

MARCH 21, 2016

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 21, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 8:00 A.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Jesús Garza, City Manager  
 Courtney Alvarez, City Attorney  
 Tom Ginter, Director of Planning & Development Services  
 Charlie Cardenas, Public Works Director/Engineer  
 Leo Alarcon, Tourism Director  
 Adela Barrientes, Administrative Assistant II  
 Daniel Ramirez, Building Official  
 Cynthia Martin, Downtown Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 8:00 A.M. and announced quorum with five Commission members present.

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

Mayor Fugate waived these proceedings.

**MINUTES OF PREVIOUS MEETING(S)**

NONE

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

1. 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, 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, Investment Report, Quarterly Budget Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time.”*

No reports made.

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

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

No public comments 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)*

NONE

**REGULAR AGENDA**

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

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

**1. Consider the Historical Development Board decision on an application for a building permit for a sidewalk renovation at 200 E. Yoakum, which was approved by the board. (Downtown Manager).**

Mayor Fugate commented that he would be abstaining himself from these two items, but he did have some discussion that he would like to talk about.

Mrs. Courtney Alvarez, City Attorney responded that Mayor Fugate could not, once he has abstained, Mayor Fugate cannot participate in the discussion of these items.

Mayor Fugate further stated that he hadn't abstained just yet.

Mrs. Alvarez further commented that because there is a conflict of interest, Mayor Fugate would be required to abstain.

Mayor Fugate at this time turned over the meeting to Mayor Pro-tem Leubert.

Commissioner Leubert continued with the meeting as Mayor Pro-tem.

Mayor Pro-tem Leubert asked that if this item has already gone to Historical Board, which was approved, why this item is brought before the City Commission for approval.

Mrs. Alvarez commented that the totality of the section, Article 15, with regards to the Historic Board, there several contradiction in this section. Many of them state that the City Commission must make a recommendation on the permits and in other sections it indicates that they don't, but then goes back in another section that indicates that they do. This is an area that needs some clarification or modification, but since it's been done this way for over a year now, there seems no point in diverging it with these two items. Some other sections state that all permits for the raising, construction, renovation need a recommendation from the Board prior to coming to the Commission.

**Motion made by Commissioner Garcia to approve this item, seconded by Commissioner Pecos.**

Commissioner Garcia asked what the Historical Board has approved.

Mrs. Cynthia Martin, Downtown Manager reported that the Historical Board has approved the project as proposed for the sidewalk renovation.

Commissioner Pena asked when the Historical Board met on these items.

Mrs. Martin stated that the Board met first on February 17<sup>th</sup> for the signage and on March 9<sup>th</sup> for the sidewalk.

Mayor Protem Leubert asked if they the renovations of the sidewalk were to make it ADA Compliance.

Mrs. Martin responded yes.

Commissioner Pena asked that if this has been in place for a year, was this some of the work that was done by Mr. Mike Kellam in clarifying some of the City ordinances.

Mrs. Alvarez commented that she doesn't recall Mr. Kellam working on the Historical section of the ordinances. He was mainly dealing with other section in Article 15.

Commissioner Pena stated that since this building has had several businesses in the past, was it always in violation of not being ADA Compliant.

Mrs. Alvarez commented that she would leave that up to the building official.

Mr. Jesus Garza commented that typically when there some renovations done to a building, at that point certain codes go into effect, in order to bring it up to code.

Mayor Pro-tem Leubert commented that this is the fourth restaurant that has been in this building.

Motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena voting "FOR". Fugate "ABSTAINED".

**2. Consider the Historical Development Board decision on an application for a sign permit at 200 E. Yoakum, which was approved by the board. (Downtown Manager).**

Commissioner Pena asked what the vote was from the Historical Board. Mrs. Martin stated that the Historical Board approved unanimously.

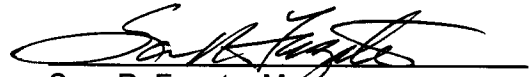
Commissioner Garcia asked that if the sign was in compliance, why it is being brought before the City Commission.

Mrs. Martin commented that because it states it in the ordinance, that any time a permit comes forward in the Historic District for any new changes, it must come before the Board.

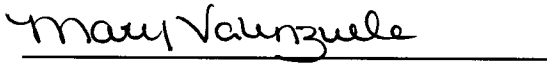
**Motion made by Commissioner Pecos to approve this item, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, voting "FOR". Fugate "ABSTAINED".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 8:12 A.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, City Secretary