

FEBRUARY 13, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, FEBRUARY 13, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Al Garcia, Commissioner
Noel Pena, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Joey Reed, Fire Chief
David Mason, Purchasing/IT Director
Willie Vera, Task Force Commander
Bill Donnell, Asst. Public Works Director
Rick Torres, Chief of Police
Emilio Garcia, Health Director
Charlie Cardenas, Public Works Director/City Engineer
Bob Trescott, Tourism Director
Robert Isassi, Director of Planning & Development Services
Tony Verdin, Information Systems Technician

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:08 p.m. and announced quorum with four Commission members present. Commissioner Pecos absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – January 13, 2014
Regular Meeting – January 27, 2014

Mayor Fugate asked for a motion to approve the minutes as presented. **Commissioner Leubert made a motion to approve the minutes as presented, second by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Fugate voting: “FOR”. Pena “ABSTAIN”.**

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

1. None.

III. Reports from Commission & Staff.² (City Manager’s Staff Report Attached).

“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, Proposed Development Report, Accounting & Finance – Financial & Investment Information, Monthly Financial Reports, Police & Fire Department, Grant

Mrs. Courtney Alvarez, City Attorney reported the next City Commission meeting is scheduled for Monday, February 24, 2014. She further reminded staff that agenda items for this meeting are due on Friday, February 14, 2014.

Mayor Fugate gave a brief report on his attendance to the Innovation Installation Seminar in San Antonio on February 10th & 11th, 2014. He further reported that it is important to attend these meetings to show support for our military base.

IV. Public Comment on Agenda Items³

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

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)

Mayor Fugate asked for a motion to approve the consent agenda as presented. Motion made by Commissioner Garcia to approve the consent agenda as presented, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Garcia, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the fiscal year 2013-2014 budget for the General Fund to incur bad debt expense by accepting payment for contested billing for EMS Services provided to the City of Bishop. (Finance Director).
2. Motion to approve final passage of an ordinance amending the fiscal year 2013-2014 budget for the Kingsville Specialized Crimes & Narcotics Task Force to pay for expenses related to disposal of hazardous waste materials. (Finance Director).
3. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes & Narcotics Task Force for donation to the Boys Scouts of America Venado District. (Task Force Commander).
4. Motion to approve resolution authorizing participation in Ride on the 11th Annual Wild Side Charity Bike Ride to be held on April 26, 2014 and authorizing the City Manager to execute an Indemnity Agreement with King Ranch for said event. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA). (SECRETARIA MUNICIPAL).

Maryland. He further reported that there is no tuition expense for the course and lodging at the National Fire Academy is free for students, the only cost would be for meals and miscellaneous items.

Commissioner Leubert recommended for Chief Reed to receive city funds from the travel and training expense line item to pay for his meals and any educational material that may be needed. Mayor Fugate agreed with Commissioner Leubert's comment.

Motion made by Commissioner Leubert to approve out-of-state travel for Fire Chief to attend the National Fire Academy Executive Fire Officer Program, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR".

7. Consider authorizing BuyBoard Contract for work to Fire Station #1 upstairs shower and restroom to LMC Corporation for up to \$67,013.20, as per staff recommendation. (Director of Purchasing & IT).

Mr. David Mason, Purchasing/IT Director reported that this item will authorize the repair/reconstruction of the upstairs restroom and shower at Fire Station 1. It is recommended the contract be awarded to LMC Corporation for \$67,013.20. The funds will be expended from 091-5-220.00-713.00, Capital Projects, Fire Department. The original budget figure for this project was \$50,000. However, budget savings from other line items will be available to cover the overage from budgeted amount.

Commissioner Leubert asked how many showers will be installed. Mr. Mason responded that there will be three private facilities installed. Chief Reed responded that there will be no private facilities at the station.

Motion made by Commissioner Garcia to authorize BuyBoard Contract for work to Fire Station #1 upstairs shower and restroom to LMC Corporation for up to \$67,013.20, as per staff recommendation, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Garcia, Fugate voting "FOR".

8. Consider authorizing BuyBoard Contract for work to Fire Station #1 downstairs men's restroom to LMC Corporation for up to \$5,209.92, as per staff recommendation. (Director of Purchasing & IT).

Mayor Fugate stated that he would like to discuss and take action for both agenda item #8 and #9. No objections were made by the Commission or staff.

9. Consider authorizing BuyBoard Contract for work to Fire Station #1 downstairs women's restroom to LMC Corporation for up to \$5,584.16, as per staff recommendation. (Director of Purchasing & IT).

Agenda item #8: Mr. Mason reported that this item will authorize repairs/reconstruction of the downstairs men's restroom in Fire station No. 1. It is recommended the contract be awarded to LMC Corporation for \$5,209.92. This action will expend \$5,209.92 from 091-5-220.00-713.00, Capital Projects. The original budget figure for this project was combined with the downstairs women's restroom for a total of \$9,280. The women's restroom figure is at \$5,584.16 for a total of \$10,794.

Agenda item #9: Mr. Mason reported that this item will authorize the repairs/reconstruction of the downstairs women's restroom in Fire Station 1. This action will expend \$5,584.16 from 091-5-220.00-713.00, Capital Projects, Fire Department. The original budget figure for this project was combined with the downstairs men's restroom for a total of \$9,280. The men's restroom figure is at \$5,209.92 a total of \$10,794.

Mr. Mason further reported that restrooms will be ADA compatible.

Motion made by Commissioner Pena to approve agenda items 8 & 9, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Fugate voting "FOR".

10. Workshop to discuss the proposed changes to City Planning ordinances regarding the Fence Code, Home Occupations Code, Accessory Use & Structures code, Street Trees, Rear Yards, and the International Property Maintenance Code. (Director of Planning & Development Services).

Mr. Robert Isassi, Director of Planning & Development Services, reported that the Planning Department has been tasked in evaluating and providing a comprehensive

codes that were presented. The two that were tabled were the Fencing Regulations and Accessory Use/Structure Code.

Mr. Mike Kellam, President of CK Consulting, LLC stated to the Commission that this project began in November, 2013. Mr. Kellam stated that there were a few comments made during the Planning & Zoning Commission meeting last night which were taken into consideration.

Mayor Fugate asked what concerns were mentioned during the Planning & Zoning Commission meeting regarding Fence Regulations. Mr. Kellam stated that the Fence Regulation Code was fully reviewed which received some good discussion. Kellam further stated that he feels that the Planning & Zoning Commission needed more time to digest the new language before taking action. Kellam continued to speak about the following code changes.

15-6-28 Fence Regulations.

Mr. Kellam stated that the Planning & Zoning Commission requested to add language regarding the permitting process which will establish a permit fee of \$35, covers staff time that's involved with review and consultation. He further stated that P&Z would like to insert a disclaimer that a survey was not required as part of the permitting process unless deemed necessary by the property owner or applicant.

15-6-28(k)(2). No fence shall be maintained with protruding nails, boards, wires or other similar materials. Mr. Kellam commented that the consensus of the P&Z Commission is a concern about the prohibition of the use of hog wire to livestock paneling in which cost was cited as a reason.

§15-6-28 (k)(3) all fences shall be constructed of a consistent material such as chain link, wood, concrete block, brick, stone, vinyl, wrought iron or other like material. The use of chicken wire, hog wire or any other similar type or quality of fencing is expressly prohibited.

Kellam stated that the concerns P&Z had regarding this section is that the use of hog wire or king ranch fence would be a useful item. He further stated that the consensus of the P&Z Commission was to allow it on acreage or agricultural location. He further recommends the Commission to prohibit the use of hog wire or king ranch fencing unless they have an agricultural zoning, agricultural use or used on acreage limit.

Commissioner Garcia asked if during the P&Z Commission meeting was there any mention of any clauses of grandfathering mentioned. Mr. Kellam responded that when this code is inactive, similar to any other zoning code, anything that existed prior to the adoption of the code would be grandfathered. If they were to remove it or become deteriorated and fall, then to replace it they have to meet the current code. Kellam further commented that they do want to provide the uniformity so that enforcement is consistent and not so much question about it, but do want to give the residence with the opportunity to enjoy and use their property.

Commissioner Leubert asked if P&Z has asked for more time to discuss this particular section. Kellam stated that this is the section that they would like to have the option in an agricultural setting to allow the king ranch fencing.

Commissioner Garcia asked that regarding the wood, vinyl fencing, was their consideration given to windstorm factors. Mr. Kellam responded that everything will have to meet the building code and basically this new code also requires the plan review which states that it has to be set in concrete footings and build to withstand windstorm. Kellam further stated that fences don't come with windstorm rating.

Mr. Kellam asked for the Commissions consensus to redraft section 15-6-28 (k)(3) to read the use of chicken wire is expressly prohibited. Mayor Fugate asked if barbed wire included in the section. Kellam stated that it is included in 15-6-28 (l).

Commissioner Garcia asked about a temporary fence. Kellam responded that you can have a temporary fence, but it needs to be approved and permitted which can be used for protecting and securing construction sites and granted on a temporary basis. Kellam further stated that the temporary fence provision does not limit the type of fencing.

Mrs. Alvarez asked the Commission for clarification regarding hog wire, does the Commission want it limited to either zoning the purpose to acreage or allow it anywhere. Mayor Fugate stated that he would like to see what the P&Z Commission recommends.

Mayor Fugate asked what is consensus of the P&Z Commission regarding barbed wire. Mr. Kellam responded that they had no comment regarding this section.

Commissioner Garcia asked about razor wire. Mr. Kellam state in no case shall razor wire be permitted in any zone within City limits except as used by official governmental agencies.

Mr. Kellam stated that other comments that the P&Z Commission had were regarding the fence design and maintenance. The consensus of the P&Z Commission was that the finished side should be allowed to face inward on interior property lines. He further stated that the recommended proposal from P&Z was on interior property lines it will not affect anybody, but definitely from public right of ways they were ok having the finished side facing those, so when driving down the street, everything looks uniformed. Kellam stated that the original language stated that the finished side should be facing outward or finished on both sides.

Commissioner Garcia asked if there was any mention of lattice work on top of fencing. Kellam stated that it doesn't matter how it's built or designed, as long as you are within the maximum height allowed, which is also being amended as per staffs request.

Mr. Kellam further reported on electric fence, Section 15-6-28 (m) No person shall erect or maintain any electrical fence unless in conformance with the following provisions: (1) All electric fences shall comply with minimum specifications of the Underwriters Laboratories (UL listed) and shall be installed in accordance with the National Electric Code adopted by the City. (2) Fences which may continuously conduct electric current may be allowed only on agricultural land to be used to raise livestock. (3) Single-strand wires designed to conduct electricity through an approved low voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence. No permit shall be required for the erection and maintenance of such single-strand electric wires.

Commissioner Leubert asked about electric fencing to maintain pets within a yard. Mr. Isassi responded that it's allowed as long as a single-strand wire designed to conduct electricity through an approved low voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence.

Commissioner Garcia asked if concrete will be required for the setting of poles for a fence. Mr. Kellam responded that it has to have a concrete base which will be verified in the permitting process which currently doesn't exist but will be established in this process. Kellam further stated that there will be a plan review but no inspections, which allow keeping the permit fee at a low cost.

Commissioner Garcia asked about the fact that there will be no inspection done during or after the fence is built. Mr. Kellam stated that there will be no inspection. Mayor Fugate stated that if the fence isn't built within code, the Code Enforcement Department can go out inspect the fence work.

Mr. Kellam stated that when he mentioned no inspection, he meant that staff will not be inspecting the footings or height of fence. Kellam further mentioned that when a permit is purchased, the property owner must provide a plans showing how the fence will be constructed and by deviating from the plans, will cause a violation and property owner will get code enforcement.

Mr. Kellam continued with Section 15-6-26. Accessory uses and structures. Purpose of this section establishes additional zoning district standards, exceptions to standards or alternative standards for particular uses which are subordinate to the principal use. The purpose of this section is to provide supplemental standards for individual uses in order to protect surrounding property values and uses, protect the public health, safety, and general welfare, and implement the Master Plan for the City. Kellam stated that with an R1 zoning district that allows for a single family residential home. It doesn't state any other use that's allowed on that property other than a single family residential home. He further stated that an accessory use is like a home occupation or home office. This section further defines that as allowed permitted use as a supplemental regulation to the base zoning district, which will allow the home occupation or home office.

Commissioner Garcia asked for the explanation of home occupation. Kellam gave the example of if someone works for a company and that company allows you to work from a home office which will allow you to talk to them from your computer via skype or by any other means of software, to where you wouldn't have to report to an original office. Kellam further stated that the intent of this section is to provide the following of the

Planning & Development Services, or his designee, shall determine whether a proposed accessory use/structure, or in the case of an enforcement action, an existing accessory use/structure is permitted under this ordinance. In reviewing and approving an accessory use/structure, the Director of Planning & Development Services, or his designee shall find that the proposed use meets the following criteria: (1) Is not to be constructed or established on a lot until construction of the principal structure is completed or the principal use is established; (2) Is not to be established on a vacant lot and/or is located on the same lot as the principal use served; (3) Is subordinate to and serves a principal use; (4) Is subordinate in area, extent or purpose to the principal use served; (5) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal use; (6) Is not injurious, noxious or offensive to the neighborhood; (7) Accessory uses of a storage nature are not located in the front yard area; and (8) Accessory buildings shall not be used for dwelling purposes except where permitted in the Land Use Chart (Appendix A, Section 1, Land Use Chart or Article 6 of Chapter 15 of the Code of Ordinances).

Mr. Kellam further discussed the General Requirements. Unless otherwise specified in this section, all attached and detached accessory structures shall conform to the same use, height and area regulations required of the main use or structure and with the following additional limitations. (1) Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use, (2) Accessory use shall be located on the same lot as the principal use of which they serve.

Mr. Kellam discussed the Dimensional and Density Standards. For residential lots not exceeding 3 acres, detached accessory structures shall not be located in the front yard. Detached accessory structures may be located in the rear yard area. For residential lots exceeding 3 acres, detached accessory structures may be located in the front yard if it is required due to topographical issues or other impediment that prevents the placement of the structure in the rear yard area.

Mr. Kellam stated that during the P&Z meeting, a comment was made by Mr. Gene Jones. Mr. Jones indicated that he would prefer the acreage be lessened to provide greater relief to more outlying properties. Mr. Kellam further recommended that 1.5 or 2 acres being the standard by which 15-6-26(H)(1)&(2) applies.

Mr. Kellam discussed the Permitted Accessory Uses and Structures. Accessory uses and structures include, but are not limited to, the following list of examples, provided that each accessory use or building shall comply with all the provisions of this chapter.

- (1) Drop-off boxes, such as mail or donation boxes, at all commercial establishments in C1 through 12 zone districts provided the drop-off box; (a) Is located behind the minimum setbacks required in the respective zones; (b) Is located so it is not (1) blocking driveways, (2) blocking pass-through traffic in parking aisles, (3) blocking pedestrian traffic, (4) creating any safety issue as determined by the Director of Planning & Development Services; and (c) Does not eliminate any required parking spaces or is not located in any parking aisle.
- (2) Employee restaurants and cafeterias when located in a permitted business or manufacturing building. (The size of these accessory uses may be no more than 10% of the gross square footage of the business).
- (3) Home occupation in accordance with Section 15-6-27.
- (4) Management offices for multi-tenant properties.
- (5) The operation of service facilities and equipment in connection with schools, hospitals and other similar institutions or uses.
- (6) The overnight parking of a licensed truck in working condition of one ton rating or less in a residential zone district.
- (7) Recreational uses and structures for the use and convenience of occupants, employees or guest of a principal use or facility.
- (8) Refreshment and service facilities in parks and playgrounds, and in permitted public or private recreation facilities or schools.

Mr. Kellam further stated that it allows these types of uses which clearly define them with no question as to whether it creates any problems with multiple structures on property. Kellam further discussed the designed guidelines and allowable exterior materials and

the painted galvanized metal which is more attractive in some settings. Kellam stated that this section was tabled as well as the fence code by the P&Z Commission. Kellam stated that the P&Z Commission recommended that the following language be removed from this section of the code, exterior material shall consist of the same or similar materials as the principal structures.

Mayor Fugate asked for Mr. Kellam's recommendation to this particular section. Mr. Kellam responded that his recommendation is how it was originally written, no metal siding, the exterior material of the accessory structure be the same or similar in type to the main structure.

Mr. Kellam continued discussing the use of freestanding metal carports and arched steel structures. The consensus of the Planning & Zoning Commission was to allow the use of freestanding metal carports and/or Quonset huts with a caveat that prior to permitting they would require plans, designed and sealed by a Professional Engineer be submitted prior to permitting ensuring wind load, anchoring and durability. Kellam further discussed that that no exterior stairways to a second floor or attic are permitted at the front or side of the building. Kellam stated that the consensus of the P&Z Commission was to add the word "visible" after "exterior" to allow concealed stairway behind a false façade in some cases.

Mr. Kellam further discussed home occupations which pertain to home activities to be permitted as an accessory to the principal use in conjunction to 15-6-27. Kellam stated that this section was approved by the Planning & Zoning Commission without any recommendations. Due to more individuals working from home due to the technology available to them, staff wanted to provide this extended use of the property as an accessory use with limitations in performance standards. Kellam stated that the activities listed in subsection 15-6-27(C),(1) through (4) below, are not subject to this section, provided that all persons engaged in such activities reside on the premises: (1) Artists, sculptors, and composers not selling their artistic product to the public on the premises; (2) Craft work, such as jewelry-making and pottery, with no sales permitted on the premises; (3) Home offices with no client visits to the home permitted; (4) Telephone answering and message services. Mr. Kellam continued to discuss the Use limitations and performance standards which limit the number of customers you can have per day. A hair salon cannot have more than six clients per day and limits the hours you can conduct business. Home occupations for child care shall have a maximum of six children under care at any one time. This section also mentions signage which shall be limited to one wall-mounted sign not exceeding four square feet in area is permitted, must be mounted flush against the wall of the principal dwelling unit or accessory structure; and not be illuminated. A business license shall be obtained, if required by other ordinances.

Commissioner Garcia stated that the City already has an ordinance dealing with signage and is concerned that this section referring to signage can be contradicting the sign ordinance that is already in place.

Mrs. Alvarez asked the Commission if they want to push the appointed period back instead of when the ordinance becomes effective to two months after. Mayor Fugate suggested an educational process to allow citizens to get use to the new changes.

Mayor Fugate asked if any pre-existing home occupations would be grandfathered. Mr. Kellam stated that on those with a special use permit will be grandfathered. Kellam further discussed the section of prohibited home occupations. Home occupations in residential zoning districts shall not include the following types of activities and uses: (1) body piercing and/or painting, tattoos, or any type of physical therapy or psychotherapy; (2) Commercial food preparations; (3) Contractors shops; (4) Furniture refinishing; (5) Gymnastic facilities; (6) Massage services or massage therapy establishments; (7) Machine shop/metal working; (8) Medical dental office; (9) Medical procedures; (10) Medical/cosmetic facilities for animals, including animal care and boarding facilities; (11) Motor vehicle and engine repair; (12) Outdoor recreational activities; (13) Palm reading or fortune telling; (14) Recording studios, (15) Retail sales; (16) Tanning salons; (17) Trash hauler operations other than a home office; (18) any other use not allowed in accordance with 15-6-27 Home Occupations of this chapter or any use determined by the Director of Planning & Development Services to be a detriment to the surrounding properties and /or area.

Commissioner Leubert opposes a question to Mr. Kellam regarding Massage services or massage therapy establishments. Leubert stated that there are a few massage

proposed amendment to the Required Improvements is in relation to the previous amendments that were adopted in 2013 and are consistent with what was approved in the Comprehensive Housing Plan, as specifically identified within Part III and Part VI. This section reads that dead and dying street trees shall be replaced by the applicant/developer during the first two years after installation. Once the two year warranty period has expired the City will then assume the full responsibility of maintaining the street trees.

Mrs. Alvarez asked that within the section that reads that the City will then assume the full responsibility of maintaining the street trees, does this mean trimming and removing the trees. Mr. Kellam responded that to this particular section, the language can be changed to read, assume possession of the trees, which protects the trees from being removed by anyone else besides the city.

Mr. Kellam further moved on to Area Regulations. City Staff has performed a thorough review of the proposed amendment to this section. The language now reflects the desired rear yard usage pertaining to accessory structures and allows an accessory structure to be placed in the rear yard, regardless of the presence of an abutting alley.

Chapter 9, General Regulations. Kellam stated that staff wanted to take it a step further and allow more opportunity for consistent enforcement and provide additional guidelines to both staff and residents. Staff decided to adopt the International Property Maintenance Code which is created by the International Code Council. Section 9-7-2 Additions and Amendments to the International Property Maintenance Code allows the IPMC code to be amended to coincide with the existing nuisance codes. This section tailors the IPMC to fit the City of Kingsville, and substitutes, amends or omits certain language to prevent contradictions and/or confusion specifically within established enforcement and notice provision already provided in Article VII.

Mr. Kellam further discussed Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the winter period from November 1st to March 1st to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms. Kellam further stated that P&Z would like to include language to read that the property owner will supply the heater but would not have to supply the electricity and/or gas to operate a heater.

Mayor Fugate stated that by adding this section, it will prevent house fires due to improper heating of a home. Fugate stated that these changes are a good start and feels that citizens will appreciate the changes being made.

Commissioner Garcia asked about the heating of every room within a dwelling. Mr. Capell stated that it depends on the size of the home, which will determine whether every room in the home would need to be supplied with heat. Garcia stated that the way the changes read, it will require a heater in every room. Mr. Kellam stated that it would require a heat source, in every room to include bathrooms.

Mr. Kellam stated that under Section 9-7-3 Acts Prohibited was amended to add the following for further inclusion, it shall be unlawful for any person to contract, cause to be constructed, or permit to remain constructed any building which violates and provisions of such Code. Section 9-7-4 Definitions was amended to further define and create consistency with the IPMC on the maximum height of weeds/vegetation, which limits it to 12 inches.

Mrs. Alvarez explained what the administrative fees are comprised of, labor fees, fuel, vehicle maintenance, copying, postage and everything from the initial inspection to the filing of an invoice.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:00 P.M.


Sam R. Fugate, Mayor