

OCTOBER 26, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 26, 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
Janine Reyes, Tourism Director
Kyle Benson, IT Manager
Derek Williams, IT
Deborah Balli, Finance Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director

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)

Regular Meeting - October 13, 2020

Motion made by Commissioner Lopez to approve the minutes of October 13, 2020 as presented, seconded by Commissioner Pecos. 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. 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 telework for staff will end Friday, October 30, 2020. All staff will report to their offices on Monday, November 2nd.

Mrs. Courtney Alvarez, City Attorney reported that the next scheduled meeting will be on November 9th with a deadline to staff to submit agenda items by Thursday, October 29th.

Mayor Fugate asked when election results for the November 3rd election would be canvassed? Mrs. Alvarez responded that she would need to get with the City Secretary for scheduling the canvass.

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 and Commissioner Leubert. 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 Drainage Master Plan. (City Engineer).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to accept and expend donation from Texas Community Federal Credit Union for the Police Department Halloween for Trunk or Treat Event. (Police Chief).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for a carry-over project for the replacement of an effluent line and isolation valves. (Public Works Director).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over Texas CDBG Grant Project #7219012 for sidewalk improvements. (Finance Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider awarding bid for South 1.0 MGD Wastewater Treatment Plant Improvements Project as per recommendation of contract engineer. (City Engineer).

Mr. Rudy Mora, Engineer stated that on September 24, 2020, the City received and publicly opened two bids on the project. Bidder 1 was Etech Construction Inc, from San Antonio and bidder 2 was Donald Hubert Construction from Kingsville. The bids were \$99,300 and \$115,428. Due to Etech Construction Inc., not listing any Wastewater Treatment Plant experience, it is being recommended that the bid be awarded to Donald Hubert Construction.

Motion made by Commissioner Pecos to approve the bid award to Donald Hubert Construction of Kingsville, TX, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

6. Consider a resolution adopting the Wastewater Capital Improvements Plan for the City of Kingsville. (City Engineer).

Mr. Mora stated that a capital improvement plan (CIP), is a 5-year plan and it identifies capital projects and/or equipment purchases, provides a planning schedule and identifies options for financing the plan. A list of projects included in the CIP are as follows: Replace 18" wastewater main between Corral and Santa Gertrudis to the North 3-MGD WWTP; Replace 15" wastewater main along Lott Ave. between 7th and 10th Street; City-wide Lift Station Mitigation; Replace 8" wastewater collection line in alley between Johnston and Fordyce St. from 17th to 18th Street; Replace 12" wastewater main along 10th Street between Ragland and Santa Gertrudis Ave; City-wide Manhole Rehabilitation, 78 manholes within the City; Proposed Lift Station Re-route south wastewater basin transfer to north wastewater basin. Including 18" wastewater main rehabilitation, approximately 200,000 gallons to the North Plant.

Motion made by Commissioner Leubert to approve this resolution adopting the Wastewater Capital Improvements Plant for the City of Kingsville, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

7. Consider a resolution authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant (DEAAG) Program for the purpose of requesting grant funding for a wastewater re-route. (City Engineer).

Mr. Mora stated that currently the Navy transfers its wastewater for treatment to the City's North Wastewater Treatment Plant. The Navy would benefit from this project because it would provide a secondary option to treating the Navy's wastewater. The City has allocated \$200,000 towards a cash match for Fiscal Year 2020-2021 and will also allocate \$200,000 for the next 2 fiscal years, FY 21-22 and FY 22-23.

Motion made by Commissioner Leubert to approve the authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant (DEAAG) Program for the purpose of requesting grant funding for a wastewater re-route, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

8. Consider a resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for drainage system improvements. (City Engineer).

Mr. Mora stated that on July 13, 2020, the City Commission approved hiring GrantWorks, Inc. to prepare and submit a Community Development Block Grant Mitigation grant application to the General Land Office (GLO). This application is due by October 28, 2020. Improvement to the drainage infrastructure in the City is needed to prevent flooding during heavy rain events. The proposed project for this application includes the demolition and removal of undersized sewer components, replacement of over 9,000 feet of reinforced concrete pipe and more than 23,000 feet of box culverts in 14 locations around the city, repair of 65 storm manholes, and all associated repaving. Some curb and gutter and sidewalk work are also included. Once complete, these improvements will benefit the entire City of Kingsville. He further stated that there is no commitment to apply. This grant is estimated at \$3 million dollars with a 1% match which is around \$366,000.

Motion made by Commissioner Leubert to approve the resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for drainage system improvements, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

9. **Consider a resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for sewer drainage system improvements. (City Engineer).**

Improvements are needed to the City's sanitary sewer system to more efficiently manage inflow of rainwater and reduce its impact on the North and South Wastewater Treatment Plants. This includes the addition of new lines to add capacity to both plants, replacement of damaged lines, rehabilitation of 78 manholes, repair and rehabilitation of 9 lift stations, and the construction of a new lift station. The contract amount of \$583,449, 8% of the total project cost will only be paid if the grant is awarded.

Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for sewer drainage system improvements, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez, Fugate voting "FOR".

10. **Consider a resolution authorizing the Mayor to execute an Engineering Services Agreement with International Consulting Engineers for the Community Development Block Grant-Mitigation (CDBG-MIT) Program for drainage and sewer system improvements. (City Engineer).**

Mr. Mora stated that on August 24, 2020, the City Commission approved hiring International Consulting Engineers to provide engineering services in connection with Commission Development Block Grant Mitigation grant application to the General Land Office.

Motion made by Commissioner Leubert to approve the authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for sewer drainage system improvement, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert voting "FOR".

11. **Consider a resolution of the City Commission of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *drainage system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program. (City Engineer).**

Mr. Mora stated that this is part of the stipulation from the grant.

Motion made by Commissioner Leubert to approve the resolution of the City Commission of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *drainage system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

12. **Consider a resolution of the City Commission of the City of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *sewer system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program. (City Engineer).**

Motion made by Commissioner Pecos to approve the resolution of the City Commission of the City of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *sewer system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

13. **Consider approving Citizen Participation Plan to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office. (City Engineer).**

Motion made by Commissioner Pecos to approve the Citizen Participation Plan to be included with the submission of a Community Development Block Grant-

Mitigation (CDBG-MIT) application to the Texas General Land Office, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

14. Consider approving Procurement Policies and Procedures to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office. (City Engineer).

Mr. Mora asked that the Commission adopt the Procurement Policies and Procedures in the event of the award.

Motion made by Commissioner Leubert to approve the Procurement Policies and Procedures to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

15. Consider approving Financial and Grant Funding Policies to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office. (City Engineer).

Motion made by Commissioner Leubert to approve the Financial and Grant Funding Policies to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

16. Consider a resolution authorizing the Mayor to enter into a Standard Form of Agreement TxCDBG Contract No. 7218269 between Owner and Contractor on the Basis of a Stipulated Price (for sewer system improvements; manhole rehabilitation project Phase II). (City Engineer).

Mr. Mora stated that the City was previously awarded a grant by the State for Manhole Rehabilitation work. Funding was leftover at the end of the initial scope of work, therefore a second scope of work was developed and bid out pending approval of a grant extension from the State. The City received word this week that the grant extension was approved so now the contract with the company selected to do Phase 2 of the grant project needs to be approved.

Commissioner Leubert asked if this was for the 78 manholes. Mr. Mora responded that this would be for eight to ten manholes that will be paid from money that was leftover.

Commissioner Hinojosa asked if the money needed to be returned. Mr. Mora responded no.

Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to enter into a Standard Form of Agreement TxCDBG Contract No. 7218269 between Owner and Contractor on the Basis of a Stipulated Price (for sewer system improvements; manhole rehabilitation project Phase II), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

17. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and New Urban Development Corporation, LLC. (for a Chick-Fil-A). (City Attorney).

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and New Urban Development Corporation, LLC. (for a Chick-Fil-A), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

18. Consider a resolution authorizing the Mayor to execute an Estoppel and Attornment Agreement between the City of Kingsville, Texas; New Urban Development, LLC; New Urban Development Kingsville, Texas, LLC; and Ameris Bank. (for a Chick-Fil-A). (City Attorney).

Mayor Fugate asked how this was coming along. Mr. McLaughlin responded that all parties agree with this. It is expected that they will start turning dirt on November 2nd.

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Estoppel and Attornment Agreement between the City of Kingsville, Texas; New Urban Development, LLC; New Urban Development Kingsville, Texas, LLC; and Ameris Bank. (for a Chick-Fil-A), seconded by

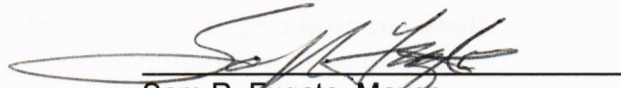
Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

- 19. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over purchase orders that were ordered or started last fiscal year and will be received or completed this fiscal year. (Finance Director).

Introduction item.

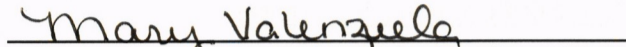
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:35 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary