

JULY 13, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 13, 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
Hector Hinojosa, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Edna Lopez, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Ricardo Torres, Police Chief
Janine Reyes, Tourism Director

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Bill Donnell, Public Works Director
Emilio Garcia, Health Director
Diana Gonzalez, Human Resources Director
Deborah Balli, Finance Director
Cynthia Martin, Downtown Manager

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with four Commission members present. Commissioner Lopez 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 – June 8, 2020****Regular Meeting – June 22, 2020**

Motion made by Commissioner Pecos to approve the minutes of June 8, 2020 and June 22, 2020 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, 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).¹

1. None.

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.”

Mr. Mark McLaughlin, City Manager reported that street project on E. Miller Ave. will begin July 14, 2020. The street crew will be working on E. Miller Ave. from 11th Street to 14th Street. McLaughlin further reported that the City had orientation for five new employees on July 13, 2020.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for July 27, 2020, with an agenda deadline to staff of July 15, 2020.

Commissioner Leubert commented that she recently received the City's Valued Water Utility Customer brochure which gives the information on no longer using Payment Service Network. She then asked if citizens were made aware of the transaction fee that is being charged when paying a utility bill with a credit card.

Mr. McLaughlin responded that this is something that he would need to verify this with the Finance Director, as he is not aware if notification is printed on the utility bill.

Commissioner Leubert commented that notification is not listed on the bill, as she did not see it on her utility bill. She further asked for staff to verify it and provide her with an update.

Mayor Fugate reported that the City and County had a press conference on COVID-19 today. They were joined by the CEO and Head nurse in Charge of Christus Spohn Kleberg Hospital. They spoke about the importance of taking every precaution against this virus (COVID-19).

Commissioner Leubert asked Chief of Police, Rick Torres as to how the police department was making sure that all citizens were abiding by the rule of having to wear a mask in public places.

Chief Torres responded that his department has been working diligently on making sure that everyone is abiding by the mandatory mask rule while in public locations. He further stated that they are also keeping track of those who have received a first warning so that if the citizen moves on to a different store or is in violation of the mask rule, then they would be given a citation.

Commissioner Leubert further thanked Janine Reyes, Tourism Director and her staff for all their hard work on the COVID-19 pandemic. Mrs. Reyes and her staff have worked long hours in making sure that the COVID-19 test sites are prepared and those individuals from the test site are fed as well as making sure that the public is updated daily on COVID-19 information and numbers.

IV. **Public Comment on Agenda Items.³

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

Mrs. Mary Valenzuela, City Secretary read a public comment received from Edward Barrientes of Palito Blanco. The comment reads as followed:

“Let's talk about our schools starting in the Fall. Our government, the government that people voted for, they want to send our kids to a safety hazard environment since the pandemic is rising. That is why they closed restaurants and bars. If the schools open the kids can bring home the virus from others causing parents or grandparents to get

sick. We are trying to lower the number of people who get the pandemic yet so many people come in contact with the kids. This will endanger more lives causing more sickness. The government needs to give out doses of vaccine or pills to all. Why not bring out the medicine to all and get it over with, then letting the pandemic rise. We have a better chance of getting the medicine than dying from COVID-19. We all know it's a process for all but at the same time you want of open schools without any vaccine or medicine for anyone." Signed by Edward Barrientes of Palito Blanco.

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 Leubert to approve the reappointment of Lupita Perez to the Historical Development Board for a three-year term, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Fugate voting "FOR".

1. **Motion to approve reappointment of Lupita Perez to the Historical Development Board for a three-year term. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider a resolution authorizing Professional Service Provider selection for Community Development Block Grant-Mitigation (CDBG-MIT) programs through the Texas General Land Office (GLO).**

Mr. McLaughlin stated that this is for the drainage projects that are under a mitigation grant that the City has applied for. Part of the process is to selection a grant administrator. The Grant Administration Services was advertised in the local paper and an email was sent to 8 Grant Administrators on June 18, 2020. The deadline to submit was July 2nd. Only one RFP was received which was from GrantWorks Inc. McLaughlin further stated that the city has worked with GrantWorks in the past therefore it is staff's recommendation to select GrantWorks.

Commissioner Hinojosa commented that he has a concern regarding GrantWorks. He stated that they haven't done a good job in the last few bids as they have made some mistakes that caused a re-bid of at least one project. Hinojosa asked if the bids could be submitted to companies the city knows that do this kind of work? He also commented that by only having one submittal, it makes it difficult for the Commission, especially knowing that GrantWorks has made some mistakes in the past.

Mrs. Alvarez commented that City staff has complied with the purchasing law that they did advertise it in the newspaper as required to do. In addition to advertising it in the newspaper they also sent out notices to 8 different grant administration entities but only received one response. She further commented that GrantWorks has done several grant administrations projects for the city in the past. She believes that there was a newer staff member in GrantWorks that resulted in the re-bid that Commission Hinojosa has mentioned. This is the only instance that she is aware of that caused a re-bid.

Mayor Fugate asked if staff received any explanation as to why only one response was received?

Mr. McLaughlin responded that he did not receive an explanation, but he was surprised as well to have only received one response. He further commented that for the next time, he will be working with the Engineering Department that sets all this up in order to understand where these bids are being sent out as we don't have to only limit it to this area only.

Motion made by Commissioner Leubert to approve the resolution authorizing Professional Service Provider selection for Community Development Block Grant-Mitigation (CDBG-MIT) programs through the Texas General Land Office, seconded by Commissioner Pecos.

Mayor Fugate asked staff to make GrantWorks aware of Commissioner Hinojosa's concerns as it is costing the city money, they need to do a better job. Fugate further asked if this was a clerical mistake that occurred?

Mrs. Alvarez responded that the only situation she is aware of is where there was supposed to be a 15-day gap between the advertisement and the opening but it ended up being a 14 day gap the way it was counted.

The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Fugate voting "FOR".

3. **Consider authorizing staff to move forward with a waterline extension proposal for TAMUK on West Escondido, with them paying expenses. (Public Works Director).**

Motion made by Commissioner Leubert to authorize staff to move forward with a waterline extension proposal for TAMUK on West Escondido, with them paying expenses, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting "FOR".

4. **Consider introduction of an ordinance amending the FY19-20 Budget to accept and expend the DEAAG Grant reimbursement for land purchased near NAS Kingsville. (Finance Director).**

Introduction item.

5. **Consider a resolution authorizing the sale of a restrictive use easement on the City's approximately 9.40 acres of land near NAS Kingsville. (City Manager).**

Mr. McLaughlin stated that this is part of the encroachment control program that they have for the US Navy to limit what can be built in the accident potential zone and the clear zone. He further stated that the Navy wants a restrictive easement and will pay the City \$44,100 for the 9.40 acres.

Mayor Fugate asked how the Navy will be coming up with this money? Mr. McLaughlin responded through the Federal Government which sends down to the Department of Defense funding to be used for easement as such. Mayor Fugate further asked if the city would receive extra points in a BRAC situation if the city decided to gift the property to the Navy.

Mr. McLaughlin responded that what this does for the city, when you are trying to BRAC proofing the Naval Base, the more control you have, especially in these accident potential zones, that you have kept them clear of incompatible development, you will score a lot better when being ranked amongst other military bases.

Motion made by Commission Pecos approve the resolution authorizing the sale of a restrictive use easement on the City's approximately 9.40 acres of land near NAS Kingsville, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Fugate voting "FOR".

6. **Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices, providing for a University Residential Parking District. (Director of Planning & Development Services).**

Commissioner Leubert stated that this item is ok with her except for a section that is mentioned in the memo coming from the Director of Planning & Development which states, after 12 months, look towards making the visitor hangtags (placards) a paid item with a suggested price tag of \$10.00. Leubert asked what the city is charging someone that lives in the area to park in front of their own home.

Mrs. Alvarez commented that the existing ordinance that is up for final passage does not contain this requirement. She further stated that you will get three to four visitor tags free. This is only a suggestion coming from the Planning Director which would require and ordinance amendment that would need Commission approval before this suggestion could be implemented.

Commissioner Leubert asked why this would be on there as she is not comfortable with this item being on here and would like it stricken from the document.

Mrs. Alvarez commented that it is only a suggestion listed on the memo and has no authority on what the Commission would be approving tonight.

Commissioner Hinojosa stated that his concern with this ordinance is the penalty fee of up to \$500, which comes from Section 1-1-99. He further stated that he knows that the Judge doesn't cite the highest amount, but to him, the penalty of \$500 is too high, he would like for the penalty to be \$200. He also stated that he would like to see a permit

sticker rather than a hangtag which could eliminate the resident from forgetting to place the hangtag on the vehicle.

Mayor Fugate asked why not just do the permit sticker rather than the hangtag.

Mrs. Alvarez responded that it is her understanding that the Planning Director is planning on having stickers for the residents and hangtags for the visitors.

Commissioner Leubert commented that she agrees with Commissioner Hinojosa regarding the penalty fee. Leubert further asked Mrs. Alvarez, if the Commission makes a motion to approve as presented but change the penalty fee from \$500 to \$200, is that a motion that can be done.

Mrs. Alvarez responded that section 1-1-99, that Commissioner Hinojosa referred to, in Subpart C states a fine not to exceed \$500. She further stated that the Municipal Court Judge has the discretion to determine what amount he would impose for a conviction or a plea of guilt in a particular circumstance. She also stated that all the traffic offenses that are within the city's code of ordinances fall under Section 1-1-99 (a)(3). Alvarez further commented that she has yet to see the Judge impose the maximum amount, especially for a parking violation.

Commissioner Leubert stated that if it's a maximum fine up to \$500 it may work; in the event you have repeaters that violate the ordinance.

Mrs. Alvarez commented that the Chief of Police has trained his police officers to try and issue warnings for their first offense and if a second offense occurs then a citation will be given which the judge could determine the amount of the fine. She further stated that section 7-6-2, schedule 2, parking restricted on certain streets, these are all the streets that are identified in the University Parking District which all have restricted parking on both sides of the street from 7:00 a.m. to 5:00 p.m. Monday through Friday. She further stated that if someone came in and parked in front of their house such that wasn't a delivery truck or a vehicle needing to unload something then it would be helpful to either have the resident sticker or the visitor placard.

Mayor Fugate asked if the University has been given a copy of this ordinance. Mrs. Alvarez responded that not to her knowledge. Fugate further asked if staff didn't think that the University may have an interest in this. Mrs. Alvarez responded that the parking restriction is already in place since 2011. This is only adding a benefit to the residents in this area. If this is approved tonight, then staff would notify them so that they can educate their students that just because there may be cars parked there, you still can't park there unless you have the sticker or the placard.

Commissioner Leubert asked if the city will have to place additional signs within this area showing that it is parking with permit only.

Mrs. Alvarez commented that the only thing that was discussed with staff was maybe adding something to the existing signs stating residential parking permit only.

Commissioner Hinojosa commented that he understands the judge having the discretion of giving a fine of \$500, but he would like to see it at \$200.

Mayor Fugate asked Mrs. Alvarez if the existing ordinance sets it at \$500. Mrs. Alvarez responded that this particular ordinance, section 7-6-3 under Subpart C of the ordinance talks about penalties, states that a person that commits any other violation against the provisions of this section is subject to the penalties provided for in Section 1-1-99.

Commissioner Hinojosa commented that he would still like to amend the ordinance to state that the violation would not exceed \$200.

Commissioner Leubert asked Mrs. Alvarez if the ordinance could be amended. Mrs. Alvarez responded that the Commission could make a motion stating approve with the amendment to Section C, Subpart A, so that it reads, a person that commits any other violation against the provisions of this section is subject to a fine not to exceed \$200.

Motion made by Commissioner Hinojosa to approve this ordinance with the amendment of Section C, Subpart A, so that it reads, a person that commits any other violation against the provisions of this section is subject to a fine not to exceed \$200, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Fugate voting "FOR". Pecos voting "AGAINST".

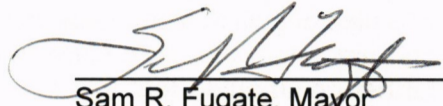
7. Consider a resolution authorizing the sale of a restrictive use easement on the City's approximately 5.018 acres of land near NAS Kingsville. (City Manager).

Mr. McLaughlin stated that this is just like item #5, but a separate parcel with 5.018 acres.

Motion made by Commissioner Pecos to approve the resolution authorizing the sale of a restrictive use easement on the City's approximately 5.018 acres of land near NAS Kingsville, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting "FOR".

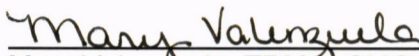
Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:40 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRME, CMC, City Secretary