

JUNE 6, 2011

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 6, 2011 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R Fugate, Mayor  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Charles Wilson, Commissioner

**CITY STAFF PRESENT:**

Vincent J Capell, City Manager  
Edna S Lopez, City Secretary  
Naim Khan, City Engineer  
Bill Donnell, Public Work Director  
Mark Rushing, Finance Director  
David Mason, Purchasing Director  
Bob Trescott, Downtown Manager  
Al Lopez, Fire Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M. and announced quorum as present with Commissioner Wilson absent.

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

Mayor Fugate called to forego the preliminary proceedings, the Commission was in agreement.

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

Mayor Fugate called for consideration of the minutes of the regular meeting of Monday, May 23<sup>rd</sup>, 2011. **Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSENT".**

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

NONE

**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, Convention and Visitor's Bureau, 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, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public, Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor presentation. No formal action can be taken on these items at this time."*

There were no reports.

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

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mr. Fred Bigelow, 916 South Creek, spoke against the rezone.

Mr. Robbie Brown, 1906 South Park, spoke against the rezone.

Ms Nanette Bigelow, 916 South Creek, spoke against the rezone.

Mr. Nick Brown, 1906 South Park, spoke against the rezone.

Mr. Lance Hamm, 912 South Creek, spoke against the rezone.

Mr. Raymond Stone, Aransas Pass, spoke about having acquired a permit from TXDOT for a safe entrance into the RV Park.

Ms Kim Rockholt, representing Country Estates RV Park, spoke against the rezone.

Mr. Ken Kelly, 804 South Creek, thanked the Commission for supporting the golf course and spoke in favor of the rezone for the proposed RV Park.

Mr. Melvin Schoech, 605 W Sage Rd, spoke in favor of the rezone for the proposed RV Park.

V. **Consent Agenda**

NONE

**REGULAR AGENDA**

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

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

1. **ORDINANCE NO. ORD2011-18 Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 10.04 acres out of KT&I Co., Block 32, Lot PT 4, 5, 8, 9 acres 59.01 known as the property located adjacent to the Westside of Hwy 77 and north of South Creek Addition from R-1 Single Family District to C-2 Commercial Retail District. (Interim Director of Development Services).**

Mr. Donnell stated the request is to rezone the property from R-1 to C-2, there's a permit from TXDOT for the driveway, not including the County but on their property, and utilities are available for this proposed project in that area.

**Mayor Fugate called for questions or comments. Commissioner Garcia made a motion to approve, seconded by Commissioner Pecos for discussion.** Mayor Fugate called for discussion. Commissioner Garcia stated he had a conversation with some South Creek Subdivision property owners in reference to Mr. Dick Messberger and Mr. John Tamez offering Mr. Ralph Ambrose, Developer, some property along 6<sup>th</sup> Street entrance. He stated that he wanted to know what the discussion was on furthering that particular issue. Mr. Messberger, 341 Brenda Lane, addressed the Commission and stated he wanted to clarify a couple of issues. He stated the Greater Kingsville Economic Develop Council has not taken a position or discussed the rezoning for this property. In reference to the discussion, he stated Mr. Hamm brought up the idea of flipping property, of taking the current proposed site and flipping it to the other side. Mr. Messberger stated that Mr. Hamm asked him if he would talk to Mr. Tamez, so he called him. In speaking to Mr. Tamez, he learned that Mr. Tamez had broached the subject with Mr. Ambrose. Mr. Messberger stated his understanding was that Mr. Ambrose wanted to keep the current site because he had already invested too much money into it. Mr. Messberger further stated he has never discussed this with Mr. Ambrose.

Upon a question from Commissioner Laskowski, Ms Carol Ann Anderson, Tourism Director replied this is not the position of the Convention and Visitor's Bureau because they are not allowed to get involved in endorsements. Upon a question from Mayor Fugate in reference a comment she had made at a previous meeting, Ms Anderson replied it is a good idea, only because it is a personal thing, but she was not speaking for the Convention and Visitor's Bureau.

Mr. Ismael Soto, Director of Transportation Operations for the Corpus Christi District addressed the Commission, stating that they have reviewed the site like any property that

fronts our highways; they have to allow driveways in and out. They can't land lock any property owner if that's the only way out. They have given Mr. Ambrose a permit to construct a driveway off of the frontage road. The location of the driveway was left up to Mr. Ambrose. Either location has its benefits and dis-benefits. He further explained the locations that were considered. He provided information of the area that would be safe for an entrance and exit. The best situation is to exist right and go to the next cross over into the left lane to turn around. A straight cut is more dangerous because people get impatient. Mr. Soto stated fortunately here there's a refuge area in the crossover.

Commissioner Laskowski asked about lowering the speed limit in that area to 55 mph, Mr. Soto replied TXDOT doesn't set the speeds, people set the speed limits and after a study they are set about the average speed. Mr. Soto stated lowering the speed from 65 mph to 55 mph would be very difficult in that area. He stated there are a couple of bills in front of the Governor to up the speed limit to 75 mph. Upon a question from Commissioner Garcia, Mr. Soto stated lately, within a three year window, this area has done well avoiding traffic accidents. The area is a little wider than some other locations. This is a tolerable area and can accommodate RV's in the left hand lane.

Upon a question from Commissioner Pecos, Mr. Soto replied that when I-69 comes in the crossovers will be closed. With regards to the entrance, Commissioner Pecos asked if the situation is safe. Mr. Soto stated similar situations are working well but operators play a big part of safety. Upon a question from Commissioner Pecos, Mr. Soto replied in entering and exiting the RV Park, in his opinion, it will be less safe if you are directly across the crossover, and it will be less safe than if it was a right in, right out away from the crossover, but it all depends on the drivers.

Commissioner Laskowski provided an update on the I-69 corridor.

Mayor Fugate called for questions or comments. Commissioner Laskowski commented that the idea that in the City's Master Plan or zoning that all properties in Kingsville that are zoned R-1, would stay R-1. The reason that they start at R-1 is because it's the least intrusive and most restricted type of development that you can have. As there is interest for development in the community, the Planning and Zoning Commission reviews the applications and makes a determination whether or not the request meets the City's Master Plan and is the best use of the property. He asked, "Is this the best use of the property?" He stated that in his experience with development along any interstate highway or any state highway, the frontage roads are commercial and all residential development is put in behind there. If that approach is taken to how the City wants to see the future development along 77 any property that is currently zoned R-1 and all the of the property on the eastside of 77 north of General Cavazos was all zoned R-1. He stated there are now an I-Hop, a hotel, and a proposed residential development to go in behind there and all that property up to Truan Blvd has all been rezoned as commercial. He stated that just because it was zoned R-1 doesn't mean it's going to stay that way, that's the starting point for the rezoning of properties for future development. It's very difficult to take a property back from a C-4 to R-1; and it's easier to evaluate what the use or need of this property is at the time an application is made.

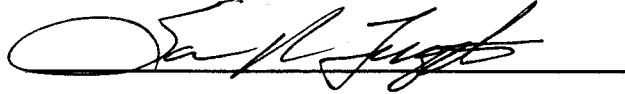
Mayor Fugate stated he called this meeting due the summertime and having problems scheduling and this was the only opportunity where four (4) Commissioners could come together. There's no ill motive for that. He stated that was just something he did because everyone had the opportunity to be here to voice their opinion and no one has been injured by calling this meeting. He stated he has read everything provided by Mr. Hamm and these decisions are not easy. He stated he agrees with Commissioner Laskowski that if you look at the development in the last fifteen (15) years along Hwy 77 it is commercial and it's going to be commercial. If you own a house on the busiest highway south of San Antonio you are going to have commercial development that spring up around you. He added that Hwy 77 from Calallen, TX to Rivera, TX is going to get busier that's why they are making it I-69. He can't tell someone where they can or cannot build. He stated that as Mayor for the last seven (7) years, he had dealt with a lot of people that want to come in to our community to invest. Mr. Ambrose is a good man, has bought the property and made improvements. If the neighbors would work with him we could come out with a situation that everyone would be comfortable with. The Commission has no control of whether he is on 6<sup>th</sup> Street or Hwy 77. As far as \$17,000 loss in property values, he stated he did not know what it was caused by. He suspects that the dam or the common areas might need improvement. He suggested the residents look at their association for help. The City has addressed the highway issues; TXDOT has given the developer a permit. Mayor Fugate stated he gets paid \$50 per meeting, and if threatened that's the worst thing that can be done. It's their right to have a Referendum. He stated he will protect them in that right and he will honor their wishes, but he represents 26,000 citizens in this community and he suspects the vast majority of them are very interested in increasing the tax base. The vast majority of business people in the community would be interested in people coming into their businesses to spend

money and that's what these people will do. He stated he doesn't buy the argument of crime because it doesn't compare with the statistics. These people are elderly folks, good law abiding citizens, most of them are retired that are going to come into the community and will be participants that will volunteer in the City's organizations. They will spend time in this community and money. The hardest issues are these types where you have to rezone. He stated if we are going to move forward as a City, we are going to move forward as a community by making these hard decisions.

**The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia voting "FOR". Wilson "ABSENT".**

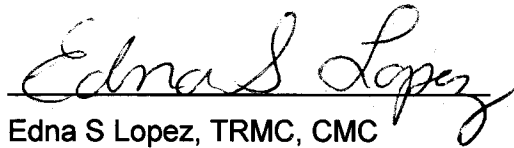
#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:52 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary