

APRIL 27, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 27, 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
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

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Bill Donnell, Public Works Director
Ron Lee, Interim Fire Chief
Deborah Balli, Finance Director
Susan Ivy, Director of Parks and Recreation
Cynthia Martin, Downtown Manager
Rudy Mora, Engineer
Charlie Sosa, Purchasing Manager
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 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- April 13, 2020**

Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of April 13, 2020 as presented, seconded by Commissioner Leubert and Commissioner Hinojosa. 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 commented that the Commission has received the Quarterly Budget and Investment Reports. He further stated that with regards to the Budget Report, it shows that the budget is solid. In the general fund, its been collected \$12.6 million dollars which is higher than this time last year. In ad valorem we are at about \$5.4 million dollars. Non-property tax revenues is at about \$2.8 million dollars, which is at about the same amount that was collected last year. Sales tax is up at about under \$2.6 million dollars, up \$100,000 from last year. Year to date for all funds is at \$23,630,000.00 and year to date expense at \$17,851,000.00 with a fund balance of \$5.7 million dollars. McLaughlin further stated that close to \$1 million dollars was moved to end of year fund, anticipating revenue loss due to COVID-19. McLaughlin moved forward with reporting on the Investment Report. He stated that it is up about \$4 million dollars over last quarter. It was at \$23 million dollars with today at being at \$27,892,000.00. He stated that money will be moved from TClass to a different provider which has a better rate for the City. On the second week of May, staff will be proposing to refinance CO 2011. Mr. McLaughlin further announced that Mr. Bill Donnell has provided the Commission with four weeks of Street Department reports.

Mayor Fugate asked for report on demolitions and also for Code Enforcement reports as well.

Commissioner Hinojosa commented that he would like to thank the City Manager for including the revenues and expenses on one page of the budget report. This shows what has come in and what has been spent.

Mrs. Courtney Alvarez, City Attorney reported that the next meeting is scheduled for May 11th with deadline to staff to submit agenda items by Friday, May 1st.

IV. **Public Comment on Agenda Items.³

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

City Secretary, Mary Valenzuela read public comment received April 27, 2020 at 7:50 a.m. from Mr. David Thibodeaux.

Public comment read: David Thibodeaux, 502 W. Ave. B, please consider making mask mandatory in all public areas. It has been proven that if all parties are wearing mask, sick or not, the risk of the virus being spread is low. If one party is wearing mask and the other is not the risk remains high. People without mask can easily use material or scarfs to make sure that their faces and noses are covered. This ordnance would be easily enforced by stores. Thank you for your consideration.

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 approve by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

1. **Motion to approve an amended resolution authorizing participation in Local Border Security Program FY2021 with the Office of the Governor, Texas Public Safety Office for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider a resolution ordering the extension of the Local State of Disaster and Order to stay home/work safe (if needed based on the Governor's 4/27/20 order). (Mayor Fugate).**

Mayor Fugate commented that this item is probably a mute item due to the Governor's order released this afternoon. He further commented that after listening to the Governor's press conference this afternoon, Governor Abbott stated that his order supersedes any local orders in place.

Mrs. Alvarez commented that Governor Abbott's stay home order will be expiring on April 30th. During the conference, Abbott did talk about Phase 1, and see how that goes. On or around May 15th, the Governor will evaluate things and see how they are going before implementing Phase 2. Phase 1 is for certain businesses to open on May 1st with 25% capacity only. These businesses would include restaurants, movie theatres, malls, places of worship and retail stores. Alvarez further commented that businesses must follow other guidelines put out by CDC. She further gave examples, restaurants can't have a party larger than six people, must have disposable menus, condiments must be served individually size only and no plates, napkins or cutlery set out on the tables. Movie theatres and places of worship, every other row must be empty. Rows that are occupied can have a family sit together with two spaces between one family to another on the same row. Libraries and Museums may open with up to 25% capacity, but all hands-on exhibits must remain closed. It is recommended that everyone continue social distancing and wear masks.

Mayor Fugate asked if the Governor was making it a requirement for everyone to wear a mask. Mrs. Alvarez commented that it is not be required, but only recommended. She further stated that she read on a report that Governor Abbott stated that he will not allow fines for those who don't wear a mask. She further stated that businesses not being able to open on May 1st are barber shops, salons, gyms and bars. Outdoor sports could be allowed if they don't involve contact of participants and no more than 4 players at one time.

Commissioner Leubert asked for Mrs. Alvarez to announce where the public could find a copy of the Governor's Open Texas Report. Mrs. Alvarez stated that she googled Reopen Texas.

Mr. McLaughlin commented that the report will also be linked to the City of Kingsville's website.

Mayor Fugate asked if the order limiting the number of persons from one family in an exempted business could be extended.

Mrs. Alvarez stated that it may be difficult if the Governor is saying that a retail can be open and they not capping the number of people that enter that store, other than it having to be 25% of their capacity, she's not sure if the City could limit the number of family members going into a restaurant as they have already stated that it is up to six people at a table at a restaurant which does not have to be of the same family. As for extending the order of one family member per household, it would be impossible to enforce as the Governor's order supersedes all other orders. Establishments can make

their own rules when it comes to their businesses. Mayor Fugate commented that Walmart and HEB can make their own rules if they wish to do so.

No action taken.

3. **Consider a resolution extending the Declaration of Local State of Disaster and Order limiting the number of persons from one family in an exempted business at one time (if needed based on the Governor's 4/27/20 order). (Mayor Fugate).**

No action taken.

4. **Consider award of the City's All-Risk Property Insurance Coverages for the period of May 1, 2020 through April 30, 2021 as per staff recommendation. (Risk Manager).**

Motion made by Commissioner Leubert to approve the award of the City's All-Risk Property Insurance Coverages for the period of May 1, 2020 through April 30, 2021 as per staff recommendation, seconded by Commissioner Pecos.

Commissioner Hinojosa commented that he met with the City Manager and asked about the water tower located by MoPac Field that was valued at \$300,000 while the others were valued in the millions. He further asked if this was the correct amount.

Mr. McLaughlin commented that it was checked on after his meeting with Commissioner Hinojosa, and Mr. Soliz, Risk Manager looked at the records and the value is incorrect on the form. It should be valued at \$1.5 million dollars; the correction will be made.

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

5. **Consider a resolution revising the City of Kingsville Administrative Policy No. 881.00 -Emergency Services Policy. (Risk Manager).**

Mr. McLaughlin stated that the wording for Section 881, doesn't align with the type of disasters that can occur here. This document will note the type of disasters that can occur in our area.

Motion made by Commissioner Leubert and Commissioner Pecos to approve resolution revising the City of Kingsville Administrative Policy No. 881.00 - Emergency Services Policy, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

6. **Consider introduction 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).**

Mr. McLaughlin stated that due to receiving several calls for this area of town, the Engineering Department setup the traffic counter to determine the average daily traffic counts of the areas concern. A stop sign was not warranted at the locations, but it is being recommended that a Yield sign be installed. Since all this information was put together, the Yield sign had already been installed.

Introduction item.

7. **Consider awarding RFP#20-08 for the downtown improvements project and approving a resolution authorizing the City Manager to execute a Construction Contract for 2019 Downtown Improvements between Etech Construction Inc. and the City of Kingsville for 2019 Downtown Improvements-Kleberg Ave. (TXCDBG CONTRACT #7219012). (City Engineer).**

Mayor Fugate asked if the City has used Etech in the past. Mrs. Alvarez responded that they were used for concrete work. She further commented that staff went out and bid out the project. Two bids were received with Etech being the low bidder.

Mr. McLaughlin commented that he had a conversation with Commissioner Hinojosa regarding this item and its budget for this project. He further explained stated in this project is the calls for thirteen ADA Ramps, although there are only twelve intersections that need ADA Ramps. He further stated that the project will still have to go through a final design review that will nail down, but these are the best estimates coming from the City's Engineering Department who is doing this service in-kind.

Commissioner Hinojosa asked if this is for Alternate 1 and 2 or just Alternate 1? Mr. McLaughlin responded that it is for Alternate 1.

Motion made by Commissioner Leubert to award RFP#20-08 for the downtown improvements project and approve a resolution authorizing the City Manager to execute a Construction Contract for 2019 Downtown Improvements between Etech Construction Inc. and the City of Kingsville for 2019 Downtown Improvements-Kleberg Ave. (TXCDBG CONTRACT #7219012), seconded by Commissioner Pecos.

Commissioner Hinojosa asked that for clarification, if the bid showed twelve ADA Ramps but only eight that are out there, then the city would only be paying for eight. Mr. McLaughlin responded that this is correct.

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

8. Consider introduction 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).

Mrs. Alvarez stated that in 2018, the City had gone out for a grant and was awarded the grant to hire a consultant to prepare design guidelines for the city's historic district. The guidelines were already approved by the Texas Historical Commission. Not that they have both been done, we need to make sure that they are adopted and implemented in the city's code of ordinances so that when someone goes online to see the permitting process within the historic district, it would need to be consistent with these guidelines.

Introduction item.

9. Consider a resolution authorizing application to and acceptance of BJA-2020-17028 Strategies for Policing Innovation Grant; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the police department is requesting a resolution for application and acceptance of BJA-2020-17028 Strategies for Policing Innovation Grant. This will provide funding to enable police agencies to effectively use evidence-based practices, data, and technology. Recipients of funding will test promising crime prevention, response, and reduction practices and build their capacity to analyze and use crime intelligence and data. It will implement and test justice information sharing technology and establish a system for evaluating their effectiveness. Chief Torres commented that he has reached out to Assistant US Attorney, Michael Hess for a letter of interest in support of Project Guardian which is an initiative to stop gun violence and is also one of the focal points of this grant. A total of ten grants will be awarded in the amount of \$700,000 per award. The grant does not have a cash match and as the submitting entity, it will not have any recurring cost once the programs are implemented.

Commissioner Hinojosa asked if this will require the hiring of one individual or will it be done from within. Chief Torres responded that it does have the element for new personnel, but not for police officers. This would be for individuals that will crunch data. He further stated that he does not want to have personnel doing this, he wants the system to do all that, which is what he is trying to get the vendor.

Motion made by Commissioner Leubert to approve the resolution authorizing application to and acceptance of BJA-2020-17028 Strategies for Policing Innovation Grant; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

10. Discuss and consider whether to hold a joint election or a standalone election for the City's General and Special Election that was postponed from May 2, 2020 to November 3, 2020 due to the COVID-19 pandemic. (City Secretary).

Motion made by Commissioner Hinojosa to go with a joint election for the City's General and Special Election that was postponed from May 2, 2020 to November 3, 2020 due to the COVID-19 pandemic, seconded by Commissioner Leubert.

Mayor Fugate asked if discussion on this item is needed.

Mrs. Alvarez commented that the Commission could have some discussion if they chose too.

No discussion took place.

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

11. Consider a resolution of the City of Kingsville, Texas, adopting TCAP'S Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement for power to be provided on and after January 1, 2023. (City Attorney).

Mrs. Alvarez stated that we are currently in the ending phase of a five-year fixed rate contract. The city currently has an agreement with TCAP that procures electricity, not only for our city's load but for lots of other governmental entities. She further stated that TCAP is a fifteen-member Board, which she is a member of that oversees this where they make sure that the best interest for citizens is being looked into. The professional services agreement sets out the relationship between the member entity, the city, and TCAP so it lists some of those services that they provided. She further stated that the second thing that the Commission would be authoring is the Consumer Electric Services Agreement which is the basic agreement that entities have with whoever the retail electric provider is. Currently the city has an agreement with Gexa Energy that is supplying the energy to meet the load for all of the entities that are involved in TCAP. Because the electric rate is set on the natural gas futures market, this can now be very volatile. She further stated that they usually try and procure that far out in advance so that as a governmental entity they will have a way to budget more accurately. She further stated that the fixed rate contract has been beneficial for the city. She further stated that staff has participated in presentation for the Strategic Hedging Program to which staff felt comfortable with the program. Staff recommends approval to execute a professional services agreement with TCAP for the purchase of electricity and participate in the Strategic Hedging Program and to execute the Commercial Electric Services Agreement with Gexa Energy.

Commissioner Hinojosa asked if the city had been receiving any refunds in the last quarters? Mrs. Alvarez responded that there have been no distributions to any members in the last quarter because of what some of the ancillary cost have been. Commissioner Hinojosa further asked if any had been received in the past. Mrs. Alvarez responded yes, but it depends on what different parts of the State the members are located in.

Motion made by Commissioner Leubert to approve the resolution of the City of Kingsville, Texas, adopting TCAP'S Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement for power to be provided on and after January 1, 2023, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

12. Consider a resolution authorizing the Mayor to enter into a Third Amendment to Tower Attachment Lease Agreement with GTP II, LLC. (IT Manager/City Attorney).


Motion made by Commissioner Hinojosa to approve the resolution authorizing the Mayor to enter into a Third Amendment to Tower Attachment Lease Agreement with GTP II, LLC, seconded by Commissioner Lopez.

Mrs. Alvarez stated that the city has a tower by the police department where the city leases out space for this. In the past, staff has brought to the Commission some amendments when extras space is needed. GTP is requesting an additional 352 square feet of land be added to the existing lease to accommodate a need for additional equipment in order to provide higher availability of cellular phone and data services to the Kingsville region. GTP will provide the City a one-time payment of \$42,000 within 30 days following the commencement date contained within the agreement.

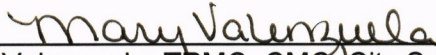
The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:51 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary