

MAY 11, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 11, 2020 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

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Janine Reyes, Tourism Director  
Ricardo Torres, Police Chief  
Uchechukwu Echeozo, Director of Planning & Development Services  
Ron Lee, Interim Fire Chief

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM**

Bill Donnell, Public Works Director  
Susan Ivy, Director of Parks and Recreation  
Rudy Mora, Engineer  
Emilio Garcia, Health Director

**Conference Line call: 1 (408) 418-9388 and  
when prompted type access code: 620805471#**

**OR**

**Live Videostream: <http://www.cityofkingsville.com/webex>**

**I. Preliminary Proceedings.****OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with four Commission members present. Commissioner Pecos absent.

**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- April 27, 2020**

Motion made by Commissioner Lopez to approve the minutes of April 27, 2020 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

**\*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION.** To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government

Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

**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, 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."*

Mr. Mark McLaughlin, City Manager gave his City Manager's Report. An interview committee has been appointed to begin the Fire Chief interviews. The committee will be interviewing six finalists next week on May 14, 2020. Two of the six interviews will be in person, while the other four will be done virtually. When interviews are complete, the committee will be submitting one to three finalist which will then be interviewed by the City Manager. McLaughlin further reported on the second part of his City Manager's Report which pertains to Code Enforcement. In the last two weeks Code Enforcement has performed 260 inspections. These inspections are usually the result of a complaint regarding a potential violation. They have also performed 16 re-inspections and four abatements. Code Enforcement has another thirty-two properties pending work order completion and assignment to City maintenance crews. There have been four condemnation/demolitions that the Building Official is working on which include the following addresses: 500 W. Santa Gertrudis; 429 E. Mesquite; 315 W. Nettie, and 626 N. 6<sup>th</sup> Street.

Commissioner Hinojosa asked if we were going to be proactive? Mr. McLaughlin responded yes.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission is scheduled for Tuesday, May 26<sup>th</sup>. The meeting will be moved to May 26<sup>th</sup> as Monday, May 25<sup>th</sup> is Memorial Day Holiday. She further reminded staff that agenda items for the May 26<sup>th</sup> meeting are due Friday, May 15<sup>th</sup>.

Commissioner Leubert asked for staff to provide the Commission with an update on city properties that are on the market to sale. She further commented that she would like to recognize two police officers, Omar Garcia and Michael Chavana for their assistance to a gentleman that was trimming his tree and had a large branch that fell onto 6<sup>th</sup> Street. The police officers stopped to assist in the removal of that branch.

Mayor Fugate read two proclamations, National Police Week/Peace Officer Memorial Day and National Nurse's Month.

Commissioner Lopez read and presented a proclamation to City Secretary, Mary Valenzuela for Municipal Clerks Weeks.

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

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

Mrs. Mary Valenzuela, City Secretary stated that she had not received any public comments via email, but it was her understanding that there was an individual that may have commented through the City's Facebook page.

Mayor Fugate asked for the rules that have been in place for public comments during the COVID-19 pandemic which has caused us to close the meetings to the public but can otherwise comment either by email or virtually.

Mrs. Courtney Alvarez, City Attorney explained that rules have been set in place stating how the public can comment during the closed meetings. The Commission has given the City Secretary permission to set rules down for public comments and how they are to be submitted. Comments from Facebook is not one of the types of ways to submit comments. Rules for public comments have been posted on the City's website as well as on the agenda. The rules have also been posted on the city's bulletin board and at the entrance of the Community Room. Mrs. Alvarez further explained the rules that have been in place since the COVID-19 pandemic on how to submit a public comment.

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

**1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8-Traffic Control Devices, providing for the installation of a yield sign on Van Street at its intersection with Helen Marie Lane. (City Engineer).**

**2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 5-Historical Districts and Landmarks, Section 15-5-30, providing for Adoption of Design Guidelines for the Historic District. (Downtown Manager).**

### REGULAR AGENDA

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

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

**3. Consider awarding RFP#20-07 for 2020 US77 Utilities Relocation Project to Donald Hubert Construction Co. and approving a resolution authorizing the City Manager to execute a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US77 Overpass Utilities Relocation. (City Engineer).**

Mr. McLaughlin reported that four bids were received, and they range from \$599,000 to \$1.3 million dollars. There was an error on the Bid Proposal Form on item D-2 which should have read 16" Dia. Steel Casing. Three of the four bidders caught the error and submitted the correct unit price except for the lowest bidder, Hubert Construction Co. The Engineer stated that he has confirmed with Hubert Construction Co. that the unit price for this item is the same as item B-2. McLaughlin further stated that the financial impact will be \$599,106.50 for the construction costs and \$24,825 for testing with a total project cost of \$623,931.50. TxDOT will reimburse the City approximately 43% on compensable activities. It is staff's recommendation to award the bid to Hubert Construction Co.

Commissioner Hinojosa asked that regarding the payment procurement which states that it will be paid according to the general conditions and asked if this would be done on a percentage completion or will the city be funding money upfront. He further stated that the general conditions were not part of the packet.

Mrs. Alvarez commented that after reviewing the documents, it will be paid as work progresses and a retainage will be held until work is completed. There is a timeframe

that has been given in which to complete the project. In the event that the project is not completed on time or there are day overages will be taken into account.

**Motion made by Commissioner Leubert to approve the award of RFP#20-07 for 2020 US77 Utilities Relocation Project to Donald Hubert Construction Co. and approving a resolution authorizing the City Manager to execute a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US77 Overpass Utilities Relocation, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Leubert, Lopez, Hinojosa, Fugate voting "FOR".**

4. **Consider introduction of an ordinance amending the FY2019-2020 Budget to cover the additional costs of the I-69 (US77) TxDOT Utility Line Relocation Project due to the received bids and testing cost. (City Engineer).**

Commissioner Hinojosa asked if \$24,825 that is part of the cost, has this already been spent, which is allocated for the testing?

Mrs. Alvarez responded no. It is her understanding that the testing will be done once the work is completed. This will be done once it is substantially completed then a test will be performed to make sure that the utilities lines that have been relocated are working and flowing properly.

Commissioner Hinojosa further asked that on the memo from staff, it states that it will be 43% of the total cost, but on the financial impact it states 43% of the compensation activities and asked if there was difference or is it the same.

Mrs. Alvarez responded the same.

Introduction item.

5. **Consider a resolution authorizing participation in the Bulletproof Vest Partnership Program FY2020 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

**Motion made by Commissioner Lopez and Commissioner Leubert to approve the resolution authorizing participation in the Bulletproof Vest Partnership Program FY2020 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department, authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

6. **Consider a resolution authorizing application to, administration of, and acceptance of BJA-2020-17732 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Commissioner Hinojosa commented that he thinks that this will be paid out of forfeiture fund. Chief Torres responded that the cash match needs to come from city funds in order for it to be reimbursed, as if you use Chapter 59 funds, it is not reimbursable.

**Motion made by Commissioner Lopez to approve the resolution authorizing application to, administration of, and acceptance of BJA-2020-17732 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Lopez, Fugate voting "FOR".**

7. **Consider a resolution accepting funds for Operation Stonegarden Grant # 3194305 with the Homeland Security Grants Division of the Governor's Office for border security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).**

Chief Torres stated that his department has been awarded \$178,191.53 of which \$58,000 is for a new vehicle purchase for the interdiction units. This grant is a reimbursement type but does not require a cash match.

**Motion made by Commissioner Lopez to approve the resolution accepting funds for Operation Stonegarden Grant # 3194305 with the Homeland Security Grants Division of the Governor's Office for border security to interdict criminal activity**

with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Lopez, Fugate voting "FOR".

8. **Consider introduction of an ordinance amending the FY2019-2020 Budget to accept and expend funds awarded to the Police Department for the 2019 Operation Stonegarden Grant. (Police Chief).**

Introduction item.

9. **Consider a resolution authorizing the City to submit an application to the 2020 Assistance to Firefighters Grant Program-COVID-19 requesting grant funding for personal protective equipment (PPE) on behalf of the Kingsville Fire Department with an anticipated \$2,568.50 cash match. (Interim Fire Chief).**

Interim Fire Chief Ron Lee stated that this is an opportunity for the Fire Department to recoup costs already incurred as well as increase their stock in anticipation of future needs associated with the COVID-19 pandemic.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City to submit an application to the 2020 Assistance to Firefighters Grant Program-COVID-19 requesting grant funding for personal protective equipment (PPE) on behalf of the Kingsville Fire Department with an anticipated \$2,568.50 cash match, seconded by Commissioner Leubert and Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

10. **Discuss and consider potential projects for FY 20-21 in preparation of budget. (City Manager).**

Mr. McLaughlin stated that he has asked Mr. Bill Donnell, Public Works Director and Rudy Mora, City Engineer to go over the Capital Improvement Plan. He further stated that this is an opportunity for the Commission to give their input on some of the projects or things they would like to see done. McLaughlin provided the Commission with a list of items that he has heard the Commission mention during his 5 ½ months with the city. These items include the decorative fence between the farmers market and railroad tracks to match what fronts 6<sup>th</sup> street; begin grounds improvements around City Hall; City way-finder signs to add to what we have now; set of improved year-round kennels to the animal shelter with guillotine doors to small runs outside; playground feature for a west-side park, splash pad or skate park; and protective fencing as some parks to keep playground ball(s) from rolling into city streets.

Mayor Fugate stated that it's been a while since the Commission has had a workshop on goal setting. Fugate further stated that maybe some time in June would be the time to set a goal setting workshop. This would give staff time to set a format for the workshop and gather all department heads and supervisors, given that it is safe for all to gather. He further stated that he would like to see this done in the next three to four months.

Commissioner Hinojosa commented that he does not want anyone from the outside to come in and do the workshop for the city. He would like this to be done inhouse.

Mayor Fugate commented that he would like staff to get the JK Northway project back on track.

Commissioner Lopez commented that the project she would like to see is the playground on the westside of town. She stated that she and the Parks Director have attended a meeting with some of the residents from that area and the park located on the westside was discussed. Fencing around the park was also discussed.

Mayor Fugate commented that a skatepark is needed on the westside as some kids travel to the skatepark on the eastside, which is quite a distance. He further stated that there is money for Chamberlain Park, which is located next to City Hall, and further commented that money is budgeted for the park every year.

Mr. McLaughlin commented that an irrigation system needs to be put in place around city hall and once the land settles, then a layout can be worked on as to where to place things around Chamberlain Park.

Mayor Fugate commented that there is private money that can be put into Chamberlain Park. The Garden Club offered to assist as well as the King Ranch has offered to assist.

Commissioner Lopez commented that it is time for something to be done around City Hall. It needs to be a priority.

Commissioner Hinojosa commented that money that was budgeted for the landscaping around city hall, some has already been used for something else. He further asked for staff to into this and see where the money was put into.

Mayor Fugate commented that around six months ago, Mr. Donnell presented to the Commission cost for street repairs. He further asked for staff to look into how much money is in the budget for a capital improvement project as he would like to see Corral and Santa Rosa project done.

Mr. McLaughlin stated that he is waiting to hear back from Kleberg County Judge Madrid on a joint project with the County to Corral and Santa Rosa project done. The city can do the project on its own, but by doing the project jointly with the County, it would be completed a lot faster.

Mayor Fugate commented that County Commission David Rossi has assisted the city with some of his equipment in the past, but not sure in what capability they can assist the city now. He further commented that even if the County can help with in-kind services, it would be a great help to the city.

Mr. McLaughlin further reported that the goal is to pave 13<sup>th</sup> Street then move to E. Miller Ave. between 11<sup>th</sup> Street and 14<sup>th</sup> Street. This street had the curbs done a few months ago and now it needs the new road. He further stated that staff will look at other roads that are deteriorating.

Mayor Fugate commented that Corral and Santa Rosa is more of a capital improvement project as it is a big project for city staff to take on.

Mr. Mclaughlin commented that the city engineer has brought to him the city's street assessment that was done in January, which the report will be out in two weeks. This is supposed to phase, based on the city's resources and the city's manpower. He stated that the city engineer has mentioned that it is important to see roads that are beginning to deteriorate and take care of them before they fail. He further stated that another road to look into is West Sage Road as it is in very poor condition.

Mayor Fugate commented that the city should have enough money to get a capital project done.

Mrs. Alvarez asked if the goal setting that the commission is wanting to do is going to be tied into to the budget and given that staff will already be working on submitting their budget to the Finance Department within the next two to three weeks.

Mayor Fugate commented that he doesn't feel that it will work.

Mrs. Alvarez asked if the Commission would be interested in doing the workshop on Tuesday, June 9<sup>th</sup>, day after the regular meeting.

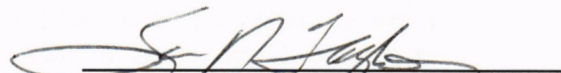
Commissioner Hinojosa asked if the workshop could take place on May 26<sup>th</sup>?

Mayor Fugate commented that this would give staff two weeks to get ready.

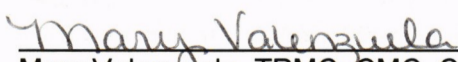
Commissioner Hinojosa commented that everyone on the Commission can agree that streets are the priority.

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

There being no further business to come before the City Commission, the meeting was adjourned at 5:46 P.M.

  
Sam R. Fugate, Mayor

#### **ATTEST:**

  
Mary Valenzuela, TRMG, CMC, City Secretary