

SEPTEMBER 14, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 14, 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
Arturo Pecos, Commissioner
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Derek Williams, IT
Ricardo Torres, Police Chief
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
Susan Ivy, Parks & Recreation Director
Juan Adame, Fire Chief
Diana Gonzales, Human Resources Director
Bill Donnell, Public Works Director
Uchechukwu Echeozo, Director of Planning & Development Services
Rudy Mora, Engineer

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

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)

Special Meeting – September 8, 2020

Motion made by Commissioner Pecos to approve the minutes of September 8, 2020 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, 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. Public hearing on a replat of Eddie Yaklin Development, 14.0 acres also known as 2501 S. Hwy 77, Kingsville, Texas. Bryan M. Burger, P.E, authorized agent, Thunderbird Real Estate II, LTD, owner. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:02 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

Mr. Mark McLaughlin, City Manager commented that this is for a replat of 14.0 acres on 2501 S. Hwy 77. This is for a future Chick-fil-A that will be going in on the corner of General Cavazos and Hwy 77.

There being no further comments, Mayor Fugate closed this public hearing at 5:03 P.M.

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. McLaughlin reported that staff has received a positive case for the COVID-19 within the Planning & Permitting Department. Services will be limited in this department until further notice.

Mrs. Alvarez reported that the next City Commission meeting is scheduled for September 28, 2020 with a deadline for staff to submit agenda items of September 18, 2020.

IV. Public Comment on Agenda Items.³

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

No public comments made or received.

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

1. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for an increase in sewer rates. (City Manager).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to accept and expend grant funds from the Assistance to Firefighters Grant Program for medical supplies. (COVID-19 Supplemental). (Fire Chief).**

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to expend funds for emergency repairs at the golf course. (Parks Director).
4. Motion to approve reappointment of Ricki Cunningham, Wayne Quandt, John Garza, and Albert Garcia to the Zoning Board of Adjustment for two-year terms each. (Director of Planning & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2020 and ending September 30, 2021 in the particulars hereinafter stated. (Finance Director).

Motion made by Commissioner Leubert to approve the ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2020 and ending September 30, 2021 in the particulars hereinafter stated, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

6. Consider ratifying the property tax increase reflected in the 2020-2021 Annual Budget of the City of Kingsville. (Finance Director).

Motion made by Commissioner Pecos to approve ratifying the property tax increase reflected in the 2020-2021 Annual Budget of the City of Kingsville, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

7. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for fiscal year beginning October 01, 2020 and ending September 30, 2021, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).

Motion made by Commissioner Pecos, I move that the property tax rate be increased by the adoption of a tax rate of \$0.85208, which is effectively a 2.42 percent increase in the tax rate", seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

8. Consider a replat of Eddie Yaklin Development, 14.0 acres also known as 2501 S. Hwy 77, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate commented that this is an important project for Kingsville.

Motion made by Commissioner Pecos to approve the replat of Eddie Yaklin Development, 14.0 acres also known as 2501 S. Hwy 77, Kingsville, Texas, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

9. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).

Motion made by Commissioner Leubert to approve ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

10. Consider authorizing award of the bid for the installation of shade and surfacing at two playground units (at Dick Kleberg Park) to Park and Play Structures of San Antonio, Texas via BuyBoard, as per staff recommendation, for Texas Parks and Wildlife Grant. (Parks Director).

Mrs. Susan Ivy, Parks & Recreation Director reported that this item is to approve a contract bid from Park and Play Structures for the installation of shade structures and poured in place rubber surfacing at two playgrounds units in Dick Kleberg Park.

Motion made by Commissioner Pecos to authorize award of the bid for the installation of shade and surfacing at two playground units (at Dick Kleberg Park) to Park and Play Structures of San Antonio, Texas via BuyBoard, as per staff recommendation, for Texas Parks and Wildlife Grant, seconded by

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

11. Consider introduction of an ordinance amending Chapter IV-General Regulations, Article 8-Parks & Recreation, providing for revised cart fees for the L.E. Ramey Golf Course. (Parks Director).

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to cover deficit accounts. (Finance Director).

Commissioner Hinojosa asked what is non-anticipated expense in debt service, utility fund debt 12? Mrs. Balli responded that additional fees in the refunding of 2011 Series.

Introduction item.

13. Consider a resolution authorizing Change Order #1 under the Standard Form of Agreement between the Contractor on the Basis of a Stipulated Price for US 77 Overpass Utilities Relocation Project. (City Engineer).

Mr. Rudy Mora, Engineer stated that the City's wastewater force main and waterline along US 77 needed to be relocated due to the widening of the State's ROW. The project has a south tributary that connects to Escondido Creek north of it. The 12" waterline (WL) "Line C" crosses an intermittent stream south of the South Creek Subdivision. Since the water line is designed under the low water crossing, it is required to be placed in a casing with 1 gate valve (2 total) on either side of the crossing, as per TCEQ regulations. The 6" wastewater force main "Line D" crosses the same intermittent stream and is required to be installed within a casing. The force main (FM) will also require an air release valve (ARV) to be installed at the high point in the force main. The total for Change Order #1 is \$39,134.00. Mr. Mora further stated that 43% of the cost will be reimbursed by TXDOT.

Motion made by Commissioner Pecos to approve the resolution authorizing Change Order #1 under the Standard Form of Agreement between the Contractor on the Basis of a Stipulated Price for US 77 Overpass Utilities Relocation Project, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

14. Consider awarding RFP for Manhole Rehabilitation Project Phase II for the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7218269 as per staff recommendation. (City Engineer).

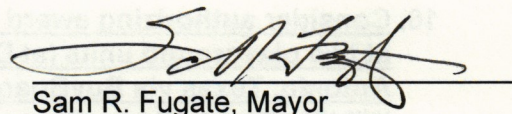
Motion made by Commissioner Pecos to approve awarding RFP for Manhole Rehabilitation Project Phase II for the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7218269 as per staff recommendation, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

15. Consider adopting an updated 5-Year Street Maintenance Improvement Plan based on survey performed by Infrastructure Management Systems. (City Engineer).

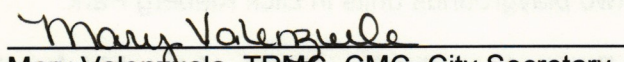
Motion made by Commissioner Pecos to approve the updated 5-Year Street Maintenance Improvement Plan based on survey performed by Infrastructure Management Systems, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:21 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary