Early Voting starts Wednesday from 8:00 AM – 5:00 PM, daily, and on Sunday, May 2<sup>nd</sup>, and Saturday, May 8<sup>th</sup>, from 8:00 AM to 12:00 noon. He also announced Election Day, May 15<sup>th</sup>.

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

Ms Courtney Alvarez reported that she had received a request and will be working with the County and Cable to have the County meetings aired on the Public Access channel. She added that a Resolution for an Alternate Judge will be presented for Commission approval. She stated there would be a special meeting to appoint an Alternate Judge.

Ms Alvarez also gave information on the hours for Early Voting. She also announced that the Blue Angels would be performing on May 22<sup>nd</sup> & 23<sup>rd</sup>, at 11:00 AM, gates open at 10:00 AM, the event is free of charge. She also encouraged everyone to attend the Cinco de Mayo festival at Flores Park, twenty (20) bands would be performing and there would be family activities.

Commissioner Wilson stated that when discussion occurs with the cable company, it would be a good time to discuss them fixing the audio portion of our broadcast. He stated that they have a franchise agreement.

3. City Commission's Reports. (City Commission).

Commissioner Garcia reported that KISD elections will also be held.

Commissioner Wilson stated he had only three (3) things to say.... Vote, Vote, Vote.

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

1. **Consider approval of alcohol variance application for Roy's Stop located at 1230 East Santa Gertrudis. (City Manager).**

Ms Detloff stated that Mr. Kasam has applied to the City for an Off-Premise License for an existing building located at 1230 East Santa Gertrudis, at Roy's Stop & Save. She stated that because the property is within 1000 feet of Gillett Intermediate School, the applicant has asked for a variance. She stated that the property is currently opened, and that staff mailed out seventy-six (76) letters and received no comments.

Upon a question raised by Commissioner Garcia regarding the length of time Roy's had operated with the type of package license. Ms Detloff replied she did not know, but that it was well established. Ms Alvarez responded, at least 20 years or more.

Commissioner Wilson explained that a target picture was received in their packet. He stated that he was curious why in both cases it was chosen to do 1000 ft instead of door to door. He asked if there was a unique variable that he was unaware of. He said that in this case 1000 ft was used and in other case it was not. He stated there is some establishments relatively close proximity to the high school, nursing home, and to the hospital and the same thing did not happen.

Ms Detloff responded that the City passed an ordinance that stated if it was within 200 feet applicant could get a license. She stated that the City did not have an option to grant anyone a variance, and it was decided it was not fair because people needed an option for a variance. She added that the Commission decided to raise the limits to within 1000 feet.

Ms Alvarez stated in the alcoholic beverage code there is a very specific process and depending to the type of establishment that the premise that is going to be selling off or on premise alcohol license points be near there is a different method of measurement. She added that Roy's Stop & Save that is currently contemplating be it by either the property line or property line or door to door is within the 1000 feet distance.

**A motion to grant the variance for S&S Mart, Inc. for a Beer Retailers Off-Premise License located at 1230 East Santa Gertrudis was made by Commissioner Garcia and seconded Commissioner Wilson. The motion carried (2/0).**

**2. Consider approval of alcohol variance application for Club Escape located at 601 N. 7th. (City Manager).**

Ms Detloff stated that Mr. Medrano is the applicant and has applied for an On-Premise Alcohol License for a nightclub establishment located at 601 N 7<sup>th</sup>. She stated the establishment is close to St. Martin's Church and Kleberg School, and is currently closed. She stated two hundred seventy (270) letters were mailed to surrounding property owners; one (1) letter opposing the variance was received, plus negative opposition at the public hearing.

Commissioner Wilson asked to entertain motion to grant the variance for the location 601 n 7<sup>th</sup>, Club Escape.

**Commissioner Garcia asked for discussion, seconded by Commissioner Wilson.**

Commissioner Garcia asked the length of time that the bar had been closed. Ms Detloff stated about two years. Mr. Miguel Medrano also stated about two (2) years and it was named Henry's Place.

Discussion followed on hours of operation, parking and security.

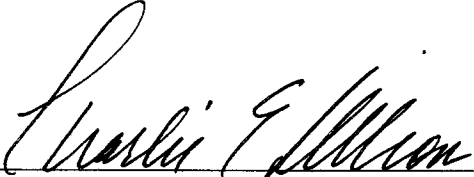
Chief Rick Torres stated that there has been a decrease of criminal activity since the bars have closed down.

Commissioner Garcia examined the petition, and stated that was a significant amount of signatures.

Commissioner Wilson asked to entertain a motion for vote for an application for an alcohol variance for Club Escape at 601 North 7<sup>th</sup>. No motion was made. The agenda item died for a lack of motion.

VI. Adjournment.

The meeting was adjourned at 6:45 P.M.

  
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Charles E. Wilson, Presiding Officer

ATTEST:

  
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Edna S. Lopez, Interim City Secretary