

DECEMBER 9, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 9, 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:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Deborah Balli, Finance Director
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
Courtney Alvarez, City Attorney
Adrian Garcia, Fire Chief
Ron Lee, Fire Marshall
Ricardo Torres, Police Chief
Joe Casillas, Water Production Supervisor
Diana Gonzales, HR Director
David Solis, Risk Manager
Janine Reyes, Tourism Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:05 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 25, 2019

Motion made by Commissioner Lopez to approve the minutes of November 25, 2019 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

II. Public Hearing - (Required by Law).¹

- 1. Public Hearing to consider rezone of 3rd, Block 20, Lot W/2 18, 19 also known as 828 E. Alice, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District), Mario Bazan, owner/applicant. (Interim Director of Planning & Development Services).**

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

Mrs. Cynthia Martin, Interim Director of Planning & Development Services reported that this property is near La Carpa. The requestor would like to rezone from R1 to R2. The difference between R1 and R2 is that one can build a duplex on the property rather than single family homes. The idea is to build a small duplex on a narrower lot.

Commissioner Hinojosa stated that Planning & Zoning Commission members voted 2 for and 2 against and asked for some background information on this, as there isn't enough information that was submitted for this item.

Mrs. Martin responded that those that were voting for it were for the development due to the lot being a narrower lot which would be restricted to a smaller duplex and under one roof. The Planning & Zoning Commission did not feel that it would affect the character of the neighborhood.

Mayor Fugate asked staff if they heard from residents that reside near this area.

Mrs. Martin stated that the residents that received notice, three called and one emailed to voice disapproval and one voiced approval. She further commented that they were on the negative side of this rezone.

Mayor Fugate asked if there were four against and one for? Mrs. Martin stated that this was correct. Mayor Fugate further asked City Attorney Courtney Alvarez that if the Planning & Zoning Commission voted 2 to 2 votes, would it require a supervote from the Commission.

Mrs. Alvarez responded that when this item comes back to the Commission for final approval, it would require a supermajority vote, or four fifths vote from the Commission.

Commissioner Lopez commented that she had the opportunity to drive this location and notice on the curb is a very high curb and asked where the parking for this would be for the residents.

Mrs. Martin responded that parking will be off the alley.

Commissioner Hinojosa asked if the residents would have a hard time coming in and out from the area where they will be parking. He further stated that the flow will not have enough space for the resident to go from the street to the alley.

Mrs. Martin responded that the requestor also owns the property located at 820, so one enters the front entrance and the other would enter off the back.

Commissioner Hinojosa further asked for number of parking spaces.

Mrs. Martin stated that they didn't get to talking number of parking spaces with the requestor, as they don't present a layout of this when making the initial request for a rezone.

Commissioner Hinojosa commented that for him it is hard to vote yes or no, as he does not have enough information on who was for it or who was against it.

Mayor Fugate commented as this is not an action item at this time, staff can get the additional information to the Commission members.

Commissioner Leubert asked if staff could provide more information on this request.

Mr. Mario Bazan, 821 E. Richard, commented that he can provide a drawing of the location to show how much parking there will be. He also commented that he owns most of the property both on Richard and Alice and further stated that there would be plenty of parking for the residents. He also commented that he doesn't see where there would be a problem as he has two other units in the area that park in the rear. He stated that it is hard to park in the front of the property as the curb is very high.

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 5:15 p.m.

III. Reports from Commission & Staff.²

"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."

Mayor Fugate introduced and welcomed new City Manager, Mr. Mark McLaughlin to the City of Kingsville.

Mr. McLaughlin reported that as he received a letter from Kooky Kingsville, he reached out to Ms. Ramos and mentioned to her that she has every right to have a Face Book page, which he has not problem with that. He stated that he did ask her if she could place a disclaimer on the front that states that this does not represent the official views of the government of the City of Kingsville. McLaughlin further commented that he doesn't want our city to be though of as Kooky from a government point and he doesn't believe a third

party has the right to say that this is the official stance of the City of Kingsville. Mr. McLaughlin further reported that he had a lengthy meeting with Kleberg County Judge Rudy Madrid today. At this meeting, several issues were discussed such as interlocal agreements that need to be addressed in the future as they are quite old. The JK Northway was also discussed, which was a subject that Judge Madrid brought up which Judge Madrid would like to meet with him later.

Commissioner Hinojosa commented that the City has not received a copy of the grant that was applied for the JK Northway.

Mr. McLaughlin commented that it was great to hear Judge Madrid's input, but he still has a lot of questions regarding the JK Northway and some of the interlocal agreement that are in place. Another subject that was discussed during the meeting with Judge Madrid is the Health Department. McLaughlin stated that he has looked into the Animal Shelter agreement and would like to discuss with Judge Madrid how the Health Director can have two bosses, which does not work. Mr. McLaughlin further stated that he attended the Kleberg County Commissioners' Court Meeting today regarding items on their agenda having to do with Aqui IV. McLaughlin stated that the County has had about two to three months to review this agreement with Aqui IV and the city only having about 72 hours to review the agreement. He further commented that he is not saying no or yes but the City has to do its due diligence as the biggest thing is that if it sounds to good to be true, it probably is, but this could be good for the City. Mr. McLaughlin commented that he was clear with the County Judge that how ever this contract is written with the governmental agency that sponsors it, in the City's due diligence, we can not put the City at risk of having to cover a company's losses in water or whatever it is, as he doesn't know all the details of this agreement. Mr. McLaughlin further reported that the Parks Director is at a meeting tonight working with the Pony League on some issues that need to be looked into.

Mrs. Alvarez reported that there will be a Commission meeting on Tuesday, December 17th at 5:00 p.m. The next regular meeting for the new year is scheduled for January 13, 2020 with a deadline to staff to submit agenda items is January 3rd. Alvarez further stated that the Charter Review Committee has met for the last time on December 9th and voted on six proposals that will be coming before Commission in the first Commission meeting in January. Mrs. Alvarez also reported that the City received a contract from a third-party last week for a water resources management and infrastructure investment agreement. She stated that she has looked it over and have outside council with expertise in these types of agreements reviewing as well, and if anything can be worked out with that, there is a possibility that the agreement could be on the December 17th agenda.

IV. Public Comment on Agenda Items.³

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

Mr. Honario Conchas, 311 E. Lee and he is here representing Alejandro Jose Zaragosa owners of El Tapatio Restaurant. He commented that he is here to speak about a petition that the city sent. He stated that the petition was described as a safety issue, when it hasn't been an issue for the past 18 years, until one day a member of this Board passed through this street and had some trouble driving by. He stated that the street he is speaking about is Santa Gertrudis and Wells Street which is off to the side of El Tapatio. He further commented that their main concern when they heard about this petition is how will it affect their establishment if this petition goes through. He stated that they are all residents of this city and have the same rights and obligations as they do. Some of the neighbors won't have the space to park their own cars which will have them parking on their yards or somewhere else which could make the city look trashy or they could receive a citation worth \$175. The petition that is being brought to the Commission it was to make the street into No Parking Zone from 7:00 a.m. to 5:00 p.m. He commented that he does not agree with this and he is here to represent the neighbors of this location as well as El Tapatio Restaurant. He stated that the employees will not have a parking space and sales will reduce eventually by not having the extra parking space. El Tapatio has served the community for over 18 years and their priority has been their customers. By the Commission approving this petition, El Tapatios cliental will reduce as there will be no area to park trailers and school buses that come in to visit the University or our City. As the University is about to inaugurate the newly built Music Building, El Tapatio has a lot of customers that come from all over Texas to visit Kingsville as it is a University. As visitors come to Kingsville, they usually ask where a good place is to eat, they are usually referred to El Tapatio.

At this time, the three-minute time limit was reached. Mayor Fugate asked the Commission if there was any objection in allowing for Mr. Conchas to finish his comments. No objections were made by the Commission, therefore additional time was granted to Mr. Conchas.

Mr. Conchas continued to comment that El Tapatio receives large groups of students that travel by bus that come to eat at the restaurant, and if the City agrees to make this area a no parking zone, it could reduce the number of customers coming into the restaurant. He further stated that their business and their families pay a lot of taxes every year as they are residents of the city. He asks the Commission to think about this prior to making their decision as it is not only going to affect their business, but it will also affect those residents that live on that street. He further stated that the original petition was from Richard to Ella, which they were talking about three blocks. The individual that did that petition no longer lives in the area, so it is not affecting her any longer. He stated that he understands that from time to time it does get busy and crowded at the restaurant, but the street is not even busy. He also stated that there has never been an incident where people that have parked there that has caused any accidents. He further asks the Commission to look into this and not hurt the small businesses. As the saying goes, Shop Local, and not give the business to a multi-million company such as Whataburger or McDonald's that have the parking space and El Tapatio doesn't, as there is a neighborhood located behind the restaurant.

Mr. Chris Maher, 1514 Lewis, current publisher of the Kingsville Record gave an update on the Kingsville Record Newspaper. He stated that there was an article that was published in the Kingsville Record just last week informing everyone what has been happening and what is going to happen to the newspaper. He stated that the Mayor has been working tirelessly to find some way to continue the newspaper. The announcement was made that the Kingsville Record would be closing, but since then, some interested parties stepped forward and showed interest in continuing the paper. The King Ranch has been working hand-in-hand with these individuals in order to make it a smooth transition of transferring ownership to the Kingsville Area Industrial Foundation. This will be the last King Ranch Edition, Kingsville Record. Next week it will begin under the new ownership. They have selected some excellent leadership, Mr. Tim Acosta as the new publisher of the newspaper. They have also taken on four current staff members including both reporters to move forward with the new owners. The paper will still be housed out of the current location, until they find a new spot for the paper. Mr. Maher further thanked staff for a great relationship they carried with him and the Kingsville Record. He stated that he will be continuing with the King Ranch as Director of the Visitors Program for the King Ranch.

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 items as presented, seconded by Commissioner Lopez. 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 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).**
2. **Motion to approve final passage 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).**
3. **Motion to approve final passage 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).**
4. **Motion to approve final passage 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).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider appointment of Rev. Idotha Battle to the Planning & Zoning Commission for a two-year term. (Interim Director of Planning & Development Services).

Motion made by Commissioner Pecos to approve the appointment of Rev. Idotha Battle to the Planning & Zoning Commission for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 3rd, Block 20, Lot W/2 18, 19 also known as 828 E. Alice, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).

Mayor Fugate commented that having four residents in that neighborhood not wanting this and the vote from the Planning & Zoning Commission, makes it difficult for the Commission.

Introduction item.

7. Consider final passage 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 he has provided letters to those individuals that reside within this area and ask them to voice their opinion. What was presented was from Richard to Nettie on Ella it was proposed no parking zones. He stated that he would like to clarify the extension of no parking zones in the area. Mr. Mora displayed a map showing the location where no parking signs would be located. He stated that what this is for is for the placement of safety of citizens and motorist in providing no parking on streets to increase the visibility and safety.

Mayor Fugate asked if there have been significant accidents or any kind of problems in this area in the past.

Chief Torres stated that he has ran data for this area and the data shows that for the accidents for the last five years, there has only been three; one at the intersection of Santa Gertrudis and Wells, one at the intersection of Wells and Ella, and one on Wells and Corral.

Commissioner Hinojosa commented that it was mentioned that letters were sent out to the residents, but letters were sent to the property owners. He further stated that one letter was sent to the property owner in Alice. He stated that at a previous meeting, it was directed to staff that letters were to be sent out to residents that reside within this area. He further stated that at this point, he is ready to vote no on this item as he does not like the process that was done, as not all residents in the area were informed. He further asked if staff reached out to the President of Texas A&M University-Kingsville.

Mr. Mora responded that he did not reach out to Texas A&M University-Kingsville, but what he did do is sent the letters to the property owners, which were about 14 that were notified which some had address from out-of-town.

Commissioner Hinojosa asked if staff received any response from those that were mailed a letter.

Mr. Mora responded that he did not receive any responses.

Commissioner Hinojosa commented that the letter was dated November 7th and it was just received this past week.

Mr. Mora responded that the letter was dated November 27th and mailed out that same day which was right before the Thanksgiving Holiday. He further stated that the prior meeting was on Monday, November 25th and letters were mailed out two days later.

Commissioner Hinojosa commented that the letter was received until recently.

Commissioner Lopez commented that Mayor Fugate had asked staff to get in contact with the University, and further asked if staff had spoken to someone at the University.

Mr. Mora responded that he has not had the opportunity to speak with someone at the University.

Mayor Fugate commented that the information provided by Chief Torres is compelling enough.

Commissioner Leubert commented that she is the one that brought up this item as she is on this street quite often and see that accidents in this area have been very few within the past five years. But we didn't have a \$60 million-dollar Music Building of over 300 plus people going into that Music Building. The streets during school are very crowded. Someone put a no parking on their own property which helps with some of the congestion. She stated that people park all the way up to the curb and so when you try to turn onto the next street, you can't. She stated that this is an accident waiting to happen. She stated that with El Tapatio now has a drive thru which they didn't, but they also increased their seating without increasing their parking. She further stated that with buses parking in the area and people walking the area, it makes it for an accident waiting to happen, otherwise she wouldn't have brought this up.

Mayor Fugate asked if staff has received any complaints regarding this from any of those individuals who live within this area. Mr. Mora responded no.

Commissioner Lopez commented that she knows that buses stop there during the day to allow students to eat at the restaurant. She further stated that this would affect El Tapatios business as they will have no where for their customers to park.

Commissioner Pecos commented that for many years the University had an enrollment of 6,000 students. Now they are up to 10,000 students enrolled which makes it a heavy traffic area. A lot of these student's park within these areas as they do not want to have to pay for a parking permit. There is a lot of space behind the University, but students don't want to park there as they don't want to pay the parking permit.

Commissioner Leubert stated that as for the buses, they used to park in Krueger's property, which is now not allowed due to congestion and how they were parking. She further state that when you have a restaurant or any type of business, you are to have adequate parking for that. She stated that when the restaurant expanded, they did not get additional parking spaces.

Commissioner Hinojosa commented that as he travels that area every other day, he has not noticed that many cars parked on Wells. And as for safety, the sidewalk has not been built which has caused a large hole where the sidewalk is to be placed. He is not sure if this is the city's responsibility or the property owners.

Motion made by Commissioner Pecos to approve final passage 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, seconded by Commissioner Leubert. The motion FAILED by the following vote: Pecos, Leubert voting "FOR". Lopez, Hinojosa, Fugate "AGAINST".

8. **Consider a resolution designating the authorized signatories for financial, health trust plan, and other items of City business from Interim City Manager to City Manager. (City Attorney).**

Motion made by Commissioner Lopez to approve the resolution designating the authorized signatories for financial, health trust plan, and other items of City business from Interim City Manager to City Manager, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

9. **Consider a resolution regarding a contract for the purpose of financing "Heavy Equipment" with Government Capital Corporation. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the city to approve a resolution with Government Capital Corporation for financing of heavy equipment.

Commissioner Hinojosa asked that more information be provided by staff when it comes to items like this.

Motion made by Commissioner Pecos to approve the resolution regarding a contract for the purpose of financing "Heavy Equipment" with Government Capital Corporation, seconded by Commission Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

10. Consider a resolution regarding a contract for the purpose of financing "Vehicles" with Government Capital Corporation. (Purchasing Manager).

Motion made by Commissioner Pecos to approve this resolution regarding a contract for the purpose of financing "Vehicles" with Government Capital Corporation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Building Code and removing Section 15-1-3. (Interim Director of Planning & Development Services).

Mrs. Martin stated that this is to update codes to the most current codes.

Introduction item.

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Existing Building Code. (Interim Director of Planning & Development Services).

Introduction item.

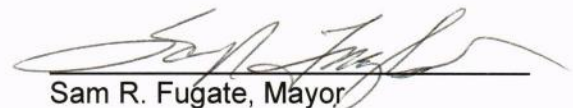
13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, adopting the 2018 Edition of the International Fire Code and revising the Permit Fee Schedule. (Interim Director of Planning & Development Services).

Mr. Adrian Garcia, Fire Chief stated that this item authorizes the amendment of the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, to adopt the 2018 version of the International Fire Code, make related changes to City code and adopt an update fee schedule.

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:50 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary