

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 25, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Edna Lopez, Commissioner  
Hector Hinojosa, Commissioner  
Dianne Leubert, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Mary Valenzuela, City Secretary  
Kyle Benson, IT Manager  
Deborah Balli, Interim City Manager  
Emilio Garcia, Health Director  
Bill Donnell, Public Works Director  
Cynthia Martin, Downtown Manager  
Rudy Mora, City Engineer  
Derek Williams, IT Department  
Charlie Sosa, Purchasing Director  
Susan Ivy, Parks Director  
Courtney Alvarez, City Attorney  
Adrian Garcia, Fire Chief  
Ron Lee, Fire Marshall  
Stephannie Resendez, Administrative Assistant

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

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

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting- November 12, 2019**

**Motion made by Commissioner Lopez to approve the minutes of November 12, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

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

- 1. Public Hearing on a request for a Special Use Permit for car wash use in C2 (Retail District) at Rincon De Zapata, Lots A-D, also known as 1400 block S. 14th Street, Kingsville, Texas; Chad Davis, applicant. (Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:04 p.m.

Mrs. Cynthia Martin reported that this is a request for a special use permit for a car wash. The property is zoned C2 Retail District so needs a special use permit. Martin further stated that currently there are 2 other car washes on 14<sup>th</sup> Street so this would not be unusual to have a third one on 14<sup>th</sup> Street.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further discussion, Mayor Fugate closed this public hearing at 5:06 p.m.

- 2. Public Hearing on a request to rezone of Haggerton, Lot 3, also known as 2102 E. Trant Rd, Kingsville, Texas, from C4 (Commercial District) to R1 (Single Family District); Cesar Silva, applicant. (Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:06 p.m.

Mrs. Martin stated that Mr. Cesar Silva would like to rezone a vacant lot he recently purchased at 2102 E. Trant Road from C4 Commercial to R1 Single Family in order to build a single-family home. The property is near LE Ramey Golf Course three lots West of the intersection of Golf Course Road and Trant Road. The abutting properties are zoned R1 single-family and are occupied by single-family homes.

Mayor Fugate asked if staffed received any feedback from the citizens around the area regarding this rezone.

Mrs. Martin responded that there was one call that was received but was asking for more information on the rezone. Once it was explained to the caller, the caller had no issues with what was being requested.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further discussion, Mayor Fugate closed this public hearing at 5:07 p.m.

**3. Public Hearing on EPA Brownfields Cleanup Grant Application by the City of Kingsville. (Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:07 p.m.

Mrs. Martin reported that the City of Kingsville will be submitting a grant application to the Environmental Protection Agency Brownfields Program for the site known as the former Kleberg County Hospital located at 400 E. Caesar. The grant total would be for an amount of \$300,000.00.

Commissioner Hinojosa asked if the City of Kingsville was the owner of this property.

Mrs. Martin responded that the City of Kingsville was the owner of the property. The property was approved to be purchased earlier this year.

Commissioner Hinojosa further asked if the property owner had accepted the City's offer.

Mrs. Martin responded yes and further stated that for the City to apply for this grant, the city must have ownership of the property.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further discussion, Mayor Fugate closed this public hearing at 5:10 p.m.

**III. Reports from Commission & Staff.<sup>2</sup>**

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."*

Mrs. Courtney Alvarez, City Attorney announced that the next meeting is scheduled for December 9<sup>th</sup> with a deadline to staff for submittal of agenda items on November 26<sup>th</sup>. She further announced upcoming holidays that City Offices will be closed. She further stated that agenda item #10 has a minor change to it. This change extends the parking restriction an additional block from Ella to Nettie.

Commissioner Hinojosa spoke about his trip to the NLC Conference hosted in San Antonio.

Mayor Fugate commented that there has been some progress on keeping the Kingsville Record open. There have been some community members that have stepped up in making this happen.

Commissioner Hinojosa commented that he hopes that this newspaper will hear both sides of the story and not just one side. He hopes that they print both sides of the story as there is always two sides to every story and not just one. He hopes that this newspaper will do that.

Commissioner Leubert commented that our newspaper has always been fair as well as its reporters. She further stated that this has been a very good newspaper for the community, and they have always been honest in what they print.

Mayor Fugate commented that there will be responsible journalism in this newspaper. Those individuals that will be put in place for this newspaper are veteran newspaper people and he hopes that this comes to pass as it has taken a lot of work from everyone involved.

Commissioner Hinojosa commented that he wasn't pointing fingers at anyone, he is only making a statement.

City Commission thanked Tourism staff for all their hard work in putting together the Ranch Hand Festival.

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

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

No public comments were made.

#### V.

##### Consent Agenda

##### Notice to the Public

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

##### CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

**Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

1. **Motion to approve final passage of an ordinance. amending the Fiscal Year 2019-2020 budget to accept and expend donations from La Posada de Kingsville, the King Ranch, and the South Texas Specialized Crimes and Narcotics Task Force for the Healthy Family Partner's Recreation Programs. (Parks Director).**
2. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, providing for revision of Article 1-City Commission, Section 10-Agenda. (Commissioner Lopez).**

##### REGULAR AGENDA

##### CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

#### VI. Items for consideration by Commissioners.<sup>4</sup>

3. **Consider appointment of Lupita Salazar Weeks to the Historical Development Board for a three-year term. (Interim Director of Planning & Development Services).**

**Motion made by Commissioner Lopez to approve the appointment of Lupita Salazar Weeks to the Historical Development Board for a three-year term, seconded by Commissioner Hinojosa and Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

4. **Consider appointment of Victoria E. Garza to the Library Board for a three-year term. (Library Director).**

**Motion made by Commissioner Lopez to approve the appointment of Victoria E. Garza to the Library Board for a three-year term, seconded by Commissioner**

Hinojosa. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

5. **Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1400 S. 14th Street Block, also known as Rincon De Zapata, Lots A-D, for car wash use in C2-Retail District. (Interim Director of Planning & Development Services).**

Introduction item.

6. **Consider introduction of an ordinance to rezone of Haggerton, Lot 3 (2.31 acres), also known as 2102 E. Trant Road, Kingsville, Texas, from C4 (Commercial District) to R1 (Single Family District). (Interim Director of Planning & Development Services).**

Introduction item

7. **Consider a resolution authorizing the submission of an application to the Environmental Protection Agency Brownfields Program for remediation at the site of the Kleberg County Hospital Building at 400 E. Caesar Ave., Kingsville, Texas. (Interim Director of Planning & Development Services).**

Commissioner Lopez asked who would be administering this grant. Mrs. Martin responded that she would be administering the grant. Martin further stated that there is a 20% cost share. She also stated that a copy of this grant is available for public viewing.

Commissioner Hinojosa stated that with this last fire that occurred in the building, the smoke was able to travel down a hall way that leads to tenants' offices. He asked if there is any way of blocking this hallway so that if this occurs again, smoke will not travel to those offices.

Mrs. Alvarez commented that the Fire Chief and Fire Marshall are looking into this already.

**Motion made by Commissioner Pecos to approve resolution authorizing the submission of an application to the Environmental Protection Agency Brownfields Program for remediation at the site of the Kleberg County Hospital Building at 400 E. Caesar Ave., Kingsville, Texas, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

8. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance Section 15-6-21-Definitions to revise the definition for tiny homes. (Interim Director of Planning & Development Services).**

Mrs. Martin stated that it is being recommended that the definition of tiny homes in Section 15-6-21 be amended to read a dwelling with a square footage between 200 square feet and 1,000 square feet and to amend Appendix B to list a maximum height of 15 feet for principal uses in the R2A zoning district. She further stated that the Planning & Zoning Commission met on this item and voted 5-0 to recommend these changes.

Commissioner Leubert stated that the only thing she is concerned about is the height limit. If someone wants to build a structure with a loft above, this would make it impossible for any one to walk straight on the loft. She further asked for staff to further look at the height that is being proposed.

Mrs. Martin stated that the 15feet is basically for a one level structure, but staff will look further into the height being proposed.

Introduction item.

9. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance Chapter XV, Article 6-Zoning, Appendix B-Space Requirements, Section One-Space Requirements for Residential Use to add a maximum height for tiny homes. (Interim Director of Planning & Development Services).**

Introduction item.

10. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6-Traffic Control Devices, Section 2 Schedule II-Parking Restricted on Certain Streets; providing for the restriction of parking near the university from 7am to 5pm, Monday through Friday. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that there has been a request to add some additional no parking in the area around the University. With the new Music Building being built at Texas A&M University-Kingsville, it will cause some traffic congestion

such a individuals parking along the side of the roads within the area. Mr. Mora further displayed a map showing the areas that are being proposed.

Mayor Fugate asked what type of notification is sent to those living around the area that they will not be allowed to park in front of their homes.

Mr. Mora responded that there hasn't been any notification sent out but can be sent out.

Commissioner Hinojosa asked if notification can be sent out within the next two weeks, since this ordinance will be coming back to Commission for final approval. He further stated that he is concerned about this, as there is someone who lives on Ella that came to the Commission to complain about the no parking signs that are already existing, and now the city is going to be placing more no parking signs on Wells Street. He further stated that his friends that frequent the Mexican Restaurant near Wells will not be happy as they will not be able to park on the street. He further stated that if the City is planning on doing this, then the City needs to look at Elizabeth Street, as that street it is not wide enough, and why is the City picking on this area only. He further stated that there is a lot of streets that are in the same condition and understands that the concern is safety but what type of accidents have occurred in that area. He further stated that staff needs to look at General Cavazos. He also stated as this item will be coming back to the Commission for final approval, he would request for it not to be placed under the consent agenda, as more discussion needs to take place.

Mayor Fugate commented that the University should also be involved in this and asked if staff has contacted anyone at the University.

Mr. Mora responded that he has not contacted anyone but will be reaching out to them in the next few days.

Mayor Fugate stated that there needs to be notification that needs to be sent out to those who live in this area.

Commissioner Leubert commented that as she is the one who placed this item on the agenda, there are two reasons for it; when they did no parking originally, nobody received notice of it. She stated that the reason she has brought it up is because in the 700 & 800 block of Wells Street there are three little cottages that face Wells that have driveways. With individuals parking in the area, which they are parking the wrong way and blocking alleys it makes it difficult for any other traffic to go through, which makes it a dangerous situation.

Commissioner Lopez commented that special parking permits need to be given to those that have special needs/conditions.

Commissioner Hinojosa commented he agrees with this, but notification still needs to be sent out to those that live in that area.


Introduction item.

- 11. Consider a resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Lighting of the rights-of-way on Corral Street and Santa Rosa Avenue between Armstrong Street and Santa Fe Drive. (renewal). (City Attorney).**

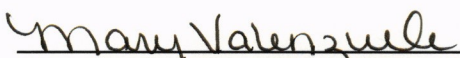
**Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Lighting of the rights-of-way on Corral Street and Santa Rosa Avenue between Armstrong Street and Santa Fe Drive, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:37 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary