

# *City of Kingsville, Texas*

---

## **AGENDA CITY COMMISSION MONDAY, NOVEMBER 16, 2020 SPECIAL MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.**

**Conference Line call: 1 (415) 655-0001 and  
when prompted type access code: 126 210 9951 #**

**OR**

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

### **I. Preliminary Proceedings.**

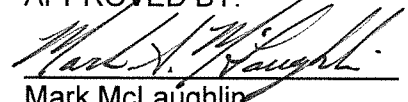
#### **OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

#### **MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting - November 09, 2020

APPROVED BY:

  
Mark McLaughlin  
City Manager

#### **\*\*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."*

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

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

**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)*

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to accept and expend grant funding from the Patrick Leahy Bulletproof Vest for Police Body Armor, the Coronavirus Emergency Supplemental Funding Program for overtime, the Local Border Security Program for operational overtime, and the Enhancement Body Worn Camera Policy and Implementation Program for replacement cameras. (Police Chief).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over purchase orders that were for projects started last fiscal year and will be completed in this fiscal year. (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the purchase of a narcotics detection K9. (Finance Director).

## **REGULAR AGENDA**

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

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

4. Consider a resolution authorizing the Mayor to enter into three Texas Water Code Section 15.005 Memorandums of Understanding between Kleberg County and the City of Kingsville for the shared sub watersheds of Tranquitas, Santa Gertrudis, and Escondido Creeks as needed for TWDB. (City Engineer).
5. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and New Urban Development Corporation, LLC. (Planning & Economic Development Director).
6. Consider a resolution and order canvassing the election returns and declaring the results of the City of Kingsville's General Election conducted on November 3, 2020. (City Secretary).
7. Consider a resolution and order canvassing the election returns and declaring the results of the City of Kingsville's Special Election conducted on November 3, 2020. (City Secretary).

#### **VII. Adjournment.**

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

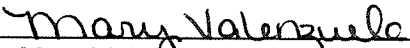
#### **NOTICE**

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and

readily accessible to the general public at all times and said Notice was posted on the following date and time:

November 13, 2020 at 10:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

  
\_\_\_\_\_  
Mary Valenzuela, TRMC, City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

# **MINUTES OF PREVIOUS MEETING(S)**

NOVEMBER 9, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 9, 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  
Ricardo Torres, Police Chief  
Juan J. Adame, Fire Chief  
Uchechukwu Echeozo, Director of Planning & Development Services  
Diana Gonzales, Human Resources 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 26, 2020**

Motion made by Commissioner Lopez to approve the minutes of October 26, 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).<sup>1</sup>**

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 stated and gave an update on mosquito testing. He further stated that Region 11 is doing a site visit to determine a vaccination location in Kingsville. COVID testing will take place on November 14<sup>th</sup> and November 15<sup>th</sup> from 9:00 a.m. to 4:00 p.m.

Mrs. Courtney Alvarez, City Attorney announced that a Special Commission meeting is scheduled for Monday, November 16<sup>th</sup> to canvass the November 3, 2020 General and Special Election as well as to adopt final passages of ordinances. She further stated that there is a second Special Commission meeting scheduled for Thursday, November 19<sup>th</sup> at 5:30 p.m. for the swearing-in of the new Commission. City offices will be closed on November 11<sup>th</sup> for the Veteran's Day Holiday. A regular Commission meeting is scheduled for Monday, November 23<sup>rd</sup> with a deadline of November 12<sup>th</sup> for staff to submit agenda items.

Commissioner Lopez announced that KISD will be hosting a free COVID 19 testing site on November 10<sup>th</sup> for children ten years and older including adults. Testing will take place at 1200 W. Corral from 1:30 p.m. to 6:30 p.m.

Commissioner Leubert commented that because she won't be here, she would like to share that she receives complaints for two different things, besides streets. She further stated that one complaint she receives has to do with Planning & Zoning, which is not a slam to the department, but the people that are concerned that she speaks with don't expect

shortcuts. They expect guidance and communication. She stated that she doesn't feel that this is being done according to some and feels that the department could do better. She further commented that if the city has something like Chick-fil-A coming into town, the city is Johnny on the spot. People who work and live here have businesses or homes that are damaged, are the ones that we want to keep here. Leubert further commented that there are a lot of people who don't live here and that she would like to have live here. She further stated that the second thing that calls for concern, which should be of no surprise to anyone is regarding the Animal Control at the Health Department. She commented that she wants to be clear that the Health Department does a great job, however Animal Control is behind the times. She further stated that she has provided the City Manager the name of a gentleman by the name of Bert who is the City Manager in San Marcos. He has improved 500% Austin's Animal Control and has turned around San Marcos Animal Control. She further commented that we are behind the times. She stated that KAA, which is important to this community has done over 600 saves this year. The girls have added it up and there are 738 dogs that have been saved with her group and a couple of other rescues. Of that amount, over 300 are rehomes that have been kept out of the pound. She further stated that Animal Control, in over the eight years that she has been doing this and not once ever asked Kingsville Animal Advocate what can we do to help you all, what can we do to make this work better, what can we do to help the animals transition from the pound to a rescue or a home. They were only told what they couldn't do. Commissioner Leubert further thanked Deborah Balli, Finance Director personally as she took the charge and saw what nobody else did and did a lot of good for the animals. Leubert further stated that its not so much the employees there, they just need more guidance and to understand that there is a whole new world out there in animal control and animal saving. She further commented that last year KAA saved about 483 of the 511 animals that were saved from the pound. Leubert further stated that she will be reading something that she wrote as there are people that are angry right now that KAA what thrown out of Animal Control and she would like to make it clear that they were not. She stated that they quit going about mid-October because one of the ladies spent over six hours saving nine dogs that had been dumped out of sixteen the day before. They went to pickup those nine dogs and was turned away until the afternoon. These dogs had to go to San Antonio. She stated that this is not rainbows and unicorns, it's a lot of work. These people are going to school, they have jobs, and they have children, these individuals are volunteers. She further stated that she wrote to the City Manager stating that she has been going over the rescue situation with KAA Rescues and Animal Control. For now, since Animal Control is doing a job that is good for the city and the animals, KAA will share daily report information and let you handle the rescues. I do expect no less than what has been standard held by the past and that Animal Control will continue as no to low kill shelter. I do expect for no healthy dogs or cats to be euthanized any sick or injured the option for the rescue to pull. Leubert stated that the reply to her email was as followed: Commissioner my procedures have not changed nor will they. If we get overcrowded euthanasia is certainly on the table. That is the harsh reality when cleaning up the mess of irresponsible pet owners. Leubert further read her reply, it can be. The other harsh reality is that animal shelters have been partners with rescues to combat euthanasia and it works. Your procedures are yours and I see that you are not willing to adjust any of your decisions except for partners for Saturdays pulls, which is a huge help for rescues and transporters. Euthanasia has not been needed because of the work of the rescues and facilitators. You praise your crew for their hard work, and I applaud that. I also do know that euthanasia has not been needed for quite some time because of groups networking, holding, vetting, and basically saving hundreds of lives. KAA and other have saved the innocence from the mess of irresponsible pet owners and want to continue, but they also expect common courtesy, help and understanding from the City, which would be the City Manager. So bottom line is that you have the right to not change any of your decisions or just for the sake of animals. You are also responsible for making sure that each department does the right thing for the community as a reflection of our city. Killing animals simply because of mess of irresponsible individuals is not something I will accept when I know,



and it is proven that it doesn't have to be that way. The easy way out of a mess is not the only option. This is my town; I live here, and I will stand up and fight for what is right. I am reasonable and will look for solutions to problems and I can adjust to change my stance if I am given other options and will help others that need it. I expect no less from city employees.

Mayor Fugate commented that he applauds the work of all the rescue groups, and it is his understanding that this year we have not had to euthanize a dog except for if they are diseased or injured beyond our abilities. Every dog in Kleberg County that can be rescuable has been rescued. He further stated that this is due to groups that has stepped up. Fugate congratulated Commissioner Leubert on her work and hopes that she continues in this endeavor and she should be treated civilly and be recognized for the hard work that her organization does.

Mayor Fugate also commented about Pfizer coming out with a vaccine for COVID-19 that appears to be 90% accurate. Although it will be a while that this vaccine would be available to everyone, he is asking that everyone continue to take all the precautions in staying safe. He further asked that everyone continue to wear mask and not to let their guard down.

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

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 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 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).**

##### **REGULAR AGENDA**

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

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

2. **Consider a resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and Thunderbird Real Estate II, Ltd. (care of Henry Sames). (City Manager).**

Mr. McLaughlin stated that this is the sign on General Cavazos to the west side of Chick-fil-A.

**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 Thunderbird Real Estate II, Ltd. (care of Henry Sames), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

3. **Consider a resolution authorizing the Fire Chief to enter into an Agreement for Training of Emergency Medical Services Students between the City of Kingsville and the Annville Fire Department. (Fire Chief).**

**Motion made by Commissioner Lopez and Commissioner Pecos to approve the resolution authorizing the Fire Chief to enter into an Agreement for Training of Emergency Medical Services Students between the City of Kingsville and the Annville Fire Department, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

4. **Consider a resolution adopting the City of Kingsville Hazard Duty Interim Pay Policy. (Human Resources Director).**

Mrs. Diana Gonzales stated that in recognition of the importance of our employee's health and safety while performing their duties during this coronavirus public health crisis, it is recommended to institute an interim policy to provide Hazard Duty Pay for employees for their hours worked at maintaining City services to the citizens of the City of Kingsville. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) allows for the use of federal funds for payment of Coronavirus related expenses. The monies to pay first responders and essential personnel is a qualified expense under the CARES Act. Hazard duty pay categories are as followed; Full-time Police Officers and Firefighters will receive \$200 per month which total to 80 employees; Full-time essential public works and other select personnel will receive \$100 per month which total to 106 employees with part-time receiving \$50 per month; full -time other essential functions will receive \$50 per month with part-time receiving \$25 per month. This would be for a total of 297 employees. The total cost for this is approximately \$345,000, including applicable fringe. This is up to ten months of pay for each eligible employee. Hazard duty is retro active to March 2020. Employees hired after March 2020 shall have Hazard Duty pay pro-rated as to month of hire. For the employee, required deductions for FICA, federal taxes, and TMRS apply to Hazard Duty Interim Pay. Payments will be made on November 19<sup>th</sup> and December 10<sup>th</sup>, as they have to be separated by fiscal year.

Mayor Fugate asked if this would affect the Collective Bargaining agreements with Fire and Police. Mrs. Alvarez responded no; this would be pay outside of those contracts. Fugate further asked if there wouldn't be any argument that this would need to be extended after we run out of CARES money. Mrs. Alvarez responded no; it would not be a negotiated item either and it is a limited funding source which is why there is a time period on the policy from March 2020 to December 2020.

**Motion made by Commissioner Hinojosa to approve the resolution adopting the City of Kingsville Hazard Duty Interim Pay Policy, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

5. **Consider a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).**

Motion made by Commissioner Lopez to approve the resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs, 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 Fiscal Year 2020-2021 Budget to accept and expend grant funding from the Patrick Leahy Bulletproof Vest for Police Body Armor, the Coronavirus Emergency Supplemental Funding Program for overtime, the Local Boarder Security Program for operational overtime, and the Enhancement Body Worn Camera Policy and Implementation Program for replacement cameras. (Police Chief).

Introduction item.

7. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the purchase of a narcotics detection K9. (Police Chief).

Introduction item.

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

Introduction item.

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

There being no further business to come before the City Commission, the meeting was adjourned at 5:28 P.M.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, TRMC, CMC, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

ORDINANCE NO. 2020-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND GRANT FUNDING FROM THE PATRICK LEAHY BULLETPROOF VEST FOR POLICE BODY ARMOR, THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FOR OVERTIME, THE LOCAL BORDER SECURITY PROGRAM FOR OPERATIONAL OVERTIME AND THE ENHANCEMENT BODY WORN CAMERA POLICY AND IMPLEMENTATION FOR REPLACEMENT CAMERAS.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 108 – Patrick Leahy Bulletproof Vest Partnership Fund</b>					
<u>Revenues - 4</u>					
0000	Non Dept	Federal Grants	72005	(\$4,585.00)	
0000	Non Dept	Transfer From Fund 001	75001	(\$4,585.00)	
<u>Expenditures - 5</u>					
2100	Police	Uniforms & Personal Wear	21200	\$9,170.00	
<b>Fund 001 – General Fund</b>					
<u>Expenditures - 5</u>					
6900	Transfers	Transfer to Fund 108	80108	\$4,585.00	
<b>Fund 109 – Coronavirus Emergency Supplemental Fund</b>					
<u>Revenues - 4</u>					
0000	Non Dept	State Grants	72010	(\$29,841.69)	
<u>Expenditures - 5</u>					
2100	Police	Overtime	11200	\$25,615.18	
2100	Police	Retirement-TMRS	11400	\$2,269.95	
2100	Police	FICA	11500	\$1,956.56	
<b>Fund 017 – Local Border Security Program</b>					
<u>Revenues - 4</u>					
2100	Police	State Grants	72010	(\$78,000.00)	

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<u>Expenditures - 5</u>					
2100	Police	Overtime	11200	\$66,952.79	
2100	Police	Retirement-TMRS	11400	\$5,925.32	
2100	Police	FICA	11500	\$5,121.89	
<b>Fund 110 – Kingsville PD Enhancement BWC Fund</b>					
<u>Revenues - 4</u>					
0000	Non Dept	Federal Grants	72005	(\$20,665.00)	
0000	Non Dept	Transfer From Fund 001	75001	(\$20,665.00)	
<u>Expenditures – 5</u>					
2100	Police	Minor Equipment	21700	\$41,330.00	
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
6900	Transfers	Transfer To Fund 110	80110	\$20,665.00	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend grant funding from the Patrick Leahy Bulletproof Vest Partnership Fund, the Coronavirus Emergency Supplemental Fund, the Local Border Security Program and the Kingsville Police Enhancement Body Worn Camera Fund. Funds will come the grant award along with matching funds from General Fund for the Bulletproof Vest Grant and the Body Worn Camera Grant.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 9th day of November 2020.

**PASSED AND APPROVED** on this the 16th day of November, 2020.

**EFFECTIVE DATE:** December 14, 2020

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



**City of Kingsville  
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: Request for Budget Amendment Patrick Leahy Bulletproof Vest Partnership Grant

**Summary:**

Application was made in May 2020 by the Kingsville Police Department for the FY2020 Patrick Leahy Bulletproof Vest Partnership Grant. The application was approved to act on the City's behalf in all matters pertaining to this grant (See attached RES 2020-41). We are happy to report that we have been notified of the grant award in the amount of \$4,585.00.

**Background:**

Justice Assistance Grant (JAG) funds or other federal funding sources may not be used to pay for that portion of the bullet proof vest (50%) that is not covered by BVP funds. JAG or other federal funds may be used to purchase vests for an agency, but they may not be used as the 50% match for BVP purposes.

Uniquely Fitted Armor Vest Requirement- Jurisdictions receiving funding for reimbursement of body armor purchases must have in place a uniquely fitted vest requirement when the FY 2020 BVP applications are submitted.

In the BVP Program, "uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available



## City of Kingsville Police Department

the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor* (Active Standard ASTM E3003) available at no cost. The Personal Armor Fit Assessment checklist, is excerpted from ASTM E3003.

In addition, a certification section has been added to the 2020 application (in the BVP system) stating the jurisdictions and law enforcement agency are aware of and will comply with this requirement.

### **Financial Impact:**

The Kingsville Police Department currently outfits our officers with Second Chance SUMMIT Level IIIA body armor, with a 5X8 Soft Trauma Plate, and interior carrier and an exterior uniform carrier at a total cost of \$907.00 per unit with \$100.00 for shipping and handling

We have applied to replace 10 units in FY2020 due to address turnover in staffing as well as perhaps some older vests that need to be replaced. The maximum allowable funding from BVP is 50% of the cost or \$4,585.00.

### **Recommendation:**

The final step to expend these funds is for approval of an associated budget amendment for inclusion in this year's budget.



RESOLUTION #2020- 41

**A RESOLUTION AUTHORIZING PARTICIPATION IN 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; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for the Bulletproof Vest Partnership (BVP) Grant Program for grant monies for equipment for law enforcement personnel; and

**WHEREAS**, the BVP Program FY2019 has funding to provide for 50% of the cost of bulletproof vests for law enforcement personnel via a grant to local law enforcement agencies; and

**WHEREAS**, the JAG is providing grants through funding from BVP Program FY2020; and

**WHEREAS**, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the BVP Grant Program grant application; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full; and

**WHEREAS**, the City of Kingsville has previously applied for similar grants that assist with improved officer safety; and

**WHEREAS**, the City of Kingsville and the Kingsville Police Department are aware of and will comply with uniquely fitted armor vest requirement; and

**WHEREAS**, the City Commission of the City of Kingsville designates the City Manager as the grantee's authorized official and the Kingsville Police Chief as his/her designee, who has the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City authorize the Kingsville Police Department through the Chief of Police to participate in Bulletproof Vest Partnership Program FY2020 and to seek funding for law

enforcement personnel bulletproof vests to assist with improved security for our law enforcement personnel in conformance with this program.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Bulletproof Vest Partnership Program FY2020 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

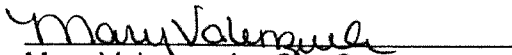
III.

**THAT** this Resolution shall be and become effective on or after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11th day of May, 2020.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney

**City of Kingsville  
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: Request Budget Amendment for Emergency Supplemental Funding (CESF)  
Program, FY2020

**Summary:**

The Kingsville Police Department was authorized to apply for accept and subsequently purchase equipment as allowed under the CESF program to prevent, prepare for, and respond to the coronavirus (See attached RES 2020-46). We are happy to announce that this grant has been awarded in the amount of \$29,841.69 to be used to cover overtime expenses.

**Background:**

Federal Funds are authorized under Division B of H.R. 748, Pub. L. No. 116136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. CESF funds are made available through a Congressional appropriation to the U.S. Department of Justice, Bureau of Justice Assistance. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Texas expects to make approximately \$37.8 million available to local units of government through regionally based allocations using the Regional Councils of Governments boundaries. Please see the Regionally Based Allocations Appendix at the end of this announcement for more information.

Funds must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in local and tribal jails and detention centers.



## City of Kingsville Police Department

Examples of allowable costs include:

- Personnel Overtime (Peace Officer, Jailer, Correctional Officer, Medical, and other Essential Staff)
- Personnel Protective Equipment (PPE)
- Supplies (i.e. gloves, masks, sanitizer, disinfectant)
- Temporary Staff
- Medical care for inmates that have tested positive for COVID-19
- Any other costs associated with the implementation of the Centers for Disease Control and Prevention (CDC) COVID-19 Guidance documents, specifically:
  - Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities
  - What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 (COVID-19)
  - Interim Guidance for Emergency Medical Services (EMS) Systems and 911 Public Safety Answering Points (PSAPs) for COVID-19 in the United States
  - Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)

### **Financial Impact:**

The minimum funding level under this grant is \$10,000.00 with no cash match required.

### **Recommendation:**

We request approval of an associated budget amendment for inclusion in this year's budget to receive and expend funds as necessary.



RESOLUTION NO. 2020- 44

**A RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) PROGRAM FY2020; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept the Coronavirus Emergency Supplemental Funding (CESF) Program FY2020, which provides funding to prevent, prepare for, and respond to the coronavirus; and

**WHEREAS**, the City agrees to provide the applicable matching funds, if any, for the said project, though none are known at this time; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:


I.

**THAT** the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the Coronavirus Emergency Supplemental Funding (CESF) Program FY2020.

II.

**THAT** this Resolution shall be and become effective on or after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission the 26th day of May, 2020.

  
Sam R. Fugate, Mayor

**ATTEST:**

Mary Valenzuela  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

Courtney Alvarez  
Courtney Alvarez, City Attorney



**City of Kingsville  
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: 2021 Local Border Security Program (LBSP)

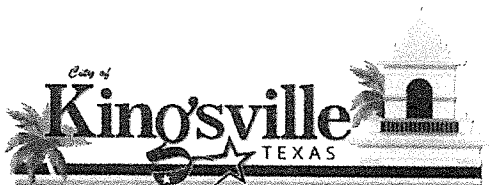
**Summary:**

The Kingsville Police Department was authorized to apply for accept an award in the 2020 Local Border Security Program (LBSP) (See RES #2020-34). The grant period is from 09/01/2020 to 08/31/2021. We are happy to announce that this grant has been awarded in the amount of \$78,000.00 to be used to cover personnel costs.

**Background:**

The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

1. Increase the effectiveness and impact of Steady State and Surge Operations.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of air operations mission planning and prioritization.
9. Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.



**City of Kingsville  
Police Department**

10. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
11. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
12. Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

**Financial Impact:**

The grant for "Operation Border Star" is a reimbursement type but does not require any cash match. We are receiving \$78,000.00 with no anticipated cash match.

**Recommendation:**

We request approval of an associated budget amendment for inclusion in this year's budget to receive and expend funds as necessary.



RESOLUTION #2020- 34

**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; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Local Border Security Program (LBSP) FY2021 has funding to provide additional manpower by local law enforcement agencies for state led border security enhancement operations for improved border security via a grant to local law enforcement agencies for payment of personnel costs, fuel, and equipment for local law enforcement officers (commissioned peace officers); and

**WHEREAS**, the Office of the Governor is providing grants through funding from Local Border Security Program FY2021; and

**WHEREAS**, the City of Kingsville has previously applied for similar grants for the reimbursement of law enforcement personnel costs, fuel, and equipment that will assist with improved border security through enhanced patrolling of the roadways through our city, especially US 77/I-69; and

**WHEREAS**, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Local Border Security Grant Program grant application; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City authorize the Kingsville Police Department through the Chief of Police to participate in Local Border Security Program FY2021 and to seek reimbursement for the allowed expenses of law enforcement personnel costs, fuel, and equipment necessary

to assist with improved border security in our area in conformance with this program. The City is approving the application and acceptance of any LBSP grant funds that the Office of the Governor, Public Safety Office, Homeland Security Grants Division allows for the period of performance of September 1, 2020 through August 31, 2021.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Local Border Security Program FY2021 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

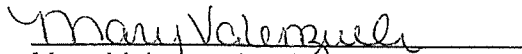
III.

**THAT** this Resolution shall be and become effective on or after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 27th day of April, 2020.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney

## City of Kingsville Police Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: Budget Amendment and request for \$20,665.00 cash match for FY2020 CFDA #16.835 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies

### Summary:

The Kingsville Police Department was authorized to apply for accept and subsequently purchase equipment as allowed under the FY2020 CFDA #16.835 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (See RES #2020-42). We are happy to announce that this grant has been awarded in the amount of \$20,665.00 to be used to establish or expand comprehensive body-worn camera programs.

### Background:

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for funding law enforcement agencies seeking to purchase body-worn cameras (BWCs) to establish or expand comprehensive body-worn camera programs with a specific and demonstrated plan to implement this technology to maximize the benefits of BWCs. This program furthers the Department's mission by promoting the safety of law enforcement officers and citizens and improving justice outcomes by leveraging digital media evidence.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. It provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

FY 2020 funding caps for individual agencies are determined by the total number of BWCs proposed to be acquired by the agency (including those purchased through federal funds or matching funds). In order to ensure broad and equitable distribution of funds, no agency may request more than \$2,000 per BWC purchased as part of the submitted grant application.



## City of Kingsville Police Department

### **Financial Impact:**

We are making application for 54 FOCUS X1 BODY WORN CAMERA PACKAGE that includes:

- FOCUS X1 Body Worn Camera
- Single Office Dock & Power Supply
- USB Cable
- Magnetic Uniform Mount
- Software license w/First Year Technical Support
- Shipping

Cost per unit is \$765.00

Grand Total for 54 Coban Focus X1 Body Worn Camera Package \$41,310.00.

Funds must be used to purchase body-worn cameras and require a 1:1 match by the grantee. Federal funds shall not be used to pay for data storage costs associated with body-worn camera footage.

### **Recommendation:**

We request approval of an associated budget amendment for inclusion in this year's budget to receive and expend funds as necessary to meet the \$20,665.00 required cash match.



RESOLUTION #2020- 42

**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.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept and administer the BJA-2020-17732 FY2020 CFDA #16.835 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies, which provides funding to enable police agencies to purchase body-worn cameras, data, and technology; and

**WHEREAS**, the City agrees to provide the applicable matching funds, if any, for the said project, which are expected to be 50% and will likely be funded through Chapter 59 Forfeiture Funds; and

**WHEREAS**, to support the safety of officers and citizens through the use of body-worn cameras the City would like to use grant funds to purchase body-worn cameras for its law enforcement personnel; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the BJA in full;

**WHEREAS**, the City of Kingsville has previously applied for similar grants that assist with improved officer and citizen safety; and

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the BJA-2020-17732 FY2020 CFDA #16.835 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the BJA-2020-17732 FY2020 CFDA #16.835 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

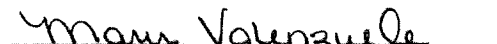
III.

**THAT** this Resolution shall be and become effective on or after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11th day of May, 2020.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney



## **AGENDA ITEM #2**

**City of Kingsville  
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: October 29, 2020

SUBJECT: Request to roll end of year purchase orders for items ordered in FY 19-20 that are expected to be received in FY 20-21.

---

**Summary:**

At the end of each fiscal year, there are outstanding purchase orders that have been created and sent to vendors and due to various reasons, they remain outstanding.

**Background:**

All purchase orders that remain outstanding at the end of the fiscal year, are reviewed to determine if the products are on order but have not been received or the project has been started, but not yet completed. If there are purchase orders in that state, the purchase order must be rolled, and the associated budget must be rolled to cover the expenditure. During the budget process, it is not always known if items or projects are going to be received or completed by September 30, 2020. If allowances have not been made for this expenditure in the following fiscal year budget, a budget amendment must be submitted to cover the expenditure.

**Financial Impact:**

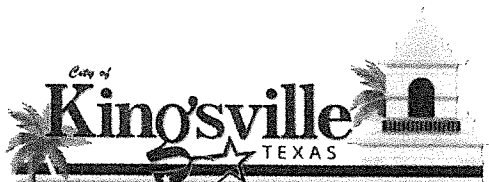
Rolled purchase orders will decrease the unappropriated fund balance of the corresponding fund by the following amounts:

- Utility Fund 051 - \$8,340

Failure to roll the budgets for the rolled purchase orders will require current FY 20-21 budget appropriations to cover these costs and may result in shortages in current needs. The prior fiscal year's appropriations included these amounts and dropped to fund balance at the end of FY 19-20.

**Recommendation:**

Staff recommends the approval of the budget amendment for the rolled purchase orders.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO APPROPRIATE FUNDING FOR THE CARRY-OVER PURCHASE ORDERS THAT WERE FOR PROJECTS STARTED LAST FISCAL YEAR AND WILL BE COMPLETED IN THIS FISCAL YEAR.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 – Utility Fund</b>					
7003	WasteWater	Professional Services	31400	\$7,740.00	
7001	WasteWater	Utility Plant	54300	\$600.00	

[To amend the City of Kingsville FY 20-21 Budget to appropriate funding for carry-over purchase orders which include the following:

- 202282 – CW Campbell Electric Inc - \$6,940 for IHOP lift station repairs
- 202177 – CW Campbell Electric Inc - \$800 for IHOP lift station repairs
- 202139 – CW Campbell Electric Inc - \$600 for turblex blower troubleshooting

Funds will come the unappropriated fund balance in the associated funds.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 9<sup>th</sup> day of November 2020.

**PASSED AND APPROVED** on this the 16<sup>th</sup> day of November, 2020.

**EFFECTIVE DATE:** December 14, 2020

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #3**

**City of Kingsville  
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 29, 2020

SUBJECT: Request to Purchase Narcotics Detection K9 from Chapter 59 Funds and associated Budget Amendment,

**Summary:**

The police department is requesting a budget amendment to allow for the purchase of a Narcotics Detection K9.

**Background:**

K9 Britt has served the Kingsville Police Department for well over 10 years. Regrettably K9 Britt has reached an age where he must be retired. During his tenure he has successfully assisted in the seizure of over \$6 million dollars in US Currency and large amounts of marijuana, cocaine, heroin and methamphetamine. Because of his valuable service we have been able to provide vehicles, body armor, AR-15 rifles, computers, mobile data terminals as an example of a few items that those seized funds have been used to provide for our officers. We will have to purchase a new K9 to replace Britt.

**Financial Impact:**

One (1) Canine quote requested for one (1) Narcotics Canine for Kingsville Police Department. Canine will be trained on four (4) odors and matched with the handler upon completion of training. Covenant K9 ("Seller") will provide handler match up with the Kingsville Police Department handler ("Buyer") once training is complete. The agreed price for the one (1) Canine is as follows:

- Narcotics Detection Canine - **\$9,000.00 USD**

**Recommendation:**

We request that our budget amendment be approved to cover the costs of the K9 in FY2020-2021. Thank you for your assistance.





**Covenant K9 Detection Services, LLC**  
***Police Dogs And Detection Services***

website: [www.covenantk9.com](http://www.covenantk9.com) email: [info@covenantk9.com](mailto:info@covenantk9.com)  
facebook: <http://www.facebook.com/CovenantK9> instagram: [@covenantk9](https://www.instagram.com/covenantk9)

TXDPS PSB C10492601  
DEA License RC0584412  
FED ID 74-320670111  
CELL: 713-301-3537

**SALES QUOTE ONE (1) NARCOTICS DETECTION CANINE**

**Client:** Kingsville Police Department  
1700 East King Avenue  
Kingsville, Texas 78363  
Phone: 361-592-4311  
Email: [gusruiz@kingsvillepd.us](mailto:gusruiz@kingsvillepd.us)

**Covenant K9 Representative:** Jerry Alonzo

**Date of Proposal:** October 5, 2020

---

**SALES QUOTE**

**Requested K9 Quote:** One (1) Canine quote requested for one (1) Narcotics Canine for Kingsville Police Department. Canine will be trained on four (4) odors and matched with the handler upon completion of training. Covenant K9 ("Seller") will provide handler match up with the Kingsville Police Department handler ("Buyer") once training is complete.

The agreed price for the one (1) Canine is as follows:

- Narcotics Detection Canine - **\$9,000.00 USD**

**Total for Canine(s): \$9,000.00 USD**

Buyer agrees to purchase the Canine(s) as per this agreement and all terms herein. A deposit of fifty percent (50%) is due upon the execution of this agreement. The balance of the agreed price is due in full when the Buyer or Buyer's handler arrives at the Seller's location for handler training.

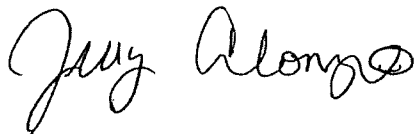
The agreed price includes training of the handler during the time of handler training. All ancillary incurred costs (i.e. rental car, meals, etc.) are the responsibility of the Buyer. Transportation and housing of the Buyer's handler and purchased Canine(s) after completion of the handler training is the responsibility of the Buyer.

Matching and training of the Buyer's handler and purchased Canine(s) may be conducted onsite or at various locations at the Seller's trainer's discretion to best prepare and cultivate the new handler/K9 team.

Upon payment in full, Seller will provide all necessary and obtained papers to transfer ownership and paperwork to the Buyer, if applicable. Additionally, there are no agreements, promises, or representations, expressed or implied, by Seller except those set forth in this agreement. All future training and boarding of the Canine(s) beyond the payment in full, and handler training are the responsibility of Buyer.

One (1) year health warranty for the Canine(s) will be honored from time of purchase for one (1) calendar year. The warranty will cover the Canine(s) hips, elbows, spine and health related issues resulting in a disease which would hinder or halt the ability to perform the trained application that the Canine(s) was trained and sold to perform, to the Buyer, and confirmed by a licensed veterinarian. At that point, an exchange for an alternative Canine will take place.

Covenant K9 Detection Services, LLC is not liable for any actions or incidents outside of the stated services provided.



\_\_\_\_\_  
Jerry Alonzo  
Covenant K9 Detection Services, LLC

10/5/2020

Date

\_\_\_\_\_  
Chief Ricardo Torres  
Kingsville Police Department

Date



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO APPROPRIATE FUNDING FOR THE PURCHASE OF A NARCOTICS DETECTION K9.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 005 – PD Seizure Fund</b>					
<u>Expenditures</u>					
2100	Police	Equipment	71200	\$9,000.00	

[To amend the City of Kingsville FY 20-21 Budget to appropriate funding for the purchase of a narcotics detection K9 due to the retirement of current K9. Funds will come from the unappropriated fund balance.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 9<sup>th</sup> day of November 2020.

**PASSED AND APPROVED** on this the 16<sup>th</sup> day of November, 2020.

**EFFECTIVE DATE:** December 14, 2020

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **REGULAR AGENDA**

# **AGENDA ITEM #4**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: November 23, 2020

SUBJECT: Consider approving Memorandum of Understanding on Texas Water Code Section 15.005 between City of Kingsville and Kleberg County.

---

**Summary:**

The Texas Water Development Board requires a MOU between the applicant (City) and any political subdivision Kleberg County pursuant to Texas Water Code 15.005. The City's drainage projects may impact the shared sub watersheds of Tranquitas, Santa Gertrudis and Escondido Creek with Kleberg County.

**Background:**

Pursuant to Texas Water Code § 15.005 and 31 Texas Administrative Code § 363.408, if the Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located outside the political subdivision making the application, the applicant must submit a written memorandum of understanding relating to the management of the watershed in which the project is to be located, signed by all governing bodies of eligible political subdivisions located in the project watershed.

**Financial Impact:**

No financial Impact.

**Recommendation:**

Staff recommends:

1. Approving the MOU between the City and County as requirement by the TWDB.



**City of Kingsville  
Engineering Dept.**

**Attachments:**

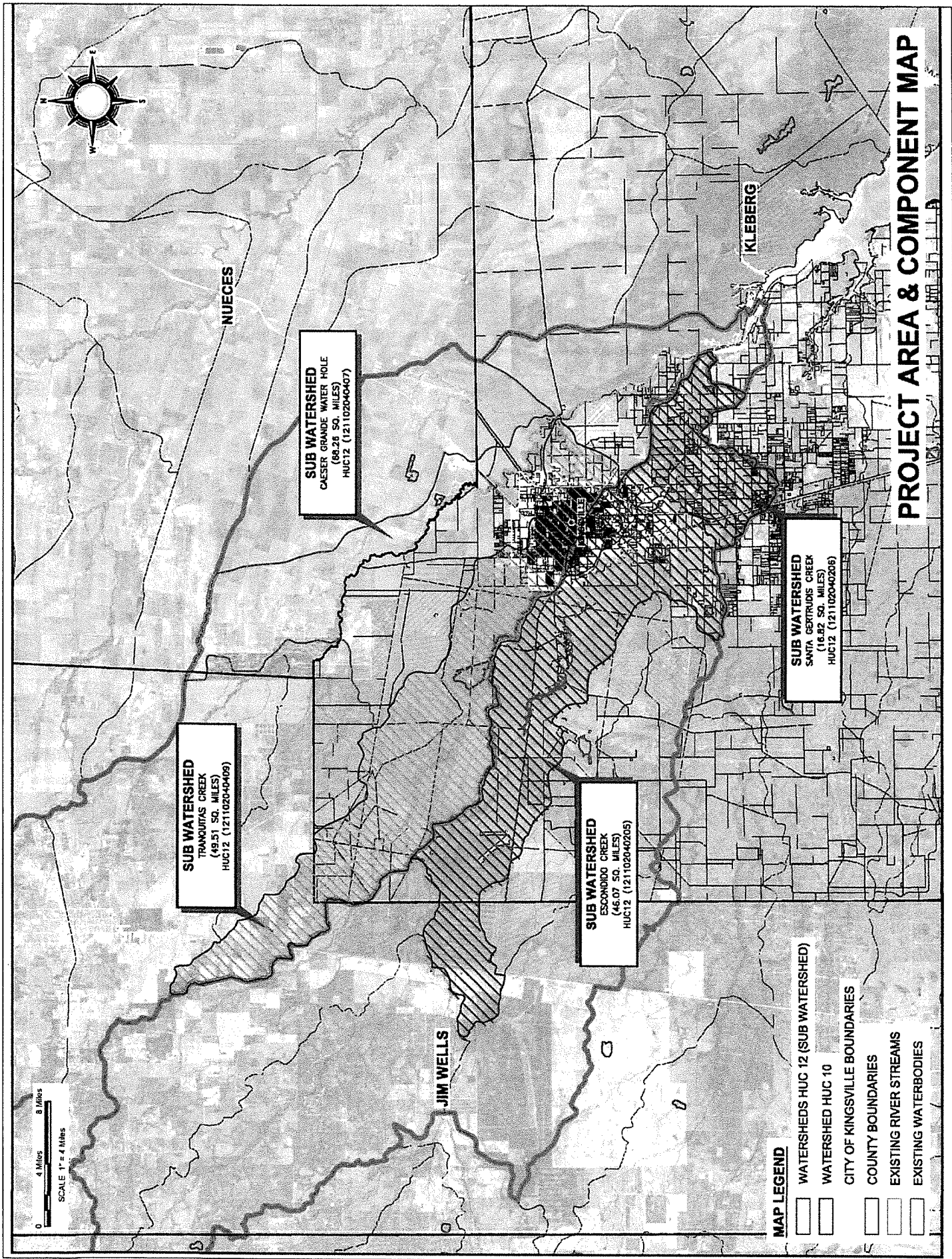
Sub Watershed Map

MOU – Tranquitas Creek Sub Watershed

MOU – Santa Gertrudis Creek Sub Watershed

MOU – Encondido Creek Sub Watershed





# PROJECT AREA & COMPONENT MAP

**RESOLUTION # 2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THREE TEXAS WATER CODE SECTION 15.005 MEMORANDUMS OF UNDERSTANDING BETWEEN KLEBERG COUNTY AND THE CITY OF KINGSVILLE FOR THE SHARED SUB WATERSHEDS OF TRANQUITAS, SANTA GERTRUDIS, AND ESCONDIDO CREEKS AS NEEDED FOR TWDB; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") recently applied for Texas Water Development Board ("TWDB") funding for four drainage projects in the City;

**WHEREAS**, these drainage projects may impact the shared sub watersheds of Tranquitas, Santa Gertrudis, and Escondido Creeks that are partially within Kleberg County;

**WHEREAS**, City staff has learned that pursuant to Texas Water Code Section 15.005 and 31 Texas Administrative Code Section 363.408, if the TWDB Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located outside the political subdivision making the application, the applicant must submit a written memorandum of understanding related to the management of the watershed in which the project is to be located and signed by all governing bodies of eligible political subdivisions located in the project watershed;

**WHEREAS**, the City has three Texas Water Code Section 15.005 Memorandums of Understanding to be done with Kleberg County, one for each sub watershed impacted by the drainage projects the City has applied to the TWDB for funding;

**WHEREAS**, the County of Kleberg and the City of Kingsville have previously entered into interlocal agreements and memorandums of understanding for many others items that benefit the residents of their respective entities and these drainage projects do.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City authorizes and directs the Mayor, as an act of the City of Kingsville, Texas, to enter into three Texas Water Code Section 15.005 Memorandums of Understanding between Kleberg County and the City of



Kingsville for the Shared Sub Watersheds of Tranquitas, Santa Gertrudis, and Escondido Creeks.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
16<sup>th</sup> day of November, 2020.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **TEXAS WATER CODE SECTION 15.005 MEMORANDUM OF UNDERSTANDING**

This is a Memorandum of Understanding (MOU) between the City Commission of the City of Kingsville and the County Commission of Kleberg County.

WHEREAS, pursuant to Texas Water Code § 15.005 and 31 Texas Administrative Code § 363.408, if the Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located outside the political subdivision making the application, the applicant must submit a written memorandum of understanding relating to the management of the watershed in which the project is to be located, signed by all governing bodies of eligible political subdivisions located in the project watershed; and

WHEREAS, City of Kingsville has filed an application with the Texas Water Development Board for funding a project that has flood control as one of its purposes; and

WHEREAS, City of Kingsville has determined that the watershed in which the project is located is partially located within the jurisdiction of County; and

NOW THEREFORE, in consideration of the benefits to the Escondido Creek Sub Watershed and the State of Texas, City of Kingsville and Kleberg County agree to the following:

1. City of Kingsville will provide ANNUAL progress updates to Kleberg County as the project develops and changes.
2. City of Kingsville will notify Kleberg County of any potential change in impacts to Kleberg County within the QUARTER of the identified change.
3. Kleberg County will provide constructive input to City of Kingsville as the project develops and changes.
4. City of Kingsville and Kleberg County will work cooperatively for the management of the Escondido Creek Sub Watershed.

---

Mayor

City of Kingsville, Texas

---

County Judge

Kleberg County, Texas

## **TEXAS WATER CODE SECTION 15.005 MEMORANDUM OF UNDERSTANDING**

This is a Memorandum of Understanding (MOU) between the City Commission of the City of Kingsville and the County Commission of Kleberg County.

WHEREAS, pursuant to Texas Water Code § 15.005 and 31 Texas Administrative Code § 363.408, if the Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located outside the political subdivision making the application, the applicant must submit a written memorandum of understanding relating to the management of the watershed in which the project is to be located, signed by all governing bodies of eligible political subdivisions located in the project watershed; and

WHEREAS, City of Kingsville has filed an application with the Texas Water Development Board for funding a project that has flood control as one of its purposes; and

WHEREAS, City of Kingsville has determined that the watershed in which the project is located is partially located within the jurisdiction of County; and

NOW THEREFORE, in consideration of the benefits to the Santa Gertrudis Creek Sub Watershed and the State of Texas, City of Kingsville and Kleberg County agree to the following:

1. City of Kingsville will provide ANNUAL progress updates to Kleberg County as the project develops and changes.
2. City of Kingsville will notify Kleberg County of any potential change in impacts to Kleberg County within the QUARTER of the identified change.
3. Kleberg County will provide constructive input to City of Kingsville as the project develops and changes.
4. City of Kingsville and Kleberg County will work cooperatively for the management of the Santa Gertrudis Creek Sub Watershed.

---

Mayor

City of Kingsville, Texas

---

County Judge

Kleberg County, Texas

## **TEXAS WATER CODE SECTION 15.005 MEMORANDUM OF UNDERSTANDING**

This is a Memorandum of Understanding (MOU) between the City Commission of the City of Kingsville and the County Commission of Kleberg County.

WHEREAS, pursuant to Texas Water Code § 15.005 and 31 Texas Administrative Code § 363.408, if the Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located outside the political subdivision making the application, the applicant must submit a written memorandum of understanding relating to the management of the watershed in which the project is to be located, signed by all governing bodies of eligible political subdivisions located in the project watershed; and

WHEREAS, City of Kingsville has filed an application with the Texas Water Development Board for funding a project that has flood control as one of its purposes; and

WHEREAS, City of Kingsville has determined that the watershed in which the project is located is partially located within the jurisdiction of County; and

NOW THEREFORE, in consideration of the benefits to the Tranquitas Creek Sub Watershed and the State of Texas, City of Kingsville and Kleberg County agree to the following:

1. City of Kingsville will provide ANNUAL progress updates to Kleberg County as the project develops and changes.
2. City of Kingsville will notify Kleberg County of any potential change in impacts to Kleberg County within the QUARTER of the identified change.
3. Kleberg County will provide constructive input to City of Kingsville as the project develops and changes.
4. City of Kingsville and Kleberg County will work cooperatively for the management of the Tranquitas Creek Sub Watershed.

---

Mayor

City of Kingsville, Texas

---

County Judge

Kleberg County, Texas

# **AGENDA ITEM #5**



**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND NEW URBAN DEVELOPMENT CORPORATION, LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville, Texas ("City") desires to implement economic development programs authorized by Texas law and approved by the Kingsville City Commission, including those authorized by Chapter 380 of the Texas Local Government Code, to promote State and local economic development and to stimulate business and commercial activity in the City of Kingsville, Texas; and

**WHEREAS**, New Urban Development Corporation, LLC ("Company") is requesting an economic incentive of having access to an easement owned by the City located in Kingsville, Texas, along the west side of the development site near the intersection of US Hwy 77 and E. General Cavazos Blvd, ("Property") being more particularly described in Exhibit "A" of the Agreement for the purpose of placing a driveway thereon; and

**WHEREAS**, the Company needs a driveway for its new business which would promote local economic development and stimulate business and commercial activity within the municipality and thereby directly establish a public purpose; and

**WHEREAS**, the Company desires to build a driveway on the easement owned by the City; and

**WHEREAS**, the City will allow, based on certain conditions noted below, for the placement of a driveway compliant with city ordinances at a mutually agreeable location within the City's easement for the economic development purpose of creating a new business; and

**WHEREAS**, as a condition to allow the driveway in the easement, Company agrees to pay for the permitting, construction, and maintenance of the driveway and acknowledges and agrees that the City may require at some point in the future for the movement, relocation, removal, and or reconstruction of the driveway at the business owner's expense in order for the City to access the Property to access, inspect, maintain, repair, and or replace the utilities located within the City's easement; and;

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

**NOW THEREFOR, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Economic Development Agreement between the City of Kingsville, Texas and New Urban Development Corporation, LLC in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 16<sup>th</sup> day of November, 2020.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

**STATE OF TEXAS** §  
**CITY OF KINGSVILLE** § **Economic Development Agreement**  
**COUNTY OF KLEBERG** §

This Economic Development Agreement (this “Agreement”) is made by and between the City of Kingsville (the “City”), and New Urban Development Corporation, LLC; a Georgia limited liability company, its successors and/or assigns (the “Company”), acting by and through their respective authorized officers.

**WITNESSETH:**

**WHEREAS**, the Company is acquiring real property located in Kingsville, Texas, at the Northwest Corner of US Hwy 77 & E General Cavazos Blvd, being more particularly described in Exhibit “A” (the “Property”), and intends to improve the existing improvements thereon; and

**WHEREAS**, the Company intends to allow the renovation of the Property and construction of a new store for Chick-fil-a, Inc, a Georgia corporation (“Tenant”) on the Property (collectively, the “Project”); and

**WHEREAS**, the Company has advised the City that a contributing factor that would induce the Company to undertake the renovation and new construction would be an agreement by the City to provide an economic development grant to the Company to use a portion of the City’s easement for additional driveway that is needed for the Project; and

**WHEREAS**, the City has adopted programs for promoting economic development; and

**WHEREAS**, the City is authorized by TEX. LOC. GOV’T CODE §380.001 to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City has determined that making an economic development grant to the Company in accordance with this Agreement will further the objectives of the City, will benefit the City and the City’s inhabitants and will promote local economic development and stimulate business and commercial activity in the City; and

**WHEREAS**, the Company is requesting access to an easement owned by the City of Kingsville located in Kingsville, Texas, along the west side of the Property which is located near the intersection of US Hwy 77 and E. General Cavazos Blvd, being more particularly described in Exhibit “A” (the “Property”) for the purpose of placing a driveway thereon; and

**WHEREAS**, the City will allow, based on certain conditions noted below, for the placement of a driveway compliant with city ordinances at a mutually agreeable location within the City's easement for the economic development purpose of adding a new business in that location; and

**WHEREAS**, as a condition to allow the driveway in the easement, Company agrees to pay for the permitting, construction, and maintenance of the driveway and acknowledges and agrees that the City may require at some point in the future for the movement, relocation, removal, and or reconstruction of the driveway at the business owner's expense in order for the City to access the Property to access, inspect, maintain, repair, and or replace the utilities located within the City's easement; and

**WHEREAS**, the Company will comply with the City driveway and building permitting process and submit plans to the City for approval prior to the construction of the driveway with the City having final say on the driveway; and

**WHEREAS**, the City is authorized to take whatever action necessary, including but not limited to the alteration, demolition, or removal of the driveway to access, inspect, maintain, repair, and or replace the utilities located within the easement; and

**WHEREAS**, the City will not be liable for any expenses related to the driveway should it need to be altered, removed, damaged, or destroyed in the process of accessing, inspecting, maintaining, repairing, and or replacing the utilities located on the Property.

**NOW THEREFORE**, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged the parties agree as follows;

#### **Article I - Responsibilities**

1.1 **City's Responsibilities.** The City will, once all conditions have been met, allow for the placement of Company's driveway that is approved by the City and is compliant with city ordinances to be located at a mutually agreeable location within the City's easement.

1.2 **Company's Responsibilities.** The Company will comply with and pay for the permitting, construction, and maintenance of the driveway and acknowledges and agrees that the City may require at some point in the future for the movement, relocation, removal, and or reconstruction of the driveway at the Company's expense in order for the City to access the Property to access, inspect, maintain, repair, and or replace the utilities located within the City's easement.

#### **Article II – Term and Termination**

2.1 **Term.** This Agreement shall begin on the Effective Date and shall continue until the Expiration Date, unless sooner terminated as provided herein

2.2 **Termination.** This Agreement shall terminate upon any one of the following:

- (a) by written agreement of the parties;
- (b) on the Expiration Date; or
- (c) by City, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable.

### **Article III - Miscellaneous**

3.1 **Binding Agreement.** The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the parties hereto.

3.2 **Limitation on Liability.** It is understood and agreed between the parties that the Company and the City, in satisfying the conditions of this Agreement, have acted independently, and assume no responsibilities or liabilities to third parties in connection with these actions.

3.3 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties.

3.4 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement and to legally bind the entity for which each party executes this Agreement.

3.5 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received (i) three (3) days after deposit into the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below or (ii) on the day actually received if sent by courier or otherwise hand delivered.

If intended for City, to:

Attn: Mark McLaughlin, City Manager  
City of Kingsville  
400 W. King Ave.  
Kingsville, Texas 78363

If intended for the Company, to:

Attn: John H. McCleskey, Jr.  
New Urban Development Corporation, LLC  
5445 Triangle Parkway, Suite 220  
Peachtree Corners, GA 30092

3.6 **Entire Agreement.** This Agreement is the entire agreement between the parties with respect to the subject matter covered in this Agreement. No oral or written statements, conversations or understandings between the parties which are not contained in this written Agreement shall in any way alter the agreement of the parties as set forth herein.

3.7 **Governing Law.** The Agreement shall be governed by the laws of the State of Texas; and, venue for any action concerning this Agreement shall be in the State District Court of Kleberg County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

3.8 **Amendment.** This Agreement may only be amended by a written agreement executed by both parties.

3.9 **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the validity and enforceability of other provisions, and the remaining provisions shall remain in full force and in effect as if the offending provision had not been included.

3.10 **Recitals.** The recitals to this Agreement are incorporated herein.

3.11 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

3.12 **Exhibits.** All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

3.13 **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

3.14 **Successors and Assigns.** This Agreement may be assigned without the City's prior consent upon written notice by the Company to the City of such assignment.

3.15 **Notice of Default and Opportunity to Cure.** If either party shall default in its obligations hereunder, the non-defaulting party shall declare an occurrence of an event of default and shall notify the defaulting party in writing of same, informing the defaulting party of its right to cure such default within thirty (30) business days after the receipt of such notice from the non-defaulting party. The defaulting party must provide the other party, within twenty (20) business days after receipt of the non-defaulting party's notice of its right to cure, a written explanation summarizing all actions the defaulting party shall have taken to cure the default in question, together with a summary of the additional acts the defaulting party will take in the future to prevent further default. The parties agree to submit any matters not resolved to mediation with a mutually agreed upon mediator in Nueces or Kleberg County prior to seeking other action.

3.16 **Attorney's Fees.** In the event either party retains the services of an attorney to enforce its rights under this Agreement, the prevailing party shall collect its attorney's fees and all costs of litigation from the non-prevailing party.

*[signature pages to follow]*

**EXECUTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

**CITY OF KINGSVILLE, TEXAS**

By: \_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Courtney Alvarez, City Attorney

**City's Acknowledgement**

**STATE OF TEXAS**                    §

**CITY OF KINGSVILLE**       §

**COUNTY OF KLEBERG**       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, being \_\_\_\_\_ of the City of Kingsville, Texas, a Texas municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_



**EXECUTED** the \_\_\_\_\_ day of \_\_\_\_\_, 2020

New Urban Development Corporation,  
LLC; A Georgia Limited Liability  
Company

By: \_\_\_\_\_,

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Company's Acknowledgement**

**STATE OF** \_\_\_\_\_ §

**COUNTY OF** \_\_\_\_\_ §

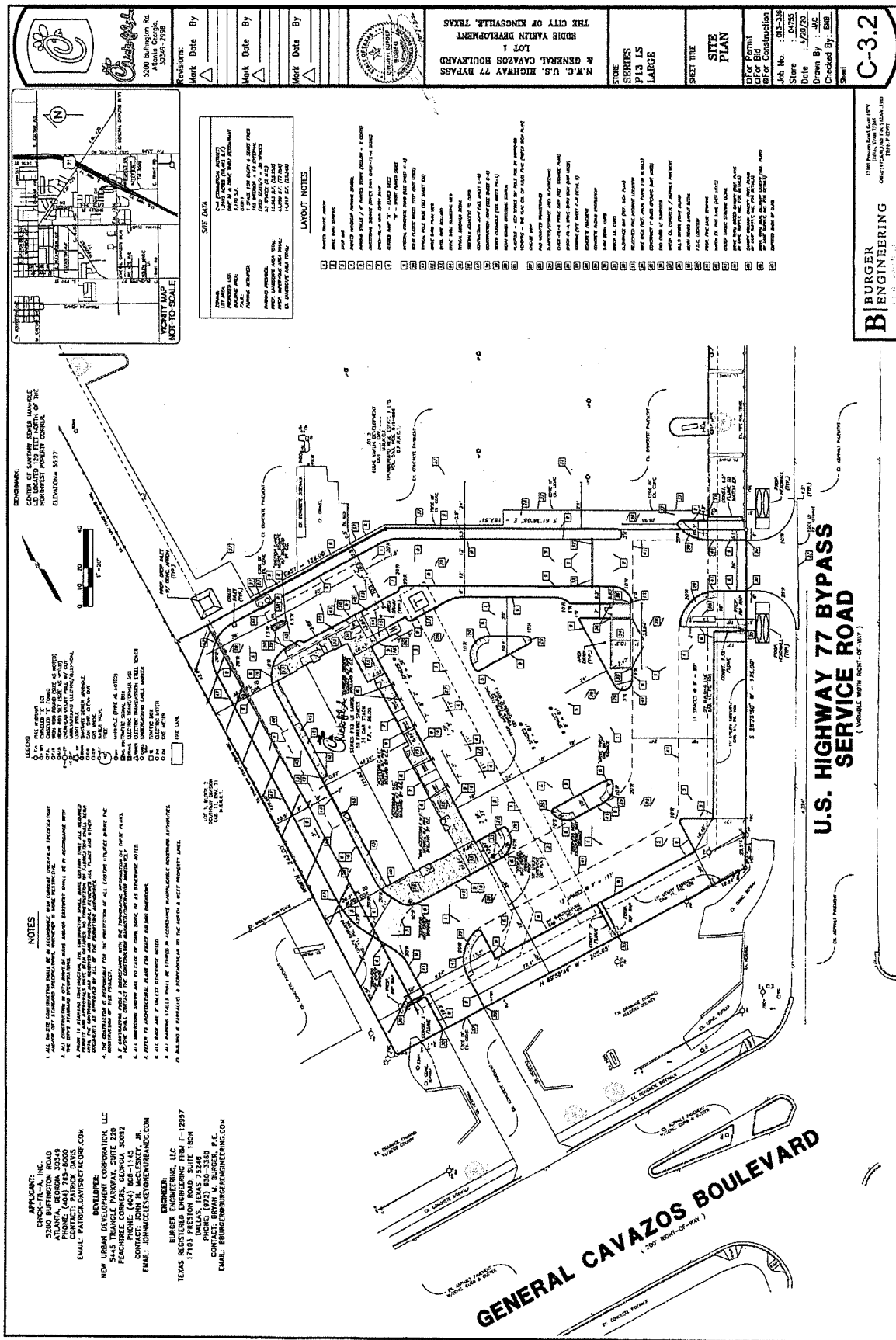
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2020, by \_\_\_\_\_, being the \_\_\_\_\_ of New Urban Development  
Corporation, LLC; A Georgia Limited Liability Company.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**Exhibit “A”**

**Legal Description of the Property**



# **AGENDA ITEM #6**

**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AND ORDER CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE CITY OF KINGSVILLE'S GENERAL ELECTION CONDUCTED ON NOVEMBER 3, 2020.**

**WHEREAS**, a resolution ordering the City General and Special Election to be held on Saturday, May 2, 2020, as prescribed by the General Election Laws of the State of Texas, was approved at the City Commission at a meeting on February 10, 2020 via Resolution #2020-11 for the purpose of electing a Mayor, four City Commissioners (since all five commission members' terms expire in May 2020) and for Charter Amendments; and

**WHEREAS**, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

**WHEREAS**, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster; and

**WHEREAS**, the Governor signed a proclamation on March 18, 2020 suspending Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office; and

**WHEREAS**, the March 18, 2020 Proclamation also stated that the authority ordering the election under Section 3.004 of the Texas Election Code is authorized to make the decision to postpone its election in accordance with the proclamation; and

**WHEREAS**, the Proclamation further stated that current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution; and

**WHEREAS**, in an effort to protect voters and election workers and to reduce the spread of the virus, on March 23, 2020 the City Commission of the City of Kingsville, Texas approved Resolution #2020-24 and exercised the authority granted to it in the Proclamation from Governor Abbott dated March 18, 2020 to postpone the General and Special Election that was to be held on Saturday, May 2, 2020 for the purpose of electing a Mayor, four City Commissioners, and for Charter Amendments until Tuesday, November 3, 2020, which is the next uniform election date; and

**WHEREAS**, on April 27, 2020 the City Commission opted to go into a joint election with the Kleberg County Clerk's Office for the November 3, 2020 election; and

**WHEREAS**, Section 42.0621(a) of the Texas Election Code states that in an election held on the November uniform election date, the political subdivisions to which Section 42.002(a)(5) applies shall use the regular county election precincts; and

**WHEREAS**, in accordance with the order of this governing body the City Secretary posted notice of the date and place of this meeting at least seventy-two hours preceding the date of this meeting; and

**WHEREAS**, the returns of an election held on the 3<sup>rd</sup> day of November, 2020 for the purpose of electing a Mayor and four City Commissioners have been received and it appearing from said returns, duly and legally made, that there were cast at said election 11,186 valid and legal votes at the joint election with Kleberg County and the Kingsville Independent School District.

**NOW THEREFORE BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

That said election was duly called; that notice of said election was given in accordance with law, and that said election was conducted in accordance with laws of the State of Texas;

II.

That each of the candidates in said election received the following votes.

**MAYOR:**

**TOTAL VOTES:**

Sam Fugate	5,174
Jesus "Jesse" Rios	2,418

**CITY COMMISSIONER:**

Dianne Leubert	2,605
Norma Nelda Alvarez	3,106
Hector M. Hinojosa	3,154
Arturo Pecos	2,346
Ann Marie Torres	2,664
Edna Lopez	3,072

III.

Attached hereto as Exhibit A is the official tabulation stating for each candidate the total number of votes received in each precinct and the sum of the precinct totals.

IV.

**THAT** Sam Fugate, was elected as **MAYOR** of the City of Kingsville; and Hector M. Hinojosa, Norma Nelda Alvarez, Edna Lopez, and Ann Marie Torres were elected as **CITY COMMISSIONERS**; and,

**THAT** the above-named officials are hereby declared duly elected to said respective offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the City Charter of the City of Kingsville, Texas; and

**APPROVED** this the 16<sup>th</sup> day of November 2020 by majority vote of the City Commission of the City of Kingsville.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## SUMMARY REPT-GROUP DETAIL

Kleberg County, Texas  
General Election  
November 3, 2020

Report EL45A Page 004

Run Date:11/10/20 02:33 PM

TOTAL VOTES    %    ELECTION DAY    EARLY VOTING    MAIL    PROVISIONAL    LIMITED

## County Commissioner, Precinct No. 4

## VOTE FOR 1

Rene Bazar (REP)	698	31.40	132	500	63	3	0
Marcus Salinas (DEM)	1,525	68.60	270	970	283	2	0
Over Votes	0		0	0	0	0	0
Under Votes	199		21	57	11	1	109

## Constable, Precinct No. 4

## VOTE FOR 1

Amando O. Vidal (DEM)	1,268	59.70	210	830	225	3	0
Rodolfo "Rudy" Mendez (IND)	856	40.30	175	578	102	1	0
Over Votes	2		0	0	2	0	0
Under Votes	296		38	119	28	2	109

## County Proposition

## VOTE FOR 1

FOR	962	39.47	250	615	96	1	0
AGAINST	1,475	60.53	323	1,027	122	3	0
Over Votes	0		0	0	0	0	0
Under Votes	371		90	239	42	0	0

## Mayor CITY OF KINGSVILLE

## VOTE FOR 1

Sam Fugate	5,174	68.15	942	3,507	710	15	0
Jesus "Jesse" Rios	2,418	31.85	457	1,647	304	10	0
Over Votes	3		0	2	1	0	0
Under Votes	783		116	411	145	2	109

## City Commissioner CITY OF KINGSVILLE

## VOTE FOR 4

Dianne Leubert	2,605	15.37	345	1,917	334	9	0
Norma Nelda Alvarez	3,106	18.33	442	2,224	425	15	0
Hector M. Hinojosa	3,154	18.61	463	2,194	488	9	0
Arturo Pecos	2,346	13.84	292	1,605	440	9	0
Ann Marie Torres	2,664	15.72	420	1,923	313	7	1
Edna Lopez	3,072	18.13	409	2,159	492	12	0
Over Votes	32		4	24	4	0	0
Under Votes	16,533		3,685	10,222	2,144	47	435

## Proposition A CITY OF KINGSVILLE

## VOTE FOR 1

For	4,993	67.48	926	3,397	653	17	0
Against	2,406	32.52	398	1,645	358	4	1
Over Votes	3		0	0	3	0	0
Under Votes	976		191	525	146	6	108

## Proposition B CITY OF KINGSVILLE

## VOTE FOR 1

For	5,072	71.19	936	3,454	664	18	0
Against	2,053	28.81	346	1,394	309	3	1
Over Votes	0		0	0	0	0	0
Under Votes	1,253		233	719	187	6	108



Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
<b>Proposition C CITY OF KINGSVILLE</b>							
VOTE FOR 1							
For . . . . .	6,467	88.46	1,119	4,422	907	19	0
Against . . . . .	844	11.54	179	565	96	2	2
Over Votes . . . . .	2		1	0	1	0	0
Under Votes . . . . .	1,065		216	580	156	6	107
<b>Proposition D CITY OF KINGSVILLE</b>							
VOTE FOR 1							
For . . . . .	6,492	90.89	1,154	4,450	870	18	0
Against . . . . .	651	9.11	128	417	106	0	0
Over Votes . . . . .	1		0	1	0	0	0
Under Votes . . . . .	1,234		233	699	184	9	109
<b>Proposition E CITY OF KINGSVILLE</b>							
VOTE FOR 1							
For . . . . .	6,689	92.66	1,174	4,582	913	20	0
Against . . . . .	530	7.34	110	351	67	0	2
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	1,159		231	634	180	7	107
<b>School Trustee Place 4 KINGSVILLE ISD</b>							
VOTE FOR 1							
David R. Garcia . . . . .	4,130	55.62	757	2,729	633	11	0
Jeannette Price . . . . .	3,295	44.38	586	2,312	385	12	0
Over Votes . . . . .	1		0	1	0	0	0
Under Votes . . . . .	1,032		183	581	155	4	109
<b>School Trustee Place 5 KINGSVILLE ISD</b>							
VOTE FOR 1							
Elizabeth "Liz" Ramos . . . . .	4,559	61.43	807	3,139	599	14	0
Nicolas "Nick" Prado, Jr. . . . .	2,862	38.57	541	1,911	403	7	0
Over Votes . . . . .	2		0	0	2	0	0
Under Votes . . . . .	1,035		178	573	169	6	109
<b>School Trustee Place 6 KINGSVILLE ISD</b>							
VOTE FOR 1							
James "Jim" Glusing . . . . .	3,855	51.27	678	2,723	442	12	0
Corando C. Garza . . . . .	3,664	48.73	681	2,387	584	12	0
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	939		167	513	147	3	109
<b>School Trustee Place 7 KINGSVILLE ISD</b>							
VOTE FOR 1							
Brandon A. Greenwood . . . . .	3,209	42.44	563	2,248	387	11	0
Delma Salinas . . . . .	4,352	57.56	800	2,896	644	12	0
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	897		163	479	142	4	109

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
PRECINCTS COUNTED (OF 17)	17	100.00					
REGISTERED VOTERS - TOTAL	18,855						
BALLOTS CAST - TOTAL	11,186		2,178	7,448	1,420	31	109
VOTER TURNOUT - TOTAL		59.33					
<b>President / Vice-President</b>							
VOTE FOR 1							
Donald J. Trump / Michael R. P (REP)	5,575	50.24	1,252	3,898	354	11	60
Joseph R. Biden / Kamala D. Ha (DEM)	5,381	48.49	866	3,413	1,035	18	49
Jo Jorgensen / Jeremy "Spike" (LIB)	97	.87	20	63	14	0	0
Howie Hawkins / Angela Walker (GRN)	29	.26	10	15	4	0	0
WRITE-IN	15	.14	4	10	1	0	0
Over Votes	13		2	3	8	0	0
Under Votes	76		24	46	4	2	0
<b>United States Senator</b>							
VOTE FOR 1							
John Cornyn (REP)	5,438	50.15	1,160	3,821	393	9	55
Mary "MJ" Hegar (DEM)	5,129	47.30	830	3,243	994	17	45
Kerry Douglas McKennon (LIB)	187	1.72	60	114	9	1	3
David B. Collins (GRN)	84	.77	21	63	0	0	0
WRITE-IN	6	.06	0	4	2	0	0
Over Votes	7		2	1	4	0	0
Under Votes	335		105	202	18	4	6
<b>US Representative, District 34</b>							
VOTE FOR 1							
Rey Gonzalez (REP)	5,164	48.01	1,106	3,661	346	8	43
Filemon B. Vela (DEM)	5,329	49.55	873	3,376	1,027	18	35
Anthony Cristo (LIB)	151	1.40	48	92	8	1	2
Chris B. Royal (IND)	111	1.03	30	72	9	0	0
Over Votes	5		0	5	0	0	0
Under Votes	426		121	242	30	4	29
<b>Railroad Commissioner</b>							
VOTE FOR 1							
James "Jim" Wright (REP)	5,131	47.92	1,107	3,603	358	10	53
Chrysta Castaneda (DEM)	5,287	49.38	858	3,380	994	15	40
Matt Sterett (LIB)	166	1.55	43	103	15	1	4
Katija "Kat" Gruene (GRN)	123	1.15	38	73	8	2	2
Over Votes	2		0	2	0	0	0
Under Votes	477		132	287	45	3	10
<b>Chief Justice, Supreme Court</b>							
VOTE FOR 1							
Nathan Hecht (REP)	5,075	47.75	1,071	3,588	352	8	56
Amy Clark Meachum (DEM)	5,284	49.72	879	3,353	991	17	44
Mark Ash (LIB)	269	2.53	79	166	18	3	3
Over Votes	1		0	1	0	0	0
Under Votes	557		149	340	59	3	6

## SUMMARY REPT-GROUP DETAIL

Kleberg County, Texas  
General Election  
November 3, 2020

Report EL45A Page 002

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
Justice, Supreme Court, Place 6							
VOTE FOR 1							
Jane Bland (REP) . . . . .	5,341	50.64	1,144	3,754	381	7	55
Kathy Cheng (DEM) . . . . .	5,206	49.36	871	3,300	969	20	46
Over Votes . . . . .	4		0	2	2	0	0
Under Votes . . . . .	635		163	392	68	4	8
Justice, Supreme Court, Place 7							
VOTE FOR 1							
Jeff Boyd (REP) . . . . .	5,148	48.56	1,092	3,631	362	8	55
Staci Williams (DEM) . . . . .	5,221	49.25	864	3,304	989	19	45
William Bryan Strange, III (LIB) . . . . .	232	2.19	65	153	11	1	2
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	585		157	360	58	3	7
Justice, Supreme Court, Place 8							
VOTE FOR 1							
Brett Busby (REP) . . . . .	5,058	47.97	1,049	3,587	361	8	53
Gisela D. Triana (DEM) . . . . .	5,247	49.77	879	3,328	978	20	42
Tom Oxford (LIB) . . . . .	238	2.26	78	138	17	0	5
Over Votes . . . . .	1		0	1	0	0	0
Under Votes . . . . .	642		172	394	64	3	9
Judge, Court of Criminal Appeals, P1 3							
VOTE FOR 1							
Bert Richardson (REP) . . . . .	5,263	49.93	1,123	3,705	370	11	54
Elizabeth Davis Frizell (DEM) . . . . .	5,277	50.07	888	3,343	988	17	41
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	646		167	400	62	3	14
Judge, Court of Criminal Appeals, P1 4							
VOTE FOR 1							
Kevin Patrick Yeary (REP) . . . . .	5,399	51.04	1,171	3,783	388	8	49
Tina Clinton (DEM) . . . . .	5,180	48.96	846	3,292	981	19	42
Over Votes . . . . .	3		0	3	0	0	0
Under Votes . . . . .	604		161	370	51	4	18
Judge, Court of Criminal Appeals, P1 9							
VOTE FOR 1							
David Newell (REP) . . . . .	5,284	50.27	1,121	3,736	371	8	48
Brandon Birmingham (DEM) . . . . .	5,227	49.73	879	3,302	988	19	39
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	675		178	410	61	4	22
State Senator, District 27							
VOTE FOR 1							
Vanessa Tijerina (REP) . . . . .	4,698	44.80	982	3,332	360	8	16
Eddie Lucio, Jr. (DEM) . . . . .	5,789	55.20	1,031	3,752	970	17	19
Over Votes . . . . .	6		0	3	3	0	0
Under Votes . . . . .	693		165	361	87	6	74

## SUMMARY REPT-GROUP DETAIL

Kleberg County, Texas  
General Election  
November 3, 2020

Report EL45A Page 003

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
<b>State Representative, District 43</b>							
VOTE FOR 1							
J.M. Lozano (REP).	8,159	100.00	1,713	5,587	832	16	11
Over Votes	0		0	0	0	0	0
Under Votes	3,027		465	1,861	588	15	98
<b>Justice, 13th Ct of Appeals Dist. P1 4</b>							
VOTE FOR 1							
Jaime Tijerina (REP).	5,287	50.26	1,140	3,739	381	9	18
Migdalia Lopez (DEM).	5,233	49.74	878	3,336	983	19	17
Over Votes	0		0	0	0	0	0
Under Votes	666		160	373	56	3	74
<b>Justice, 13th Ct of Appeals Dist. P1 6</b>							
VOTE FOR 1							
Clarissa Silva (REP).	5,419	52.03	1,170	3,840	382	9	18
Nereida Lopez-Singleterry (DEM)	4,997	47.97	821	3,184	964	16	12
Over Votes	0		0	0	0	0	0
Under Votes	770		187	424	74	6	79
<b>District Attorney</b>							
VOTE FOR 1							
John T. Hubert (REP).	8,826	100.00	1,839	6,036	934	16	1
Over Votes	0		0	0	0	0	0
Under Votes	2,360		339	1,412	486	15	108
<b>Sheriff</b>							
VOTE FOR 1							
Richard Kirkpatrick (REP)	5,975	55.06	1,234	4,140	585	16	0
Danny Pena (DEM)	4,877	44.94	899	3,188	775	13	1
Over Votes	4		0	3	1	0	0
Under Votes	330		45	116	59	2	108
<b>County Tax Assessor-Collector</b>							
VOTE FOR 1							
Maria Victoria "Vicky" Valadez (REP)	5,421	50.99	1,200	3,819	392	10	0
Susan DeLeon (DEM)	5,211	49.01	867	3,359	965	19	1
Over Votes	2		1	0	1	0	0
Under Votes	552		110	270	62	2	108
<b>County Commissioner, Precinct No. 3</b>							
VOTE FOR 1							
Jerry Martinez (REP).	1,765	56.28	408	1,244	110	3	0
Arturo "Artie" De La Rosa (DEM)	1,371	43.72	346	814	201	10	0
Over Votes	0		0	0	0	0	0
Under Votes	75		20	44	11	0	0

# **AGENDA ITEM #7**

**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AND ORDER CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE CITY OF KINGSVILLE'S SPECIAL ELECTION CONDUCTED ON NOVEMBER 3, 2020.**

**WHEREAS**, a resolution ordering the City General and Special Election to be held on Saturday, May 2, 2020, as prescribed by the General Election Laws of the State of Texas, was approved at the City Commission at a meeting on February 10, 2020 via Resolution #2020-11 for the purpose of electing a Mayor, four City Commissioners (since all five commission members' terms expire in May 2020) and for Charter Amendments; and

**WHEREAS**, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

**WHEREAS**, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster; and

**WHEREAS**, the Governor signed a proclamation on March 18, 2020 suspending Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office; and

**WHEREAS**, the March 18, 2020 Proclamation also stated that the authority ordering the election under Section 3.004 of the Texas Election Code is authorized to make the decision to postpone its election in accordance with the proclamation; and

**WHEREAS**, the Proclamation further stated that current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution; and

**WHEREAS**, in an effort to protect voters and election workers and to reduce the spread of the virus, on March 23, 2020 the City Commission of the City of Kingsville, Texas approved Resolution #2020-24 and exercised the authority granted to it in the Proclamation from Governor Abbott dated March 18, 2020 to postpone the General and Special Election that was to be held on Saturday, May 2, 2020 for the purpose of electing a Mayor, four City Commissioners, and for Charter Amendments until Tuesday, November 3, 2020, which is the next uniform election date; and

**WHEREAS**, on April 27, 2020 the City Commission opted to go into a joint election with the Kleberg County Clerk's Office for the November 3, 2020 election; and

**WHEREAS**, Section 42.0621(a) of the Texas Election Code states that in an election held on the November uniform election date, the political subdivisions to which Section 42.002(a)(5) applies shall use the regular county election precincts; and

**WHEREAS,** in accordance with the order of this governing body the City Secretary posted notice of the date and place of this meeting at least seventy-two hours preceding the date of this meeting; and

**WHEREAS,** the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to the Commission; and

**WHEREAS,** the returns of an election held on the 3<sup>rd</sup> day of November, 2020 for the purpose of considering proposed charter amendments have been received and it appearing from said returns, duly and legally made, that there were cast at said election 11,186 valid and legal votes at the joint election with Kleberg County and the Kingsville Independent School District.

**THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS THAT:**

1. The Commission officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with applicable law including the Texas Election Code; due returns of the result of said election have been made and delivered; and the Commission has duly canvassed said returns, all in accordance with law and the Ordinance calling said election.

2. The Commission officially finds and determines that the following votes were cast at said election on the submitted PROPOSITIONS by the resident, qualified electors of the City, who voted at the election:

PROPOSITION A: Shall the Charter be amended to adopt four (4) year terms of office for the Mayor and City Commissioners?

TOTAL VOTES FOR PROPOSITION A:

FOR	4,993
-----	-------

AGAINST	2,406
---------	-------

PROPOSITION B: Shall the Charter be amended to limit the recall of the Mayor or City Commissioner to no sooner than twelve (12) months after election to office and not later than twelve (12) months before expiration of office?

TOTAL VOTES FOR PROPOSITION B:

FOR	5,072
-----	-------

AGAINST	2,053
---------	-------

PROPOSITION C: Shall the Charter be amended to require a person be a resident of the city for at least twelve (12) months immediately preceding their election to the City Commission?

TOTAL VOTES FOR PROPOSITION C:

FOR	6,467
AGAINST	844

**PROPOSITION D:** Shall the Charter be amended to provide for a 5:30p.m. meeting on the first Thursday after the election of the Commission has been declared to be sworn into office?

**TOTAL VOTES FOR PROPOSITION D:**

FOR	6,492
AGAINST	651

**PROPOSITION E:** Shall the Charter be amended to provide that all ordinances, other than emergency measures, be published once a week for two (2) consecutive weeks, in some newspaper publicly circulated in Kingsville?

**TOTAL VOTES FOR PROPOSITION E:**

FOR	6,689
AGAINST	530

**3. Text Amendment.** All of the measures listed above as Propositions A-E were approved by the voters, so the Kingsville City Charter is now amended as follows:

**PROPOSITION A:** Article V, Section 2-Terms of Office:

**Section 2. - Terms of office.**

The Mayor and each Commissioner shall serve, after the first election for Commissioners as hereinafter provided, for a term of four (4) years and until his successor is elected and qualified, unless sooner removed from office as herein provided.

**PROPOSITION B:** Article II, Section 24-Recall, (2) Restrictions on Recall:

**Section 24. - Recall.**

(2) *Restrictions on recall.* No recall petition shall be filed against any officer of the City within twelve (12) months after such officer's election or appointment, nor within six (6) months after an election for such officer's recall, nor within twelve (12) months of the expiration of such officer's term.

**PROPOSITION C:** Article V, Section 4-Qualifications:

**Section 4. - Qualifications.**

The Mayor and each Commissioner shall be citizens of the United States, and have resided in the City of Kingsville for a continuous period of 12 months immediately preceding election day, and have attained the age of 21 years at the time of filing as a candidate for such position; and have the other qualifications of an Elector in the City and as provided for



candidates in the State Election Code. The Mayor and each Commissioner shall not be in arrears in the payment of any taxes or other liabilities to local taxing entities. ("In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.) The Mayor, Commissioners, and other officers and employees shall not hold any other public office of emolument, except the Office of Notary Public, and shall not be interested in the profits or emoluments or any contract, job, work or service for the municipality, or interested in the sale to or by the City of any property, real or personal. All such qualifications and requirements shall be fully complied with by any prospective candidate for the position of Mayor or Commissioner at the time of filing for election. Any Mayor or Commissioner of the City who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contracts in which any officer or employee is or may become interested may be declared void by the Commission. No elected official shall otherwise accept any service, or anything of value, directly or indirectly, from any entity, upon terms more favorable than are granted to the public. All members present at Commission meetings shall vote "Yes" or "No" on all matters requiring a vote before such Commission; provided, however, any Commissioner having a conflict of interest regarding the matter or matters upon which a vote is to be taken shall abstain from voting and abstain from any discussion on such matter.

PROPOSITION D: Article V, Section 12-Meeting of the Commission:

**Section 12. - Meeting of the Commission.**

On the first Thursday at 5:30 o'clock P.M., after the election of the Commission has been declared, the Commission shall meet in the City Hall, at which time the Commissioners shall qualify and assume the duties of their offices. Thereafter, the Commissioners shall meet at such times as may be prescribed by ordinance, resolution or motion, but they shall meet at least once every month. Any two of the five members of the Commission may call special meetings of the Commission at any time deemed advisable. All meetings of the Commission shall be public, except such executive sessions as may be provided for by ordinance or resolution, and any citizen shall have access to the minutes of and records thereof, at all reasonable times. The Commission shall determine its own rules of order of business, and shall keep journal of its proceedings.

PROPOSITION E: Article V, Section 17-Ordinances, Publication of:

**Section 17. - Ordinances; publication of.**

All ordinances, other than emergency measures, shall be published once a week for two (2) consecutive weeks, in some newspaper publicly circulated in Kingsville, and no ordinances shall become effective, until ten (10) days after the date of its last publication. Such ordinances may be published by descriptive caption, with such adoption briefly describing the purpose and penalties of said ordinance.

**4. Corrections.** The Mayor and City Secretary are hereby authorized and directed to approve any technical changes or corrections to this Resolution or to any of the instruments authorized by this Resolution necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

**5. Incorporation of Recitals.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Commission.

**6. Resolution Controls.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordered herein.

**7. Law.** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**8. Severability.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Commission hereby declares that this Resolution would have been enacted without such invalid provision.

**9. Open Meetings.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code.

**10. Effective Date.** This Resolution shall be in force and effect from and after the date of its adoption, and it is so ordained.

11. The Commission officially finds, determines, and declares the result of said election to be that the PROPOSITIONS so submitted have received a favorable majority vote in all respects and have carried.

12. The charter amendment propositions were approved by a majority of the qualified voters voting in said election and have been properly and lawfully adopted and are now incorporated in the home-rule charter of the City of Kingsville.

13. The Mayor is hereby authorized and directed to: sign this resolution/official order adopting the charter amendment proposition and enter it upon the records of the City declaring the same adopted; to certify to the Secretary of State of Texas an authenticated copy of such charter, under the official seal of the City, showing the approval thereof by the qualified voters of said city; and the City Secretary is hereby authorized and directed to record said charter amendment at length upon the records of said city, in a separate book kept in the City Secretary's office for such purpose.

14. The home-rule charter amendments adopted at the said charter revision election shall upon the adoption of this resolution and upon this date be put into full effect in their entirety, and be effective and in full force immediately upon this resolution's adoption.

15. The document attached hereto as Exhibit A is the official tabulation stating the total number of votes received for each proposition at said election.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

**APPROVED** this the 16<sup>th</sup> day of November 2020 by majority vote of the City Commission of the City of Kingsville.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, TRMC, CMC, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
--	-------------	---	--------------	--------------	------	-------------	---------

~~County Commissioner, Precinct No. 4~~~~VOTE FOR 1~~

<del>Rene Bazan (REP)</del>	<del>698</del>	<del>31.40</del>	<del>132</del>	<del>500</del>	<del>63</del>	<del>3</del>	<del>0</del>
<del>Marcus Salinas (DEM)</del>	<del>1,525</del>	<del>68.60</del>	<del>270</del>	<del>970</del>	<del>283</del>	<del>2</del>	<del>0</del>
<del>Over Votes</del>	<del>0</del>		<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>
<del>Under Votes</del>	<del>199</del>		<del>21</del>	<del>57</del>	<del>11</del>	<del>1</del>	<del>109</del>

## Constable, Precinct No. 4

## VOTE FOR 1

Amando O. Vidal (DEM)	1,268	59.70	210	830	225	3	0
Rodolfo "Rudy" Mendez (IND)	856	40.30	175	578	102	1	0
Over Votes	2		0	0	2	0	0
Under Votes	296		38	119	28	2	109

## County Proposition

## VOTE FOR 1

FOR	962	39.47	250	615	96	1	0
AGAINST	1,475	60.53	323	1,027	122	3	0
Over Votes	0		0	0	0	0	0
Under Votes	371		90	239	42	0	0

## ↓ Mayor CITY OF KINGSVILLE ↓

## VOTE FOR 1

Sam Fugate	5,174	68.15	942	3,507	710	15	0
Jesus "Jesse" Rios	2,418	31.85	457	1,647	304	10	0
Over Votes	3		0	2	1	0	0
Under Votes	783		116	411	145	2	109

## City Commissioner CITY OF KINGSVILLE

## VOTE FOR 4

Dianne Leubert	2,605	15.37	345	1,917	334	9	0
Norma Nelda Alvarez	3,106	18.33	442	2,224	425	15	0
Hector M. Hinojosa	3,154	18.61	463	2,194	488	9	0
Arturo Pecos	2,346	13.84	292	1,605	440	9	0
Ann Marie Torres	2,664	15.72	420	1,923	313	7	1
Edna Lopez	3,072	18.13	409	2,159	492	12	0
Over Votes	32		4	24	4	0	0
Under Votes	16,533		3,685	10,222	2,144	47	435

## Proposition A CITY OF KINGSVILLE

## VOTE FOR 1

For	4,993	67.48	926	3,397	653	17	0
Against	2,406	32.52	398	1,645	358	4	1
Over Votes	3		0	0	3	0	0
Under Votes	976		191	525	146	6	108

## Proposition B CITY OF KINGSVILLE

## VOTE FOR 1

For	5,072	71.19	936	3,454	664	18	0
Against	2,053	28.81	346	1,394	309	3	1
Over Votes	0		0	0	0	0	0
Under Votes	1,253		233	719	187	6	108

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
Proposition C CITY OF KINGSVILLE							
VOTE FOR 1							
For . . . . .	6,467	88.46	1,119	4,422	907	19	0
Against . . . . .	844	11.54	179	565	96	2	2
Over Votes . . . . .	2		1	0	1	0	0
Under Votes . . . . .	1,065		216	580	156	6	107
Proposition D CITY OF KINGSVILLE							
VOTE FOR 1							
For . . . . .	6,492	90.89	1,154	4,450	870	18	0
Against . . . . .	651	9.11	128	417	106	0	0
Over Votes . . . . .	1		0	1	0	0	0
Under Votes . . . . .	1,234		233	699	184	9	109
Proposition E CITY OF KINGSVILLE							
VOTE FOR 1							
For . . . . .	6,689	92.66	1,174	4,582	913	20	0
Against . . . . .	530	7.34	110	351	67	0	2
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	1,159		231	634	180	7	107
School Trustee Place 4 KINGSVILLE ISD							
VOTE FOR 1							
David R. Garcia . . . . .	4,130	55.62	757	2,729	633	11	0
Jeannette Price . . . . .	3,295	44.38	586	2,312	385	12	0
Over Votes . . . . .	1		0	1	0	0	0
Under Votes . . . . .	1,032		183	581	155	4	109
School Trustee Place 5 KINGSVILLE ISD							
VOTE FOR 1							
Elizabeth "Liz" Ramos . . . . .	4,559	61.43	807	3,139	599	14	0
Nicolas "Nick" Prado, Jr. . . . .	2,862	38.57	541	1,911	403	7	0
Over Votes . . . . .	2		0	0	2	0	0
Under Votes . . . . .	1,035		178	573	169	6	109
School Trustee Place 6 KINGSVILLE ISD							
VOTE FOR 1							
James "Jim" Glusing . . . . .	3,855	51.27	678	2,723	442	12	0
Corando C. Garza . . . . .	3,664	48.73	681	2,387	584	12	0
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	939		167	513	147	3	109
School Trustee Place 7 KINGSVILLE ISD							
VOTE FOR 1							
Brandon A. Greenwood. . . . .	3,209	42.44	563	2,248	387	11	0
Delma Salinas . . . . .	4,352	57.56	800	2,896	644	12	0
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	897		163	479	142	4	109

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
PRECINCTS COUNTED (OF 17)	17	100.00					
REGISTERED VOTERS - TOTAL	18,855						
BALLOTS CAST - TOTAL	11,186		2,178	7,448	1,420	31	109
VOTER TURNOUT - TOTAL		59.33					
<b>President / Vice-President</b>							
VOTE FOR 1							
Donald J. Trump / Michael R. P (REP)	5,575	50.24	1,252	3,898	354	11	60
Joseph R. Biden / Kamala D. Ha (DEM)	5,381	48.49	866	3,413	1,035	18	49
Jo Jorgensen / Jeremy "Spike" (LIB)	97	.87	20	63	14	0	0
Howie Hawkins / Angela Walker (GRN)	29	.26	10	15	4	0	0
WRITE-IN	15	.14	4	10	1	0	0
Over Votes	13		2	3	8	0	0
Under Votes	76		24	46	4	2	0
<b>United States Senator</b>							
VOTE FOR 1							
John Cornyn (REP)	5,438	50.15	1,160	3,821	393	9	55
Mary "MJ" Hegar (DEM)	5,129	47.30	830	3,243	994	17	45
Kerry Douglas McKennon (LIB)	187	1.72	60	114	9	1	3
David B. Collins (GRN)	84	.77	21	63	0	0	0
WRITE-IN	6	.06	0	4	2	0	0
Over Votes	7		2	1	4	0	0
Under Votes	335		105	202	18	4	6
<b>US Representative, District 34</b>							
VOTE FOR 1							
Rey Gonzalez (REP)	5,164	48.01	1,106	3,661	346	8	43
Filemon B. Vela (DEM)	5,329	49.55	873	3,376	1,027	18	35
Anthony Cristo (LIB)	151	1.40	48	92	8	1	2
Chris B. Royal (IND)	111	1.03	30	72	9	0	0
Over Votes	5		0	5	0	0	0
Under Votes	426		121	242	30	4	29
<b>Railroad Commissioner</b>							
VOTE FOR 1							
James "Jim" Wright (REP)	5,131	47.92	1,107	3,603	358	10	53
Chrysta Castaneda (DEM)	5,287	49.38	858	3,380	994	15	40
Matt Sterett (LIB)	166	1.55	43	103	15	1	4
Katija "Kat" Gruene (GRN)	123	1.15	38	73	8	2	2
Over Votes	2		0	2	0	0	0
Under Votes	477		132	287	45	3	10
<b>Chief Justice, Supreme Court</b>							
VOTE FOR 1							
Nathan Hecht (REP)	5,075	47.75	1,071	3,588	352	8	56
Amy Clark Meachum (DEM)	5,284	49.72	879	3,353	991	17	44
Mark Ash (LIB)	269	2.53	79	166	18	3	3
Over Votes	1		0	1	0	0	0
Under Votes	557		149	340	59	3	6

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
Justice, Supreme Court, Place 6							
VOTE FOR 1							
Jane Bland (REP) . . . . .	5,341	50.64	1,144	3,754	381	7	55
Kathy Cheng (DEM). . . . .	5,206	49.36	871	3,300	969	20	46
Over Votes . . . . .	4		0	2	2	0	0
Under Votes . . . . .	635		163	392	68	4	8
Justice, Supreme Court, Place 7							
VOTE FOR 1							
Jeff Boyd (REP) . . . . .	5,148	48.56	1,092	3,631	362	8	55
Staci Williams (DEM). . . . .	5,221	49.25	864	3,304	989	19	45
William Bryan Strange, III (LIB). . . . .	232	2.19	65	153	11	1	2
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	585		157	360	58	3	7
Justice, Supreme Court, Place 8							
VOTE FOR 1							
Brett Busby (REP). . . . .	5,058	47.97	1,049	3,587	361	8	53
Gisela D. Triana (DEM) . . . . .	5,247	49.77	879	3,328	978	20	42
Tom Oxford (LIB) . . . . .	238	2.26	78	138	17	0	5
Over Votes . . . . .	1		0	1	0	0	0
Under Votes . . . . .	642		172	394	64	3	9
Judge, Court of Criminal Appeals, Pl 3							
VOTE FOR 1							
Bert Richardson (REP) . . . . .	5,263	49.93	1,123	3,705	370	11	54
Elizabeth Davis Frizell (DEM). . . . .	5,277	50.07	888	3,343	988	17	41
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	646		167	400	62	3	14
Judge, Court of Criminal Appeals, Pl 4							
VOTE FOR 1							
Kevin Patrick Yeary (REP) . . . . .	5,399	51.04	1,171	3,783	388	8	49
Tina Clinton (DEM) . . . . .	5,180	48.96	846	3,292	981	19	42
Over Votes . . . . .	3		0	3	0	0	0
Under Votes . . . . .	604		161	370	51	4	18
Judge, Court of Criminal Appeals, Pl 9							
VOTE FOR 1							
David Newell (REP) . . . . .	5,284	50.27	1,121	3,736	371	8	48
Brandon Birmingham (DEM) . . . . .	5,227	49.73	879	3,302	988	19	39
Over Votes . . . . .	0		0	0	0	0	0
Under Votes . . . . .	675		178	410	61	4	22
State Senator, District 27							
VOTE FOR 1							
Vanessa Tijerina (REP) . . . . .	4,698	44.80	982	3,332	360	8	16
Eddie Lucio, Jr. (DEM) . . . . .	5,789	55.20	1,031	3,752	970	17	19
Over Votes . . . . .	6		0	3	3	0	0
Under Votes . . . . .	693		165	361	87	6	74

Run Date:11/10/20 02:33 PM

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL	LIMITED
<b>State Representative, District 43</b>							
VOTE FOR 1							
J.M. Lozano (REP).	8,159	100.00	1,713	5,587	832	16	11
Over Votes	0		0	0	0	0	0
Under Votes	3,027		465	1,861	588	15	98
<b>Justice, 13th Ct of Appeals Dist. Pl 4</b>							
VOTE FOR 1							
Jaime Tijerina (REP).	5,287	50.26	1,140	3,739	381	9	18
Migdalia Lopez (DEM).	5,233	49.74	878	3,336	983	19	17
Over Votes	0		0	0	0	0	0
Under Votes	666		160	373	56	3	74
<b>Justice, 13th Ct of Appeals Dist. Pl 6</b>							
VOTE FOR 1							
Clarissa Silva (REP).	5,419	52.03	1,170	3,840	382	9	18
Nereida Lopez-Singleterry (DEM)	4,997	47.97	821	3,184	964	16	12
Over Votes	0		0	0	0	0	0
Under Votes	770		187	424	74	6	79
<b>District Attorney</b>							
VOTE FOR 1							
John T. Hubert (REP).	8,826	100.00	1,839	6,036	934	16	1
Over Votes	0		0	0	0	0	0
Under Votes	2,360		339	1,412	486	15	108
<b>Sheriff</b>							
VOTE FOR 1							
Richard Kirkpatrick (REP)	5,975	55.06	1,234	4,140	585	16	0
Danny Pena (DEM)	4,877	44.94	899	3,189	775	13	1
Over Votes	4		0	3	1	0	0
Under Votes	330		45	116	59	2	108
<b>County Tax Assessor-Collector</b>							
VOTE FOR 1							
Maria Victoria "Vicky" Valadez (REP)	5,421	50.99	1,200	3,819	392	10	0
Susan DeLeon (DEM)	5,211	49.01	867	3,359	965	19	1
Over Votes	2		1	0	1	0	0
Under Votes	552		110	270	62	2	108
<b>County Commissioner, Precinct No. 3</b>							
VOTE FOR 1							
Jerry Martinez (REP).	1,765	56.28	408	1,244	110	3	0
Arturo "Artie" De La Rosa (DEM)	1,371	43.72	346	814	201	10	0
Over Votes	0		0	0	0	0	0
Under Votes	75		20	44	11	0	0