

City of Kingsville, Texas

**AMENDED
AGENDA
CITY COMMISSION
MONDAY, FEBRUARY 8, 2021
REGULAR 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.

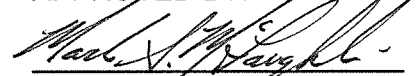
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting-January 25, 2021

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).¹

1. Public Hearing on request to replat Original Town, Block 79, Lots 25, 26 also known as 418 W. Huisache, Kingsville, Texas. James W. Turner Construction, authorized agent for Zoraida Lopez, owner. (Planning & Economic Development Director).

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items.³

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 funds awarded to for the Police Department for the 20-21 Operation Stonegarden Grant #3194306. (Police Chief).

2. Motion to approve the reappointment of Jonathan Plant to the Historical Development Board for another three-year term. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider replat of Original Town, Block 79, Lots 25, 26 also known as 418 W. Huisache, Kingsville, Texas. (Planning & Economic Development Director).
4. Consider awarding RFP#21-03 for Irrigation Components Installation Services for Baseball Fields #4 & #6, as per staff recommendation, to be funded by Texas Parks & Wildlife Grant. (Purchasing Manager).
5. Consider a resolution authorizing participation in the Federal Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks. (step one: preliminary application). (City Engineer).
6. Consider a resolution authorizing the Mayor to execute an Engineering Services Agreement with International Consulting Engineers for the Flood Infrastructure Fund Grant Program administered by the Texas Water Development board (TWDB) for drainage system improvements. (City Engineer).
7. Consider a resolution approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested final reconciliation of advanced metering cost; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel. (City Attorney).
8. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to appropriate additional funds needed for Ground Storage Tank Project Water Well #14. (City Engineer).

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 citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Community Room 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 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 located at City Hall, 400 West King Ave, 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:

February 4, 2021 at 3:30 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

Mary Valenzuela
Mary Valenzuela, TRMC, CMC, 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)

JANUARY 25, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 25, 2021 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Hector Hinojosa, Commissioner
Norma N. Alvarez, Commissioner
Edna Lopez, Commissioner
Ann Marie Torres, 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
Uchechukwu Echeozo, Director of Planning & Development Services
Deborah Balli, Finance Director
Susan Ivy, Parks Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Ricardo Torres, Police Chief
Juan J. Adame, Fire Chief
Diana Gonzales, Director of Human Resources
David Solis, Risk Manager
Brenda Joyas, Downtown Manager
Charlie Sosa, Purchasing Manager

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Emilio Garcia, Health 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-January 11, 2021

Motion made by Commissioner Alvarez to approve the minutes of January 11, 2020 as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Fugate voting "FOR". Hinojosa and Lopez "ABSTAINED".

****AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION.**

To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all

items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

II. Public Hearing - (Required by Law).¹

1. None.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mr. Mark McLaughlin, City Manager reported that he has received notice that the City was not awarded the DEAGG Grant. He will be meeting with representatives to see how we can improve for the next time. Mr. McLaughlin further reported that a meeting was held with the Finance Audit Committee this afternoon. The Finance Audit report will be presented to the Commission at the next meeting. McLaughlin went on to thank staff that assisted with the COVID Vaccination registration at the JK Northway.

Ms. Courtney Alvarez, City Attorney reported that the next regular Commission meeting is scheduled for February 8, 2021 with a deadline for staff to submit agenda items of January 29th. Alvarez further reported that she has been re-elected as President to Texas Coalition of Affordable Power (TCAP).

At this time Mr. McLaughlin presented a Service Award to Mrs. Mary Valenzuela, Secretary for 25 years of service to the City of Kingsville. He further presented the 2020 Employee Recognition & Safety Awards. The awards were as followed: 2020 Employee

of the Year, Mr. William (Bill) Donnell; 2020 Safety Hero Award, Mr. Jeremy Hallett; 2020 Customer Service Award, Mr. Kyle Benson and Mr. Derek Williams; 2020 High Five Award, Mr. Charles (Charlie) Sosa; 2020 Outstanding Team Achievement Awards, First Responders in the Fire Department, First Responders in the Police Department and Human Resources Department.

Commissioner Torres commented that at the last Commission meeting, there was an announcement about what happened in Congress. She would like to make a comment to the National Guardsmen's that we are there, and we are treated less then. She further stated that she would like to tell them thank you. She stated that some may hear it, some may not. Some were from Texas and she would like to just say thank you as they do deserve kudos. She also commented that she has had to work with National Guard, and they work very hard when it is time for them to be called up.

IV. Public Comment on Agenda Items.³

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

Mrs. Mary Valenzuela, City Secretary read a public comment received from Mr. Brandon Pape, 1620 Santa Monica, Kingsville, TX 78363. The comment read as followed: Dear City Commission and Zoning, my name is Brandon Pape, an honor roll animal science-pre-vet student at Texas A&M University-Kingsville and community serving citizen of Kingsville. Adults my age are not usually very politically motivated however, on 01/19/21 I received a disturbing notice in the mail from code enforcement officer Kristina Phillips. The notice asked me to promptly remove a small, store-bought election sign near my front steps, citing city code Sec. 15-6-126, which states the city's policy on non-commercial signage. Upon reading the policy, I feel this is a blatant overstep of my property rights as the sign was located on a private residence/property and NOT a public right of way such as a roadside, ditch, or city building (where removal post-election would make sense). I also do NOT have a neighborhood H.O.A, that would control my property's appearance to the public eye. Furthermore, while the presidential election has concluded more than ten days ago, I as well as many conservative citizens of Kingsville do NOT agree with the results and would like to voice our sentiment in a non-offensive manner. It should be no crime to leave a sign up in my mind, as well as others, which we view the same as leaving holiday lights up. To make a freedom of speech an illegal act is a plain and simple violation of the civil rights granted to U.S. citizens by the first amendment of the constitution, and due to this I have rightfully filed a complaint with the American Civil Liberties Union (ACLU). Now, in an effort to be reasonable I am willing to change the sign from an electoral manner to a support manner. However, if this city wants to worry about in-significant matters such as signs, opposed to actual crimes and public endangerment, I feel strongly the urge to gather further support in opposition of such a policy. Regards, Brandon Pape 1620 Santa Monica St., Kingsville, TX 78363.

V.

Consent Agenda

Notice to the Public

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

- 1. Motion to approve an ordinance amending the zoning ordinance by changing the zoning map in reference to Haggerton, Lot 2, (4.71 acres) also known as Property ID 18610, located near East Trant Road and Golf Course Road, Kingsville Texas from AG (Agriculture District) to R1 (Single-Family District). (Planning & Economic Development Director).**
- 2. Motion to approve an ordinance amending the Fiscal Year 2020-2021 budget to purchase a mower to replace old one for Code Compliance. (Director of Planning & Development Services).**
- 3. Motion to approve an ordinance amending the Fiscal Year 2020-2021 budget to appropriate remaining manhole rehabilitation project costs for TxCDBG Grant #7218269. (Finance Director).**
- 4. Motion to approve a resolution authorizing the Police Chief to execute a Cooperative Working Agreement with Crime Victim Services. (Police Chief).**
- 5. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2021 contract, and designating Downtown Manager Brenda Joyas as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 6. Consider awarding RFP #21-01 for N. Armstrong Street Improvements from Santa Gertrudis Ave. to Kenedy Ave. as per staff recommendation, and consider a resolution authorizing the City Manager to enter into a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for North Armstrong Street Improvements from Santa Gertrudis Avenue to Kenedy Avenue. (City Engineer).**

Mr. McLaughlin commented that this was a straightforward process. This is what our Engineers have determined to be about a \$900,000 project which will be from Santa Gertrudis to Kenedy to do a full depth construction from Armstrong to include a sidewalk for about a block and a half so that there is a continuous sidewalk on the east side of the entire length of that run. Staff received five bids ranging from \$762,000 to \$1.1 million dollars. City staff recommends to the award RFP #21-01 to J. Carroll Weaver Inc., the low bid of \$762,000 which includes Option A, the sidewalk addition.

Mayor Fugate asked if the City has done business with this company in the past? Mr. McLaughlin responded that the references provided to the City were checked. It is a credible road construction firm.

Commissioner Hinojosa commented that this company has done some sealcoating in the City of Alice and did good work.

Motion made by Commissioner Hinojosa to award RFP #21-01 for N. Armstrong Street Improvements from Santa Gertrudis Ave. to Kenedy Ave. as per staff recommendation to J. Carroll Weaver Inc., and approve the resolution authorizing the City Manager to enter into a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for North Armstrong Street Improvements from Santa Gertrudis Avenue to Kenedy Avenue, seconded by Commissioner Lopez.

Mayor Fugate commented that he wants Santa Rosa worked on immediately. By the time all the engineering is done, there should be money to get the project done.

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

- 7. Consider awarding RFQ #21-02 for Professional Engineering Services for drainage improvement projects to be funded by the Flood Infrastructure Fund grant program administered by the Texas Water Development Board, as per recommendation of the Evaluation Committee. (City Engineer).**

Mr. Rudy Mora, Engineer stated that on January 11, 2021, the City Commission selected an Evaluation Committee to select a consultant for Professional Engineering Services for four drainage improvement projects. The Evaluation Committee reviewed five Statement of Qualifications. Once done awarding professional engineering services, the next step is to negotiate a contract. He further stated that the Evaluation Committee recommends awarding RFQ #21-02 for Professional Engineering Services to International Consulting Engineers and begin negotiating a contract.

Motion made by Commissioner Alvarez to approve award RFQ #21-02 for Professional Engineering Services for drainage improvement projects to be funded by the Flood Infrastructure Fund grant program administered by the Texas Water Development Board, as per recommendation of the Evaluation Committee, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

- 8. Consider appointment of Dr. Maria Ayala-Schuneman to the Hotel Occupancy Tax Advisory Board to fill the Conner Museum position, for a two-year term. (Tourism Director).**

Motion made by Commissioner Lopez to approve the appointment of Dr. Maria Ayala-Schuneman to the Hotel Occupancy Tax Advisory Board to fill the Conner Museum position, for a two-year term, seconded by Commissioner Hinojosa.

Commissioner Torres asked how these individuals are chosen for this Board.

Ms. Janine Reyes, Director of Tourism responded that this position is a Conner Museum representative which will replace Mr. Jonathan Plant who was previously the Director of the Conner Museum. Dr. Schuneman is currently the Interim Director of the Conner Museum and will be fulfilling the remainder of Mr. Plants position on this Board. On this Board, there are individuals from different organizations that serve.

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

- 9. Consider appointment of Bruce Harvill to the Main Street Advisory Board for a two- year term. (Downtown Manager).**

Motion made by Commissioner Lopez to approve the appointment of Bruce Harvill to the Main Street Advisory Board for a two- year term, seconded by Commissioner Hinojosa.

Commissioner Torres asked if this Board appoints the same way the Hotel Occupancy Tax Advisory Board appointments.

Ms. Brenda Joyas, Downtown Manager stated that it is slightly different. There are certain designations with Mr. Harvill being one of the four downtown merchants that will be representing that area. Joyas further stated that this Board nominates and approves the nomination prior to bringing the nomination to the City Commission for final approval.

Commissioner Torres further asked how staff gets word out to the citizens or merchants about Board positions being available.

Ms. Joyas responded that staff sends an email to the merchants through constant contact and see if anyone is interested to serve on this Board.

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

10. Discuss the proposed 2021 Kingsville Main Street Action Plan. (Downtown Manager).

Ms. Joyas presented the proposed 2021 Kingsville Main Street Action Plan. She stated that this is only an update on what the Main Street Board has approved for 2021. With the previous Downtown Manager, Mrs. Cynthia Martin's departure and with the current situation we are in now, COVID, there was a lot of actions that was not implemented, which are good ideas that the Board would like to continue with. Joyas further stated that there are some measurable outcomes that they would like to see moved forward. These would be, encourage one or more 501(c)3's (the more non-profit organizations, the better it looks when going out for grant proposals); create at least 2 community group adoption projects; one real-estate partner; fill three vacant spaces with pop-ups with events; keep implementing public improvements; create an event to fund downtown projects exclusively; and advertising with radio, public service announcements; bill boards, and T.V. in cities around Kingsville.

Commissioner Torres asked if letters were being sent out to all 501(c)3's within our community. Ms. Joyas responded that the ones they are hoping to promote are the mainly from the downtown merchants. Joyas further stated that they would need one organization organized by them so that when we create an event and have all the funding, it will go back into downtown. Any type of improvements or other events that they would want to fund, they would be able to decide where the money goes. Commissioner Torres further asked how many 501 (c)3's is there in the downtown area. Ms. Joyas responded that there is only one, the Kingsville Historical Downtown Association which is inactive.

11. Discuss master plan process and consider Local Development Scheme. (Planning & Economic Development Director).

Mr. Uchechukwu Echeozo, Director of Planning & Development Services stated that we are now implementing the action plan with a timeline. This plan comes in the form of a Local Development Framework which is a suite of documents that includes the Local Development Scheme which is the timeline. The timetable begins the process and it is the document being presented tonight. Mr. Echeozo stated that there are two area action plans, Downtown area, and the West Side area.

The West Side action plan will address the land use function of the West side area and take a strategic look at the area's future development. This is a regeneration plan that seeks to analyze the physical characteristics of a disadvantaged area in Kingsville and translate the needs of the community into developing an integrated program that would create better living condition for residents. The Downtown Area Action Plan will address the land use function of the Downtown area and take a strategic look at the area's future development. This is a revitalization project that seeks to analyze the socio-economic characteristics as well as the extent of blight and decay within the downtown area. Emphasis would be on the area within the Main Street Program. Improvement on the street scape, vibrant retail offer would be key features of the plan.

Mr. McLaughlin commented that during the development of this comprehensive plan with Mr. Echeozo, it was mentioned to have a third one which would be the I69 Corridor as there will be significant development on I69. McLaughlin further commented that more than likely there will be an added area to the comprehensive plan.

Mayor Fugate asked that when it is mentioned the West Side area, which area of the west side is being talked about. Mr. McLaughlin responded that the area is from 6th Street west, towards the University. It encompasses the original Hispanic Downtown section around 7th Street.

Commissioner Hinojosa commented that this is impressive and it's great that there is a plan in place.

Commissioner Torres asked if the location that is being referred to is all of 6th Street west heading from north to south? Mr. McLaughlin responded that it is going to west to the city limits. Commissioner Torres further asked if this would cover what is considered the city's Colonia area? Mr. McLaughlin responded yes; it would fall on the west side. He further stated that once the partners assist in identifying those areas, we will probably find things that we are not aware of, which will lead us on another path. Commissioner Torres further asked that within the plan, does it include on how we will reach out to the citizens that are within these areas once we do the neighborhood meetings? Torres further stated that there are a lot of individuals who don't read the local newspaper or have access to social media or a computer. Mr. Echeozo responded yes.

Motion made by Commissioner Torres to consider Local Development Scheme, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

12. Consider a resolution applying for and accepting funds for Operation Stonegarden Grant #3194306 with the Homeland Security Grants Division of the Governor's Office for Border Security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).

Motion made by Commissioner Lopez to approve the resolution applying for and accepting funds for Operation Stonegarden Grant #3194306 with the Homeland Security Grants Division of the Governor's Office for Border Security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

Ms. Alvarez commented that for agenda item #11, the item is listed as a discussion and consideration, therefore it requires for a vote on the item so that City Commission can

consider approving the local development scheme. Mayor Fugate returned to agenda item #11 for a vote.

13. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend funds awarded to for the Police Department for the 20-21 Operation Stonegarden Grant #3194306. (Police Chief).

Commissioner Hinojosa asked how many vehicles are involved? Chief Torres responded one.

Introduction item.

14. Discuss and consider starting the process to construct a new covered livestock barn at JK Northway grounds (and allocate funding source) to likely be funded with venue tax. (City Manager).

Mr. McLaughlin stated that after some discussion with Kleberg County Judge and discussion with Bond Counsel and based on all of the different points of information. It is most feasible for the City to collect venue tax and expend it on the JK Northway in two areas. The first part is to move the front doors from their current location to the south east side where the cattle pens are currently located. Then remove the cattle pens and build new ones on the north west side where the current front doors are located. As per the Populous Study diagrams, it goes along with the plans that the County Judge has agreed upon which is most likely the way it will be fitted out. When the County Judge does the covered arena there will be a connector line that will connect it to the barns. He further commented that this all goes along with the master study. He also stated that these two additions that the City will be doing, will not affect the JK Northway main structure, to which Bond Counsel feels that it is important that the City does not mix its money with what the County Judge is trying to do on the inside of the structure. The cost of the project from one of our consultants has estimated that this could be in the range of a \$3 million dollar project. Bond Counsel will be here to discuss this with the City later. At the minimum, the City is looking at \$1.4 to \$1.7 million dollars in venue tax.

Mayor asked if this is conditional on the County renovating the inside of the JK Northway? Mr. McLaughlin responded yes, and this is the discussion they have had with the County Judge. McLaughlin further stated that this would have to be incorporated in the interlocal agreement. Mayor Fugate further commented that there is no use in the City building the cattle pens and moving the front doors if they are not going to complete the project on the inside of the JK Northway and further asked if this would be in the interlocal agreement. Mr. McLaughlin responded yes and also commented that if we are using our venue tax then we will be hiring our engineer and construction consultant and will manage it from beginning to end. The interlocal agreement will also stipulate that once we are done building it, it would make sense if the interlocal agreement had some conditions where the maintenance of those two pieces will be performed by the County, since they are maintaining the rest of the building. They will not be allowed to tear it down or remove it, so long as the bond is still active.

Commissioner Hinojosa asked when the city will start collecting the venue tax? Will the city spend the money first then collect the venue tax or do we collect the venue tax then spend the money?

Mr. McLaughlin responded that he does not know the answer to the question. He would have to get with Bond Counsel on that.

Ms. Alvarez commented that Bond Counsel will be at the February 22nd City Commission meeting to answer any questions the Commission may have.

Commissioner Hinojosa further asked if the County Judge will be giving the Commission an update on what they will be doing, maybe provide the Commission with a timeline as to when they will start the project.

Mr. McLaughlin commented that he has asked the County Judge, a couple of months ago, if the County would give the City an update on the EDA Grant that is building his Emergency Operation Center, as the City is in it for \$540,000 on this grant. He further stated that he is not aware of where this project stands at this time. He would like for the County Judge to come in and update the Commission. Mr. McLaughlin further commented that once the city receives the interlocal agreement from the city's Bond Counsel on this project, which is the cattle pens and the front door, once is it all signed and delivered, it will then be turned over to the County.

Commissioner Alvarez commented that she would like to see the inside of the building done first before the city moves on working on the outside.

Mayor Fugate commented that the County must have it engineered and bid out. He further commented that the County needs to be working with the City simultaneously on this project. Otherwise the city can spend up to \$3 million dollars on this project for no reason. They will have to be shovel ready at the same time the city is shovel ready. Mayor Fugate further stated that this is the city's project on the condition that the County being able to do what they need to do.

Motion made by Commissioner Hinojosa consider starting the process to construct a new covered livestock barn at JK Northway grounds (and allocate funding source) to likely be funded with venue tax with the condition that the County does their interior renovation project, seconded by Commissioner Lopez. Vote was taken beginning with Commissioner Torres who voted yes for the item.

The vote was then halted for additional discussion with Commissioner Hinojosa asking that it would be with the condition with the County starting on the project at the same time the City begins.

Voting continued with Commissioner Hinojosa voting yes. Commissioner Alvarez asked for the motion to be restated as it was not clear to her.

The vote was halted a second time for additional discussion and clarification from the Commission.

Mayor Fugate clarified by stating that this is just to get the city started, which doesn't mean that the city won't be able to put the brakes on it. If it comes to the point where the County says that they are not able to do the inside of the building, then this won't happen. Or if the City doesn't like what they propose, this doesn't happen. Fugate further commented that we are just identifying the improvements that hopefully the city can make if everything comes to fruition. This is not the final say as there will be other votes that the City Commission will have to take to approve this project.

Commissioner Hinojosa asked that as far as when the city starts collecting the tax, staff would need to get Commission approval before collecting. Ms. Alvarez responded that this is correct. There would be an ordinance that Bond Counsel will draft for the City to present to the City Commission for approval.

Mayor Fugate asked Mrs. Valenzuela to continue with the rollcall vote.

Mrs. Valenzuela asked if the two votes that had been taken stand as is. Ms. Alvarez responded that the two votes that stand are Commissioner Hinojosa making the motion with Commission Torres voting yes for the item

The vote continued with Alvarez, Lopez, Fugate voting “FOR”.

Mayor Fugate commented that he would like to insure all the Commission that the city will not be caught in a trap.

15. Consider a resolution authorizing the City Manager to enter into an Access Agreement for the Use and Right of Entry onto Property with AD Environmental Services, LLC for Harbur & Harbur, L.P. (for monitoring well in R.O.W. off Ailsie St.). (Public Works Director).

Mr. Bill Donnell, Public Works Director stated that this item authorizes AD Environmental Services, LLC to install a ground monitor well in the right-of-way of Ailsie near the north west corner of the intersection with Brahma Blvd. This is a one day install and is approximately 25 to 30 feet deep. This is ordered by TCEQ in order for them to do further monitoring to the north of the property. Donnell further stated that they will have to report quarterly sampling to TCEQ.

Mayor Fugate commented that this is not ordinary city business and further asked if there was a problem.

Mr. Donnell responded that there are some leaching field tanks, underground fuel tanks.

Mr. McLaughlin commented that these tanks have been leaking for years and they believe there has been leaching through the ground under Ailsie so they are going to place a monitoring well on the north side, north west corner of the intersection. He further stated that they will have to monitor that and if they detect the leaching, then TCEQ will order this company what the next steps will be.

Commissioner Torres asked that this is at no financial impact to the City. Mr. Donnell responded that this was correct.

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into an Access Agreement for the Use and Right of Entry onto Property with AD Environmental Services, LLC for Harbur & Harbur, L.P. (for monitoring well in R.O.W. off Ailsie St.), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting “FOR”.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:54 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1



MEMO

Date: February 4, 2021
To: Mark McLaughlin (City Manager)
From: Uche Echeozo (Director of Planning and Development Services)
Subject: **Re:** James W. Turner Construction, authorized agent, ZORAIDA Lopez, owner, requesting a replat of ORIG TOWN, BLOCK 79, LOTS 25, 26 also known as 418 W. Huisache, Kingsville, Texas.

The Planning and Zoning Commission meeting held as scheduled this evening, February 3, 2021 with 4 members in attendance. There were two members that were absent – Commissioners Debbie Tiffie and Bill Aldrich

Members deliberated over the issue of granting approval for a re-plat of existing lots 25 and 26 of ORIG TOWN, BLOCK 79, and at the end, voted unanimously to approve the recommendation to re-plat the lots into one single unit. A recorded vote of all members present was taken and Commissioners Mike Klepac, Idotha Battle, Brian Coufal, and the Chairman – Steve Zamora all voted 'YES'

The meeting was adjourned by 6.15p.m.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", with a stylized flourish at the end.

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

RECEIVED
1/4/2021

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 418 W. Houston Ave Nearest Intersection _____

(Proposed) Subdivision Name Original Downsize Lot 25A Block 79

Legal Description: Re-Plat

Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent James W. Turner Construction Phone 361-557-7819 FAX _____

Email Address (for project correspondence only): Servicio Herrero a SW TC. Not

Mailing Address 4205 Mary Caroline City Turner State TX Zip 77377

Property Owner Isidoro Lopez Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 418 W. Houston City Kingsville State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input checked="" type="checkbox"/> Re-plat	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Vacating Plat	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Development Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

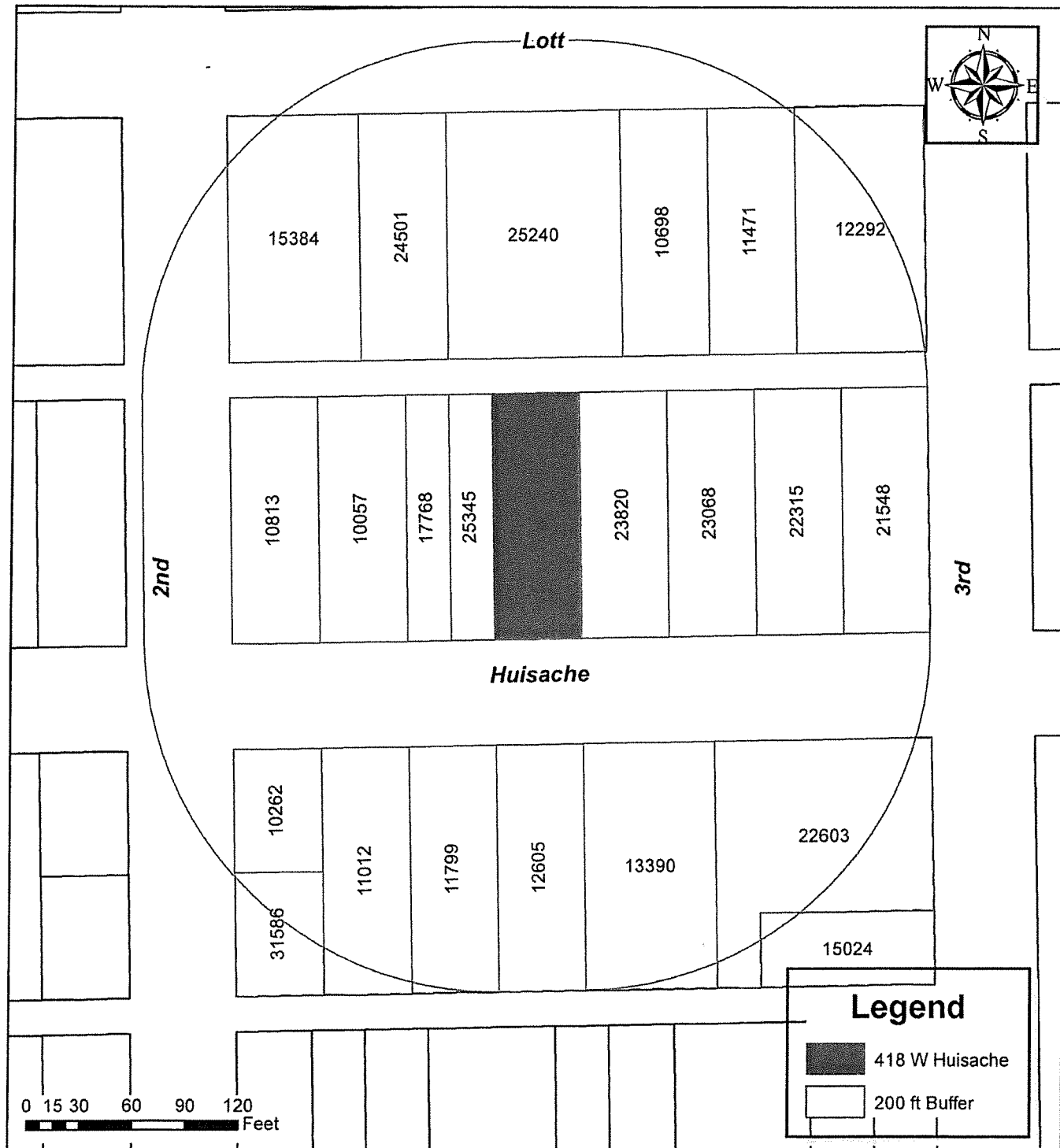
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature SB Herrera Date: 12-28-2020

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 418 W Huisache



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\New Buffer Maps.mxd

1 / 1 Page	Drawn By: Planning Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 1/8/2021		
	Note:		

ESTEFANA OLVERA EST
431 W LOTT AVE
KINGSVILLE, TX 78363-5359
#15384

LBC ENTERPRISES FAMILY
TRUST
PO BOX 3396
SANTA CLARA, CA 95055
#10698

VICTOR MOBERG
SHANA MCGUYER
9916 OLD LOCKHART RD
FLATONIA, TX 78941
#10813

LAY VICTORIA R EST
% RAYNI SCOTT
9710 CLOISTER DR
DALLAS, TX 75228-3615
#25345

GEORGE HERNANDEZ
ETUX GUADALUPE
716 S 16TH ST
KINGSVILLE, TX 78363-6432
#22315

KLEBERG COUNTY TRUSTEE
PO BOX 1457
KINGSVILLE, TX 78363-1457
#10262

GEORGE HERNANDEZ
ETUX GUADALUPE
716 S 16TH ST
KINGSVILLE, TX 78363-6432
#22603

MARIA D RAMIREZ
PAUL R HUMPHREY
423 W LOTT AVE
KINGSVILLE, TX 78363-5359
#24501

SYLVESTER LEWIS EST
ETUX GLORIA S
409 W LOTT AVE
KINGSVILLE, TX 78363-5359
#11471

NEW LIFE FELLOWSHIP OF
CORPUS CHRISTI INC
PO BOX 5190
CORPUS CHRISTI, TX 78465-5190
#10057

ANDRES RAMIREZ
ETUX AUDELIA CRISANTO
414 W HUISACHE AVE
KINGSVILLE, TX 78363-5348
#23820

ESEQUIEL DE LA PAZ
ETUX IRMA
% MARGOT DE LA PAZ
1218 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#21548

ARMANDO CABELLO
% LUCIA F TANGUMA
622 AIRPORT RD
CORPUS CHRISTI, TX 78405-3103
#12605

JAMES H BAUGUS
ETUX SHARON L PENNINGTON
PO BOX 341
KINGSVILLE, TX 78364-0341
#15024

ROSIE L SALDANA
P O BOX 124
WEIR, TX 78674-0124
#25240

ROSE MARY RELIFORD
2010 BENTON AVE
KANSAS CITY, MO 64127
#12292

BETTYE CARTER
829 S 24TH ST
KINGSVILLE, TX 78363-6519
#17768

KEVIN WICKHAM
PO BOX 66
KINGSVILLE, TX 78364-0066
#23068, 11012, 11799

8 SISTERS 2 BROTHERS
PO BOX 3396
SANTA CLARA, CA 95055
#31586

SHYLAR DEMOND BROOKS
5413 COUNTY ROAD 73A
ROBSTOWN, TX 78380-6027
#13390

Kleberg CAD

Property Search > 32779 LOPEZ ZORAIDA for Year 2021

Tax Year: 2021 - Values not available

Property

Account

Property ID:	32779	Legal Description:	ORIG TOWN, BLOCK 79, LOT 25, 26
Geographic ID:	100107925005192	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	418 W HUISACHE TX	Mapsco:	
Neighborhood:		Map ID:	C1
Neighborhood CD:			

Owner

Name:	LOPEZ ZORAIDA	Owner ID:	57454
Mailing Address:	418 W HUISACHE KINGSVILLE, TX 78363-5348	% Ownership:	100.000000000000%
		Exemptions:	DP, HS

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value: = N/A

(-) HS Cap: - N/A

(=) Assessed Value: = N/A

Taxing Jurisdiction

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 1060.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW1	1945	840.0
OPFA	OPEN PORCH FRAME AVERAGE	*		1945	50.0
MAD3F	MAIN ADDITION FRAME	*		2013	220.0
PCFA	PATIO COVERED FRAME AVERAGE	*		2013	340.0
STPP	STORAGE (CONSIDERED PP)	NV		2011	144.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.1607	7000.00	50.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$26,960	\$1,000	0	27,960	\$0	\$27,960
2019	\$26,960	\$1,000	0	27,960	\$0	\$27,960
2018	\$23,050	\$1,000	0	24,050	\$0	\$24,050
2017	\$23,050	\$1,000	0	24,050	\$0	\$24,050
2016	\$23,050	\$1,000	0	24,050	\$0	\$24,050
2015	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2014	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2013	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2012	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2011	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2010	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2009	\$11,525	\$500	0	12,025	\$0	\$12,025
2008	\$11,525	\$500	0	12,025	\$0	\$12,025

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, February 3, 2021, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

James W. Turner Construction, authorized agent, Zoraida Lopez, owner, requesting a replat of ORIG TOWN, BLOCK 79, LOTS 25, 26 also known as 418 W. Huisache, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, February 8, 2021 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

James W. Turner Construction, authorized agent, Zoraida Lopez, owner, requesting a replat of ORIG TOWN, BLOCK 79, LOTS 25, 26 also known as 418 W. Huisache, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: January 15, 2021

SUBJECT: Operation Stonegarden, OPSG OO TX KLEBERG FY2021-RGVRGV-10-006 V0,
Grant#3194306

Summary:

The Kingsville Police Department has been invited to participate in an additional year of OPSG and has been conditionally approved for participation during performance period beginning 03/01/2021 and ending 08/31/2023.

Background:

Kleberg County and identified Friendly Forces will participate in Operation Stonegarden (OPSG) for Funding Year 2020. The participating agencies will utilize OPSG funding to enhance enforcement efforts along ingress/egress routes leading from the U.S./Mexico border and into the interior of the United States. OPSG funding will be used for the essential capability enhancement of participating agencies to coordinate operations with the U.S. Border Patrol to support border security efforts within the Rio Grande Valley Border Patrol Sector.

Financial Impact:

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been approved \$112,020.00 in overtime, \$62,000.00 for a vehicle, \$11,880.00 to cover fuel costs and \$1,120.00 for administrative costs.

Our total allotment is \$187,020.00

Recommendation:

We would request a resolution approving the submission of this grant via the Office of the Governor eGrants portal and subsequent acceptance of the grant and funds by the grantee's authorized official as designated by the City Manager, Chief Ricardo Torres. We also request a budget amendment to the current FY 2020-2021 for use of the funds as soon as they are available. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND FUNDS AWARDED TO THE POLICE DEPARTMENT FOR THE 20-21 OPERATION STONEGARDEN GRANT #3194306.

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
Fund 016 – Stonegarden Grant					
<u>Revenues - 4</u>					
2100	Police	Federal Grants	72005	(\$187,020.00)	
Fund 016 – Stonegarden Grant					
<u>Expenditures - 5</u>					
2100	Police	Overtime-2020 Stonegarden	11224	\$97,157.58	
2100	Police	FICA-2020 Stonegarden	11525	\$8,549.87	
2100	Police	TMRS-2020 Stonegarden	11425	\$7,432.55	
2100	Police	Mileage-2020 Stonegarden	21529	\$11,880.00	
2100	Police	Vehicles-2020 Stonegarden	71117	\$62,000.00	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend funds awarded to the Police Department for the 20-21 Stonegarden Grant. Funds will come from the grant funds awarded with no cash match.]

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 25th day of January 2021.

PASSED AND APPROVED on this the 8th day of February, 2021.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

City of Kingsville

Planning Department

To: Mayor and Council

CC: Mark A. McLaughlin

From: Brenda Joyas, CNU-A, Downtown Manager/HPO

Date: February 8, 2021

Subject: Historical Development Board Re-appointment

Summary: Request the City Commission to consider the re-appointment of Mr. Jonathan Plant to the Historical Development Board for another three-year term.

Background: The Historical Development Board would like to recommend the re-appointment of Mr. Jonathan Plant to the Historical Development Board. Mr. Plant has a Master's degree in History with an emphasis on museum studies from the University of Central Oklahoma. Mr. Plant is a resident of Kingsville and has an interest in American History and historic architecture. He has already served two other three (3) year terms for a total of six (6) years.

Financial Impact: None

Recommendation: Staff and the Historical Development Board recommend that Jonathan Plant be appointed to the Historical Development Board for another three (3) year term.

Attachments: Jonathan Plant CV



Jonathan Alan Plant

730 Santa Elena Drive

Kingsville, Texas 78363

Tel: (361) 522-3021

e-mail: jplant43@gmail.com

Work Experience

Museum Director

04/2013 – 11/2020

John E. Conner Museum, Texas A&M University-Kingsville, Texas

- Oversaw museum budget
- Determined and implemented museum policies
- Responsible for facility, including building preservation/condition and identifying maintenance issues
- Researched history, composed original exhibit text and designed bilingual exhibit text panels
- Developed Emergency Plan and Annual Vision Plans

Museum Curator

11/2010 to 04/2013

John E. Conner Museum, Texas A&M University-Kingsville, Texas

- Monitored environmental conditions
- Implemented preservation measures in collection storage areas
- Conducted guided tours for university classes, public school groups, and general public
- Recommended conservation treatment for artifacts
- Revised Museum Collections Policy
- Drafted Original Scope of Collections

Contract Curator

08/2007 to 09/2007

Fort Bend History Association, Richmond, Texas

- Identified and salvaged historically significant items from defunct industrial complex
- Accessioned items into computer database

Curator (Park Specialist II)

01/2006 to 09/2007

Varner-Hogg Plantation State Historic Site, West Columbia, Texas

(Texas Parks & Wildlife Dept.)

- Monitored environmental conditions in historic plantation house and archaeological sites
- Implemented preservation measures in collection storage areas
- Consulted with contractors and served as liaison between site director and contractors
- Conducted dialogues with building preservation specialists and recommended treatments
- Researched and wrote furnishing plans
- Conducted hands-on activity programs

Site Interpreter (Exhibit Technician II) 11/2001 to 01/2006

Sea Rim State Park & Sabine Pass Battleground State Historic Site

Sabine Pass, Texas

(Texas Parks & Wildlife Department)

- Maintained small artifact collection, museum displays and saltwater aquarium at Sea Rim State Park Visitors Center
- Performed archeological monitoring at Sabine Pass Battleground State Historic Site during construction project
- Wrote historical narrative for Texas State Historical Marker at Sabine Pass Battleground "Capture of the USS *Morning Light* and USS *Velocity*"
-

Education

- M.A., History - Museum Studies, University of Central Oklahoma, 1997
- B.A., English - Technical Writing, Oklahoma State University, 1993

Additional Training & Qualifications

- Presenter, "And the Myth Goes On...More "Lies My Docent Told Me..." Texas Association of Museums Annual Conference, El Paso, March 18, 2009
- Presenter "Closet Taxes, Short People and Melted Makeup: Lies My Docent Told Me," Texas Association of Museums Annual Conference, Galveston, March 27, 2008
- Completed Northern States Conservation Center Online Class, "MS201: Storage for Infinity: An Overview of Museum Storage Principles", November 6 - December 15, 2006
- Completed After the Storm: Recovery of Wet Collections" sponsored by the NPS National Center for Preservation Technology, Natchitoches, Louisiana, March 20, 2006

Career Highlights

- Principal Investigator, "Mi Familia-Mi Comunidad (My Family, My Community)," NEH Community Heritage Project/Exhibit, 2015-2016
- Historian/Researcher responsible for identifying Battle of Sabine Pass Union veterans inscribed on permanent battlefield monument, first monument to Civil War Union Forces in Texas, 2006
- Revised Furnishing Plan at Varner-Hogg Plantation SHS and incorporated furnishings received from defunct related historic site (Jim Hogg State Park)
- Researcher/Exhibit Fabricator, "I Been Waiting for Someone to Ask: Oklahoma WPA Slave Narratives" first African-American History exhibit at Oklahoma Historical Society, 1996 (internship)

REGULAR AGENDA

AGENDA ITEM #3



MEMO

Date: February 4, 2021
To: Mark McLaughlin (City Manager)
From: Uche Echeozo (Director of Planning and Development Services)
Subject: **Re:** James W. Turner Construction, authorized agent, ZORAIDA Lopez, owner, requesting a replat of ORIG TOWN, BLOCK 79, LOTS 25, 26 also known as 418 W. Huisache, Kingsville, Texas.

The Planning and Zoning Commission meeting held as scheduled this evening, February 3, 2021 with 4 members in attendance. There were two members that were absent – Commissioners Debbie Tiffie and Bill Aldrich

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The meeting was adjourned by 6.15p.m.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", with a stylized flourish at the end.

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

11/4/2021

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 418 W. Highway 101 Nearest Intersection _____

(Proposed) Subdivision Name Original Downsize Lot 25A Block 79

Legal Description: Re-Plat

Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent James W. Turner Construction Phone 361-557-7819 FAX _____

Email Address (for project correspondence only): Snyder, Herberta W J W Tc. Not

Mailing Address 4205 Mary Lou Lane City Turner State TX Zip 77377

Property Owner Graciela Lopez Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 418 W. Highway 101 City Kingsville State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input checked="" type="checkbox"/> Re-plat	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Vacating Plat	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Development Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

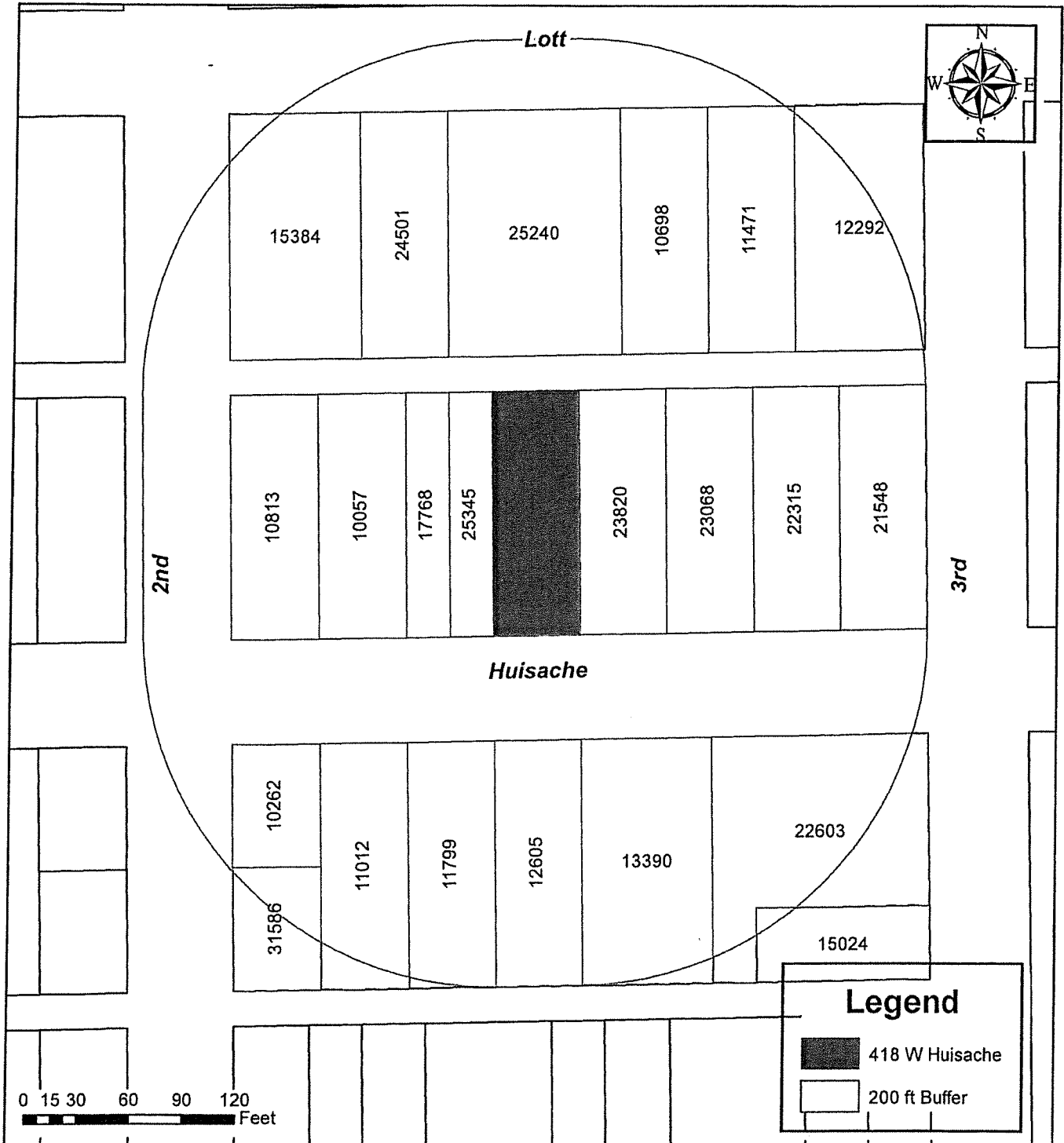
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature SB Hernandez Date: 12-28-2020

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 418 W Huisache



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\New Buffer Maps.mxd

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	Last Update: 1/8/2021		
	Note:		

ESTEFANA OLVERA EST
431 W LOTT AVE
KINGSVILLE, TX 78363-5359
#15384

LBC ENTERPRISES FAMILY
TRUST
PO BOX 3396
SANTA CLARA, CA 95055
#10698

VICTOR MOBERG
SHANA MCGUYER
9916 OLD LOCKHART RD
FLATONIA, TX 78941
#10813

LAY VICTORIA R EST
% RAYNI SCOTT
9710 CLOISTER DR
DALLAS, TX 75228-3615
#25345

GEORGE HERNANDEZ
ETUX GUADALUPE
716 S 16TH ST
KINGSVILLE, TX 78363-6432
#22315

KLEBERG COUNTY TRUSTEE
PO BOX 1457
KINGSVILLE, TX 78363-1457
#10262

GEORGE HERNANDEZ
ETUX GUADALUPE
716 S 16TH ST
KINGSVILLE, TX 78363-6432
#22603

MARIA D RAMIREZ
PAUL R HUMPHREY
423 W LOTT AVE
KINGSVILLE, TX 78363-5359
#24501

SYLVESTER LEWIS EST
ETUX GLORIA S
409 W LOTT AVE
KINGSVILLE, TX 78363-5359
#11471

NEW LIFE FELLOWSHIP OF
CORPUS CHRISTI INC
PO BOX 5190
CORPUS CHRISTI, TX 78465-5190
#10057

ANDRES RAMIREZ
ETUX AUDELIA CRISANTO
414 W HUISACHE AVE
KINGSVILLE, TX 78363-5348
#23820

ESEQUIEL DE LA PAZ
ETUX IRMA
% MARGOT DE LA PAZ
1218 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#21548

ARMANDO CABELLO
% LUCIA F TANGUMA
622 AIRPORT RD
CORPUS CHRISTI, TX 78405-3103
#12605

JAMES H BAUGUS
ETUX SHARON L PENNINGTON
PO BOX 341
KINGSVILLE, TX 78364-0341
#15024

ROSIE L SALDANA
P O BOX 124
WEIR, TX 78674-0124
#25240

ROSE MARY RELIFORD
2010 BENTON AVE
KANSAS CITY, MO 64127
#12292

BETTYE CARTER
829 S 24TH ST
KINGSVILLE, TX 78363-6519
#17768

KEVIN WICKHAM
PO BOX 66
KINGSVILLE, TX 78364-0066
#23068, 11012, 11799

8 SISTERS 2 BROTHERS
PO BOX 3396
SANTA CLARA, CA 95055
#31586

SHYLAR DEMOND BROOKS
5413 COUNTY ROAD 73A
ROBSTOWN, TX 78380-6027
#13390

Kleberg CAD

Property Search > 32779 LOPEZ ZORAIDA for Year 2021

Tax Year: 2021 - Values not available

Property

Account

Property ID:	32779	Legal Description:	ORIG TOWN, BLOCK 79, LOT 25, 26
Geographic ID:	100107925005192	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	418 W HUISACHE TX	Mapsco:	
Neighborhood:		Map ID:	C1
Neighborhood CD:			

Owner

Name:	LOPEZ ZORAIDA	Owner ID:	57454
Mailing Address:	418 W HUISACHE KINGSVILLE, TX 78363-5348	% Ownership:	100.0000000000%
		Exemptions:	DP, HS

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A
(-) HS Cap:	-	N/A

(=) Assessed Value:	=	N/A

Taxing Jurisdiction

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** A1 **Living Area:** 1060.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW1	1945	840.0
OPFA	OPEN PORCH FRAME AVERAGE	*		1945	50.0
MAD3F	MAIN ADDITION FRAME	*		2013	220.0
PCFA	PATIO COVERED FRAME AVERAGE	*		2013	340.0
STPP	STORAGE (CONSIDERED PP)	NV		2011	144.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.1607	7000.00	50.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$26,960	\$1,000	0	27,960	\$0	\$27,960
2019	\$26,960	\$1,000	0	27,960	\$0	\$27,960
2018	\$23,050	\$1,000	0	24,050	\$0	\$24,050
2017	\$23,050	\$1,000	0	24,050	\$0	\$24,050
2016	\$23,050	\$1,000	0	24,050	\$0	\$24,050
2015	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2014	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2013	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2012	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2011	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2010	\$20,950	\$1,000	0	21,950	\$0	\$21,950
2009	\$11,525	\$500	0	12,025	\$0	\$12,025
2008	\$11,525	\$500	0	12,025	\$0	\$12,025

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, February 3, 2021, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

James W. Turner Construction, authorized agent, Zoraida Lopez, owner, requesting a replat of ORIG TOWN, BLOCK 79, LOTS 25, 26 also known as 418 W. Huisache, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, February 8, 2021 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

James W. Turner Construction, authorized agent, Zoraida Lopez, owner, requesting a replat of ORIG TOWN, BLOCK 79, LOTS 25, 26 also known as 418 W. Huisache, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

AGENDA ITEM #4

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: January 29, 2021
SUBJECT: DKP Baseball Irrigation Components Installation Services (RFP#21-03)

Summary:

This item authorizes the award of RFP#21-03 and for staff to approve and award bid to Hebert Irrigation for the installation of Irrigation Components Installation Services for baseball fields #4 and #6, funded by Texas Parks & Wildlife Grant.

Background:

The City published a Request for Proposal #21-03 in the newspaper on December 10, 2020 and December 17, 2020. Request for Proposal were accepted until 2:00 PM on December 29, 2020 only one responsive proposal received. The proposal received was from Hebert Irrigation in the amount of \$16,781.00 for each field. Staff reviewed RFP#21-03 and made a recommendation to select Hebert Irrigation which was the only bidder and best value to the City. Purchasing has called references on the recommended contractor.

Financial Impact:

The total amount of \$33,562.00 will be funded through the Texas Parks and Wildlife Grant city fund #094-4503.

Recommendation:

It is recommended the City award the RFP #21-03 to Hebert Irrigation of Corpus Christi Texas for the DKP Baseball Fields Irrigation Components Installation Services in the amount of \$33,562.00.





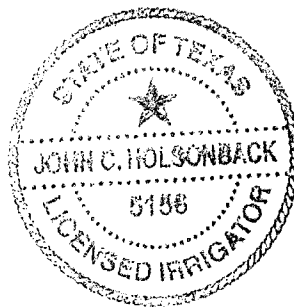
"Another Professional Quote for a Water Saving System from the Leader in Lawn Sprinklers"
2134 Flour Bluff Dr. Corpus Christi, Texas 78418 (361)937-0912 www.hebertirrigation.com

RFP 21-03 Dick Kleberg Park Baseball Field – Irrigation Installation

Hebert Irrigation Inc. has been in business for over 30 years in the Coastal Bend and servicing the surrounding counties. Our staff is over 30 employees with 2 Installation crews and 10 Service Technicians. We have been voted into the National Top 100 Irrigation Contractors in Texas by TTIA. Hebert Irrigation Inc. has previously worked with the City of Corpus, City Of Port Aransas, City of Kingsville, City of Portland, HUB program, and also a member of BBB.

	Hebert Irrigation Inc. has installed the following irrigation system as per plans listed below. All installations have been installed in a timely matter.
•	Bay City High School 520 7 th St. Bay City, Texas 77414
•	C.C.I.S.D. Baker Middle School 1540 Casa Grande C.C., Texas 78411
•	C.C.I.S.D. Cunningham Middle School 3001 McArdle C.C., Texas 78411
•	Cabaniss Sports Complex 3202 Cabaniss Rd. C.C., Texas 78415
•	Gregory Portland High School 4200 Wildcat Portland, Texas 78374

If project is granted to Hebert Irrigation Inc. installation will be installed in a timely matter no later than a week. As we are fully insured with General Liability and Workers Compensation – due to not being notified ahead that a payment bond maybe required, Hebert Irrigation has not included fee in this proposal.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Be it known that

JOHN HOLSONBACK

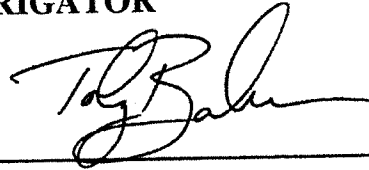
*has fulfilled the requirements in accordance with the
laws of the State of Texas for*

LICENSED IRRIGATOR

License Number: **LI0005156**

Issue Date: **07/20/2020**

Expiration Date: **09/30/2023**



*Executive Director
Texas Commission on Environmental Quality*

*original

HEBERT IRRIGATION, INC.

2134 Flour Bluff Dr. | Corpus Christi, TX 78418 | Phone: 361-937-0912 | Fax: 361-939-9982

"Another Professional Quote for a Water Saving System from the Leader in Lawn Sprinklers"

Contact Information	Physical Location	Billing Information
Date: <u>11/30/20</u> <u>SUSAN 522-1202</u>	Name: <u>City of Kingsville</u>	Name:
Contact Name: <u>Charlie</u>	Street: <u>Dick Kileberg Park Baseball Field</u>	Street:
Primary Phone: <u>Sivvy @ City of Kingsville</u>	City: <u>Escondido</u>	City:
<u>c sbosa @ City of Kingsville.com</u>	<u>501 Santiago Park lane</u>	
Email: <u>City of Kingsville.com</u>	State/Zip: <u>TX 78363</u>	State/Zip:
<u>455-7746</u>		

Hebert Irrigation proposes to furnish the materials and perform the labor necessary for the completion of an Automatic Underground Irrigation System. All pipe, fittings, labor, machinery & permits included (full one (1) year warranty on parts and labor).

This Bid is for: Baseball field

_____	_____	Pop-Up Spray Heads
<u>11</u>	<u>Hunter 1 1/2"</u>	Electric Valves
<u>1</u>	<u>Fabco 2"</u>	Brass Backflow Preventer
<u>1</u>	<u>Hunter Pro-C</u>	Controller <u>w/ rain sensor</u>
<u>97</u>	<u>Hunter 1-20</u>	Rotary Heads
_____	_____	Misc. _____
_____	_____	Misc. _____
_____	_____	Misc. _____

All Material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings or specifications submitted for above work and completed in a substantial workmanlike manner for the sum of (\$ 16,781) dollars. **Exclusions include: water meter, power to controller, and sleeves**

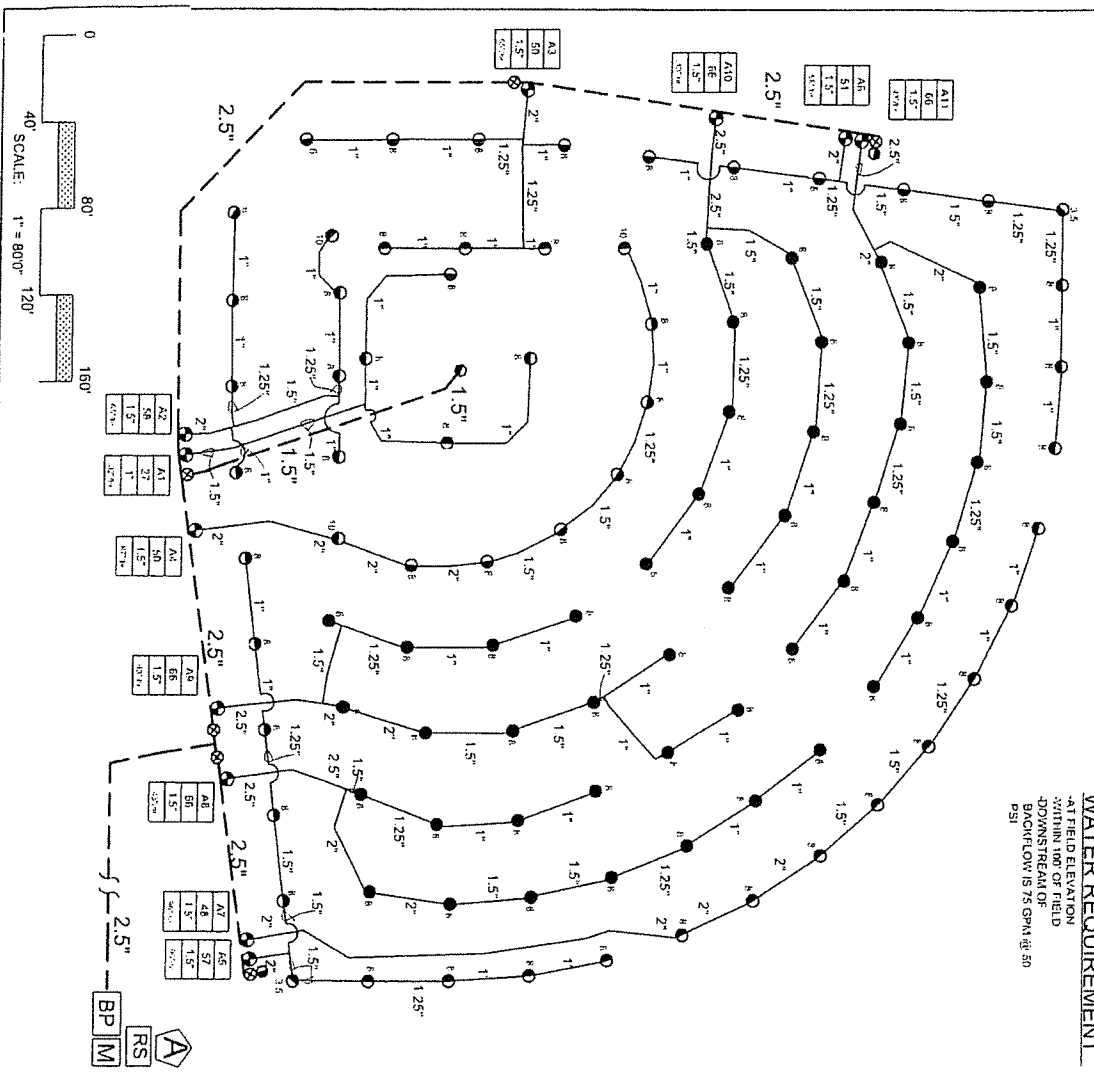
With payments to be made as follows: Upon completion—all major credit cards are accepted

Note: This is an estimate. While the price is firm, the number of heads may be slightly more or less than stated in the bid.

Texas License #5156 Respectfully Submitted by: Brian McCay
Note: This proposal may be withdrawn if not accepted within 120 days. 739-2747

Hebert Irrigation will contact Texas One Call before installation. Any underground utilities that cannot be located through Texas One Call are the responsibility of the homeowner. Hebert Irrigation will not be responsible for any damages that are unmarked or mis-marked. Also, any areas that require special attention such as future pool, deck, or garden areas must be brought to our attention at the time the estimate is given.

John Holsonback	Acceptance	Date
-----------------	------------	------



WATER REQUIREMENT

AT FIELD ELEVATION
DOWNSTREAM OF
BACKFLOW IS 75 GPM @ 50
PSI

IRRIGATION LEGEND

- PRODUCT DESCRIPTION
● HUNTER I-20-04-XX-120-06-XX NOZZLE AS SHOWN
● NOZZLE PERFORMANCE
#3.5 @ 40 PSI - 3.0 GPM 38" RADIUS
#6 @ 40 PSI - 4.9 GPM 40" RADIUS
#8 @ 40 PSI - 6.0 GPM 41" RADIUS
#10 @ 40 PSI - 8.4 GPM 42" RADIUS
- HUNTER ICV/IBV ELECTRIC CONTROL VALVE SIZED AS SHOWN
- HUNTER HO-44-XX-AW QUICK COUPLER VALVE (OPTIONAL)
- HUNTER IC-1200 SOLID STATE METAL CABINET CONTROLLER
- HUNTER SOLAR-SYNC-SEN ON SITE WEATHER SENSOR
- WATER METER MINIMUM SIZE @ 75 GPM IS 2.0"
- BP BACKFLOW PREVENTER SIZED TO SYSTEM GPM
- MAINLINE PIPE
- LATERAL PIPE
- SLEEVE
- ⊗ ISOLATION VALVE LINE SIZED

IRRIGATION NOTES

1. SPRINKLER LOCATIONS ARE TO SCALE
2. PIPE LOCATIONS ARE DIAGRAMATIC
3. ALL SPRINKLERS TO BE INSTALLED ON .75" SCH 80 SWING JOINTS
4. ALL COMPONENTS TO BE INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS
5. MAINLINE DEPTH TO BE NO LESS THAN 18"
6. LATERAL DEPTH TO BE NO LESS THAN 16"
7. ELECTRIC CONTROL VALVES TO BE COVERED WITH 12" VALVE BOX
8. LOCATE VALVES/COV'S OUT OF HIGH TRAFFIC AREAS
9. WIRE SPLICE CONNECTIONS TO BE WATERPROOF
10. COV TO BE LOCATED IN 10" VALVE BOX
11. ALL SLEEVES TO BE 2X PIPE RUN THROUGH THEM
12. INSTALL ALL COMPONENTS AS PER LOCAL STATE FEDERAL CODES
13. REFER TO HUNTER INSTALLATION DETAILS
14. REFER TO HUNTER CATALOG FOR PERFORMANCE SPECIFICATIONS
15. ADD HUNTER "FS" FOR DIRTY WATER VALVE
16. ADD HUNTER "AS" FOR PRESSURE REGULATED VALVE

VALVE ID GUIDE

STATION NUMBER	VALVE SIZE	PRECIPITATION RATE
A1	1.5"	1.5"
A2	1.5"	1.5"
A3	1.5"	1.5"
A4	1.5"	1.5"
A5	1.5"	1.5"
A6	1.5"	1.5"
A7	1.5"	1.5"
A8	1.5"	1.5"
A9	1.5"	1.5"
A10	1.5"	1.5"
A11	1.5"	1.5"

SYSTEM PERFORMANCE DATA

ZONE	SIZE	FLOW	PR	DU	SC	...
A1	1"	27	32	79	1.5	
A2	1.5"	58	65	80	1.2	
A3	1.5"	50	60	80	1.2	
A4	1.5"	50	60	80	1.2	
A5	1.5"	51	56	83	1.2	
A6	1.5"	48	53	76	1.2	
A7	1.5"	48	53	76	1.2	
A8	1.5"	48	53	76	1.2	
A9	1.5"	48	53	76	1.2	
A10	1.5"	48	53	76	1.2	
A11	1.5"	48	53	76	1.2	

Hunter Industries office the plan as a general guide for estimating purposes and does not constitute an offer of any product or service. The plan is not to be used for any other purpose without the written consent of Hunter Industries. The plan is not to be used for any other purpose without the written consent of Hunter Industries.



City of Kingsville, TX

Budget Report Account Summary

For Fiscal: 10/2020-09/2021 Period Ending: 01/31/2021

Fund: 094 - TEXAS PARKS & WILDLIFE GRANT

Expense

094-5-4503-59100
094-5-4503-71228

Grounds & Perm Fixtures
Parks-Field Improvements

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
	359,500.00	229,156.60	0.00	0.00	15,388.99	213,767.61	93.28 %
	0.00	130,343.40	0.00	0.00	130,343.40	0.00	0.00 %
Expense Total:	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %
Fund: 094 - TEXAS PARKS & WILDLIFE GRANT Total:	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %
Report Total:	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %

Budget Report

For Fiscal: 10/2020-09/2021 Period Ending: 01/31/2021

Group Summary

Account Type	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 094 - TEXAS PARKS & WILDLIFE GRANT							
Expense	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %
Fund: 094 - TEXAS PARKS & WILDLIFE GRANT Total:	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %
Report Total:	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %

Budget Report

For Fiscal: 10/2020-09/2021 Period Ending: 01/31/2021

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance	
						Favorable (Unfavorable)	Percent Remaining
094 - TEXAS PARKS & WILDLIFE C	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %
Report Total:	359,500.00	359,500.00	0.00	0.00	145,732.39	213,767.61	59.46 %

AGENDA ITEM #5

**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: February 8, 2021

SUBJECT: Consider a Resolution authorizing Participation in the Federal Transportation Alternative Set-Aside Program (Preliminary Application) through the Texas Department of Transportation.

Summary:

On January 15, 2021, Texas Department of Transportation (TxDOT) has issued the 2021 Transportation Alternatives (TA) Call for Project. The application is a two-step process. Step 1 submit a preliminary application by March 1, 2021. Step 2 submit a detailed application by June 14, 2021. If funds are awarded the City would be notified in the fall of 2021 and placed on a Conditional Project List for anticipated funding 2023-2024 of up to \$13 million.

The project will be funded by both federal (80%) and local (20%) funds. The local funds can be cash, Transportation Development Credits (TDCs), and Economically Disadvantaged Counties Program (EDCP) adjustment. The City qualifies for a 100% EDCP adjustment on its local match for the Total Construction Cost Estimate.

Eligible TA Project Activities include bicycle infrastructure improvements, shared use paths, sidewalk improvements and infrastructure-related projects to improve safety for non-motorized transportation.

Project Evaluation and Selection Criteria includes Safety, Project Readiness, Geographic Equity, Connectivity & Accessibility, Community Support & Planning and Demand.

Costs not eligible for federal reimbursement include Planning Activities, Environmental Mitigation, Utility Adjustments, Landscape Improvements and Land Acquisition.

The City may submit 3 application in 2021. Four potential project locations have been identified in the City:

1) Memorial Middle School/Harrell Elementary School,



**City of Kingsville
Engineering Dept.**

- 2)Harvey Elementary School /Jubilee Academies,
- 3)Gillette Middle School, or
- 4)Kleberg Elementary School/Epiphany Elementary School.

I have attached exhibits for each of the four areas identified above which indicates the proposed improvements.

Background:

The City applied in 2017 for a TA Call for Project but was not awarded. The scope of work included sidewalk on the west side of Armstrong Avenue between King Avenue and W. Johnston Avenue, sidewalks on both north and south side of Kenedy Avenue between 14th Street between 20th Street, sidewalks on both north and south side of Lott Avenue between 14th Street and 20th Street, sidewalk on the east side of 17th Street between Henrietta Avenue and Kenedy Avenue, sidewalk on the west side of 19th Street between Henrietta Avenue and King Avenue, and sidewalk on the west side of 20th Street between Kenedy Avenue and Lott Avenue.

The City also applied in 2019 for a TA Call for Project and was awarded \$689,793.00 through the Safe Routes to School funding at a 0% match. The scope of work included sidewalks on both north and south side of Kenedy Avenue between 14th Street between 20th Street, sidewalks on both north and south side of Lott Avenue between 14th Street and 20th Street, sidewalk on the east side of 17th Street between Henrietta Avenue and Kenedy Avenue, sidewalk on the west side of 19th Street between Henrietta Avenue and King Avenue, and sidewalk on the west side of 20th Street between Kenedy Avenue and Lott Avenue.

Financial Impact:

There is no financial impact in submitting the application for step one of the process.

Recommendation:

Staff recommends 1) the City Commission select three locations from the list provided and 2) authorize applying to the Transportation Alternatives Set-Aside Program 2021 Call for Project for the locations selected by the City Commission.

Attachments:

Table 1: TxDOT's 2021 TA Call for Projects Important Dates

Table 2: TA Program Funding Areas

Resolution



**City of Kingsville
Engineering Dept.**

2021 TA – Harrel Elementary & Memorial Middle School - Proposed Improvements
2021 TA – Harvey Elementary School & Jubilee Academies -Proposed Improvements
2021 TA – Kleberg & Epiphany Elementary School - Proposed Improvements
2021 TA – Gillett intermediate School - Proposed Improvements



Table 1: TxDOT's 2021 TA Call for Projects Important Dates

	Milestones	Date
Step 1	TxDOT's 2021 TA Call for Projects opens	January 15, 2021
	Virtual Workshops	January 21-27, 2021
	Responses to workshop questions posted	February 2, 2021*
	Preliminary Application (PA) deadline	March 1, 2021
	District Coordination	before April 9, 2021
	TxDOT PA Review complete	April 9, 2021
	TxDOT notifies sponsors of eligibility	April 12, 2021
Step 2	Detailed Application (DA) deadline	June 14, 2021
	TxDOT DA Review complete	August 16, 2021*
	Final project award (available funds)	October 2021*
	Conditional Project List (anticipated future funds)	October 2021*

* target dates

TxDOT Focus Areas

For the 2021 TA Call for Projects, the department is particularly interested in projects that reflect a high degree of collaboration and community consensus while directly contributing to the department's safety, mobility, and connectivity goals. Project sponsors are strongly encouraged to submit projects that:

- Improve safety, access, or mobility for people of all ages and abilities, especially on-system improvements (within TxDOT right-of-way) in support of TxDOT's Americans with Disabilities Act (ADA)/pedestrian initiatives

At the conclusion of the 2021 TA Call for Projects and a competitive project evaluation process, applicants will be:

- Awarded available Nonurban TA funding by the Texas Transportation Commission;
- Placed on a prioritized Conditional Project List for future federal TA appropriations; or
- Eliminated from further consideration in this program call. Project sponsors may resubmit these projects for consideration during future call for projects.

Table 2 provides a high-level comparison of TA funding available for non-urban and small urban areas.

Table 2: TA Program Funding Areas

Project Location	Population Size ¹	Local Match Required ²	Eligible Activities	Available program funding for Winter 2021 Texas Transportation Commission Award
Nonurban areas (5,000 or less in population)	5,000 people or less	20%	Preliminary Engineering & Construction	\$10.5 million
				Conditional Project List ³
Small Urban areas (5,001 to 200,000 in population)	5,001 to 50,000 people		Preliminary Engineering & Construction	Conditional Project List ³
	50,001 to 200,000 people		Construction Only	

ALTERNATIVE FUNDING OPTION:

TxDOT's priority with this program call is to fund projects using TA funding. However, TxDOT reserves the right to use other federal and/or state resources to implement a project submitted under this program call that is located within TxDOT right-of-way and advances the department's ADA/pedestrian safety, accessibility, and mobility goals. After consultation with the project sponsor, TxDOT may elect to assume oversight of project development and/or construction using TxDOT resources. Projects developed under this option could be identified during either Step 1 or Step 2 of the program call process. A local match may be required for on-system ADA/pedestrian projects advanced by TxDOT under this alternative funding option.

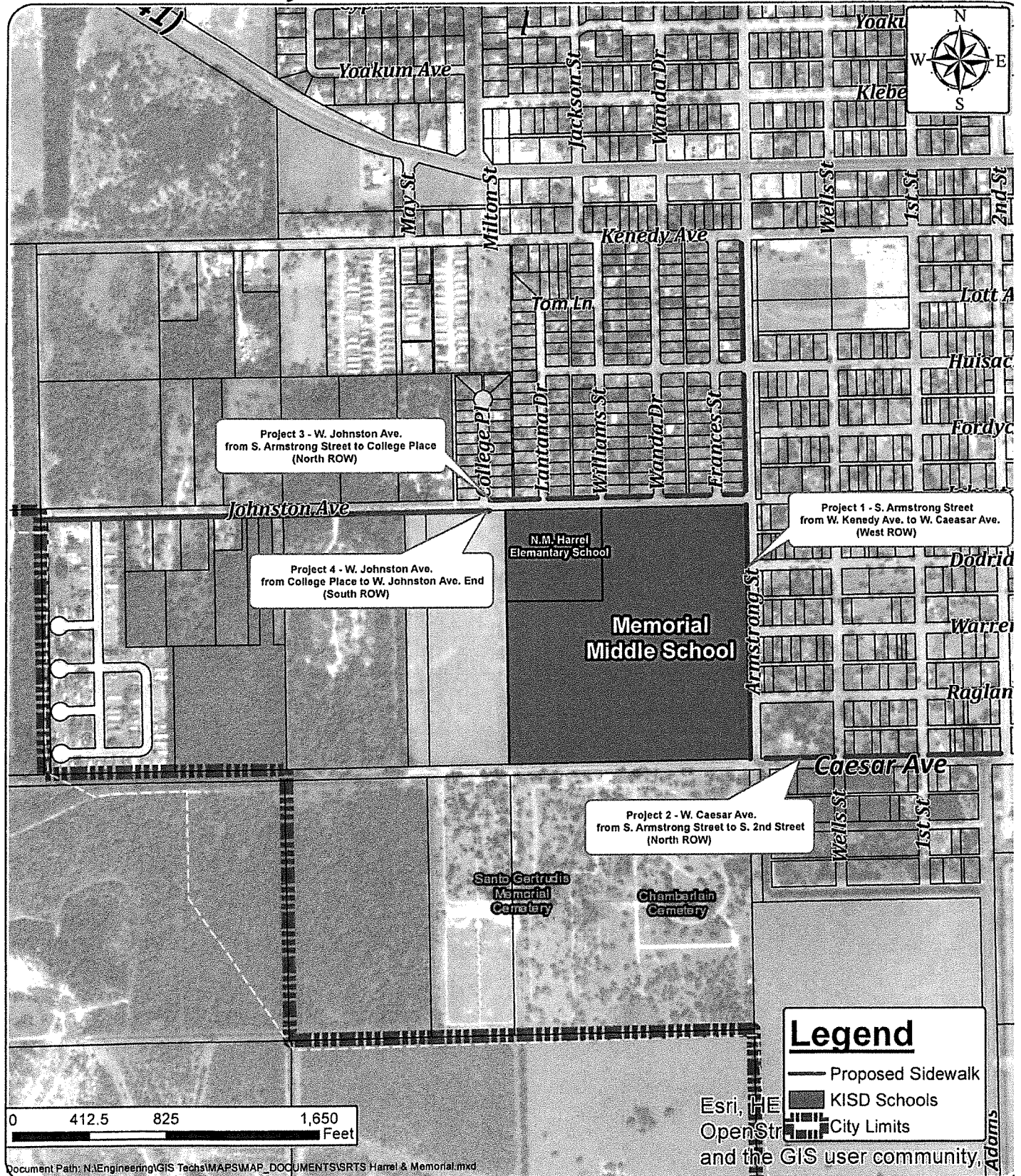
¹ TxDOT administers TA funds for projects located outside the smoothed boundaries of Census Urbanized Areas of 200,000 or greater, identified as Transportation Management Areas (TMAs).

² Some project sponsors may be eligible for a reduction in local match. See Section B.

³ Conditional Project Lists will be created to assist TxDOT in prioritizing Nonurban and Small Urban projects for anticipated future federal TA appropriations of \$13 million for nonurban and \$13 million for small urban to the department for FY 2023-2024. Once funds become available, projects on the list will be recommended to the commission for consideration for project award.

2021 Transportation Alternatives

Harrell Elementary & Memorial Middle School - Prop. Improvement:



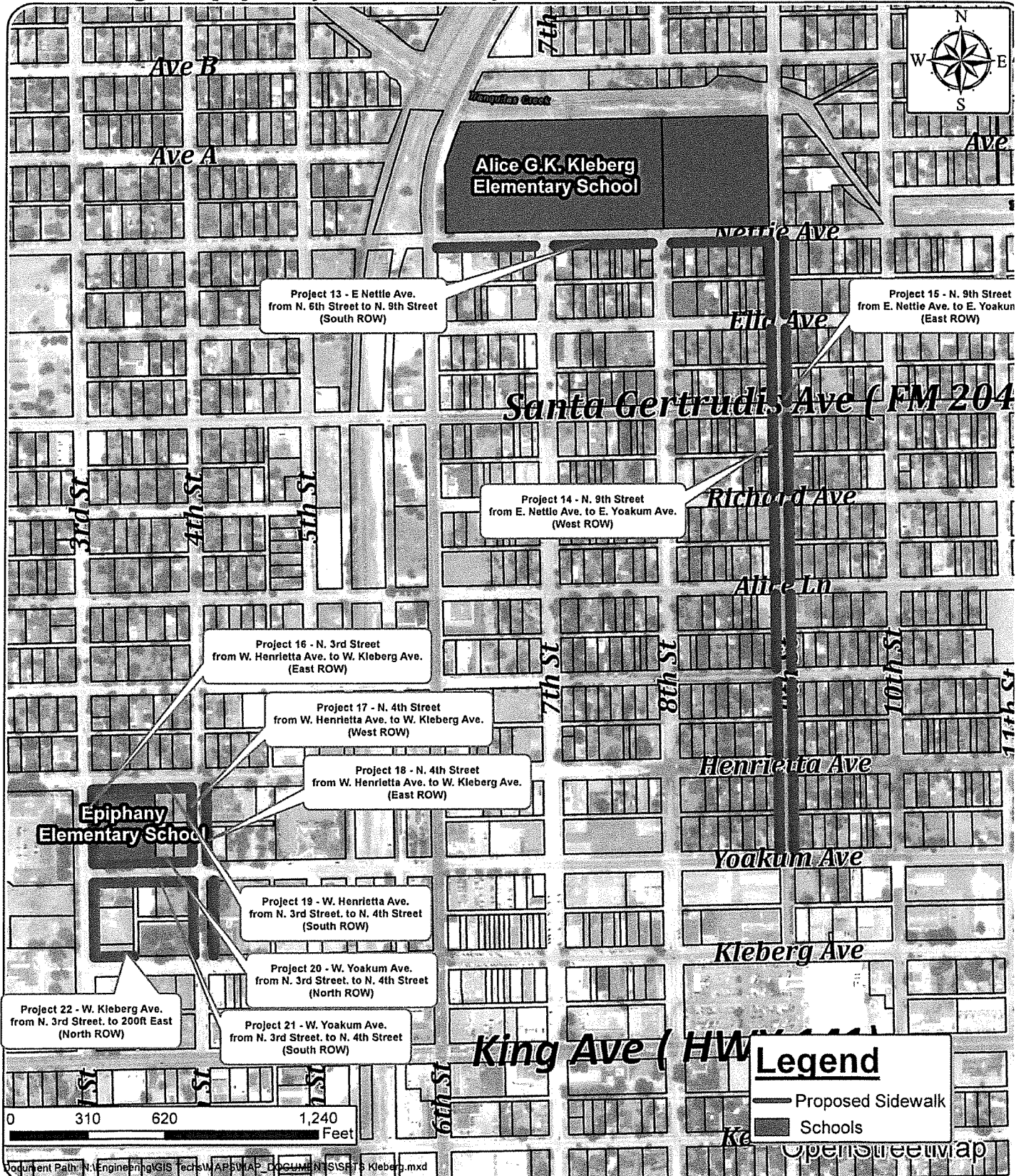
2021 Transportation Alternatives

Harvey Elementary & Jubilee Academies - Proposed Improvements



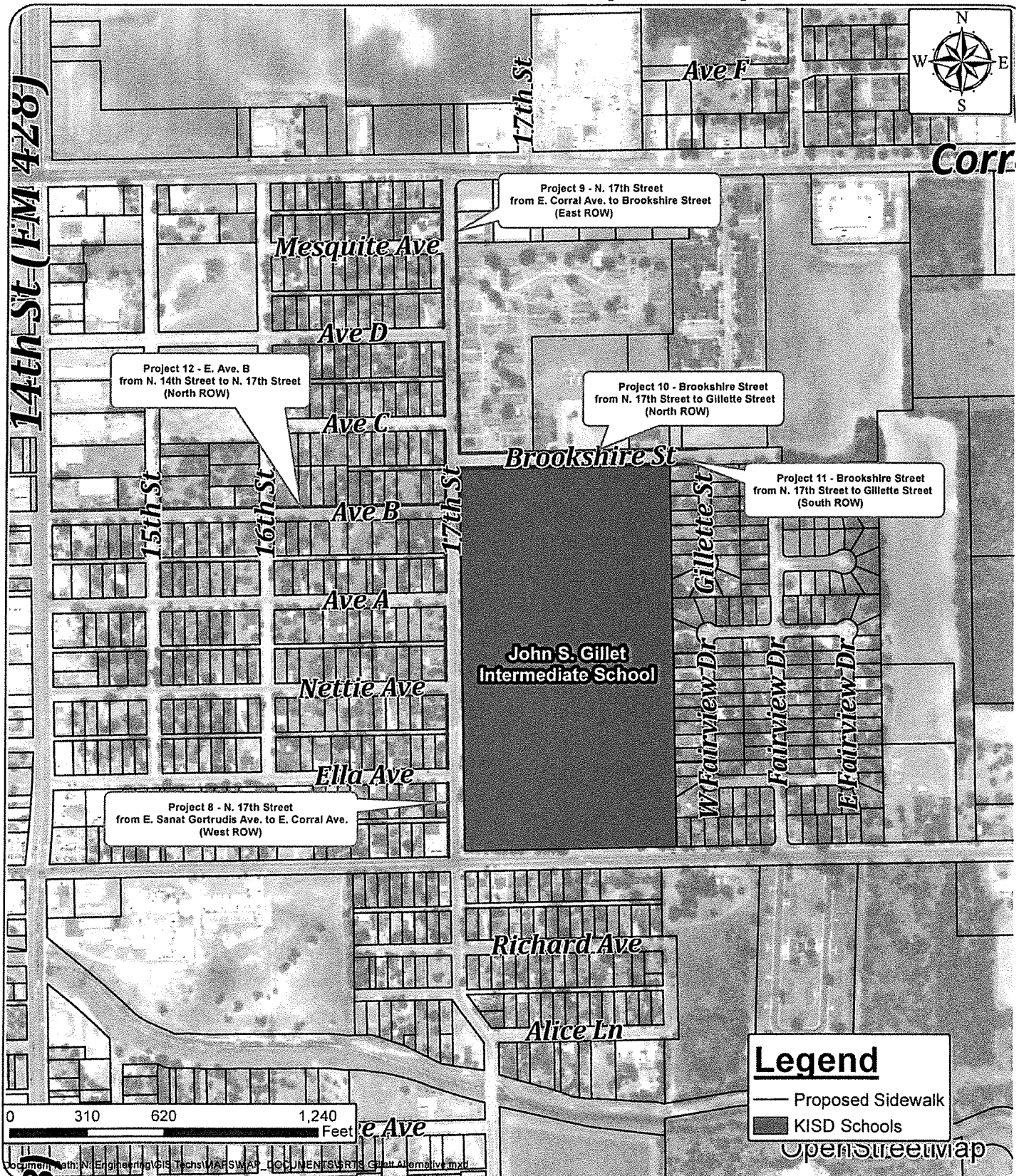
2021 Transportation Alternative

Kleberg & Epiphany Elementary School - Proposed Improvements



2021 Transportation Alternatives

Gillett Intermediate School - Proposed Improvements



RESOLUTION #2021-_____

A RESOLUTION AUTHORIZING PARTICIPATION IN THE FEDERAL TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND DESIGN OF SIDEWALKS; AUTHORIZING THE MAYOR TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") seeks to apply to the Federal Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for the installation and design of sidewalks; and

WHEREAS, the Federal Transportation Alternatives ("TA") Set-Aside Program through the Texas Department of Transportation provides for the installation and design of sidewalks, crosswalks, ADA ramp infrastructure improvements, and hike and bike trails on roadways leading to area schools and parks; and

WHEREAS, the City has several areas in town near local schools and parks that it believes would be good candidates for this program, as per the memo and exhibits attached hereto; and

WHEREAS, this program typically requires an 80/20 percent grant match, though a 100% Transportation Development Credit may be available that could be applied in lieu of a cash match from the City as Kleberg County is classified as an Economically Disadvantage County; and

WHEREAS, City staff has identified four prospective projects but can only submit up to three applications for the TA Set Aside Program and the City has decided to move forward with three applications in step one of the grant process; and

WHEREAS, if one or more of the project applications is selected by TxDOT, then a second resolution will be brought to Commission for consideration to move forward with step two of the grant process and the resolution will indicate the total estimated cost for the project(s) approved and identify their funding source; and

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

I.

THAT the City authorizes the Mayor, or his designee, to apply to the Federal Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for the installation and design of sidewalks, crosswalks, and ADA ramp infrastructure.

II.

THAT the Mayor, or his designee, is hereby authorized and directed to act on the City's behalf in all matters pertaining to the Federal Transportation Alternatives Set-Aside Program through the Texas Department of Transportation including any certifications, amendments or representations stipulated therein and that the Mayor, or his designee, 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 8th day of February, 2021.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6

**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: February 8, 2021

SUBJECT: Consider approving Professional Engineering Services Contract with International Consultant Engineer's for the Flood Infrastructure Fund grant program administered by the Texas Water Development Board (TWDB).

Summary:

On January 25, 2021, the Commission awarded the Request For Qualifications (RFQ) to ICE for Professional Engineering Services. The contract is for drainage improvements at locations 1, 3, 4, and 7. The total amount of the contract is \$784,609.00. ICE will provide Design and Project Management Services as proposed to the TWDB application for the project budget.

Background:

On December 14, 2020, I received four emails from the TWDB stating that the City's four grant and loan applications are considered administratively complete. The next phase in the application process, TWDB is reviewing each section of the application may provide comments and then consider awarding the grant and loan funding.

The City applied to four (4) drainage improvement projects based on the Drainage Master Plan in the following areas:

1. Location 1 – Fairview Drive.
2. Location 3 – 21st Street.
3. Location 4 – Alexander Avenue
4. Location 7 – Pasadena Street



**City of Kingsville
Engineering Dept.**

Financial Impact:

There is no finance impact in approving the contract to a consultant for Professional Engineering Services. The City is not obligated to proceed with the contract if the City is not awarded the TWDB FIF funds.

Recommendation:

Staff recommends:

1. Approving the Professional Engineering Services Contract with International Consulting Engineers in the amount of \$784,609.00.
2. Authorizing the City Manager to sign the Contract.

Attachments:

Professional Engineering Services Contract



RESOLUTION #2021-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH INTERNATIONAL CONSULTING ENGINEERS FOR THE FLOOD INFRASTRUCTURE FUND GRANT PROGRAM ADMINISTERED BY THE TEXAS WATER DEVELOPMENT BOARD (TWDB) FOR DRAINAGE SYSTEM IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") has applied for and received preliminary approval for four drainage system improvement projects under the Flood Infrastructure Fund ("FIF") Grant Program administered by the Texas Water Development Board ("TWDB") and needs to obtain the services of a professional engineer for said projects (sites #1, 3, 4, & 7 from City's Drainage Master Plan) pending funding allocation; and

WHEREAS, the FIF Program requires implementation by professionals experienced in federally funded projects; and

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with program requirements and state law; and

WHEREAS, the City advertised RFQ #21-02 in the local newspaper on December 3 & 10, 2020 and five Statements of Qualification (SOQ) in response to the RFQ were submitted by the December 22, 2020 deadline; and

WHEREAS, the City Selection Review Committee (City Manager, Purchasing Manager, Capital Improvements Manager, Public Works Director, and City Engineer) each reviewed the five SOQ's using an Engineer Rating Sheet and the evaluated totals resulted in International Consulting Engineers (ICE) as the highest scoring Professional Engineering Services Provider;

WHEREAS, the proposals received for RFQ #21-02 by the due date were reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources;

WHEREAS, the City Commission officially selected International Consulting Engineers (ICE) as the engineering firm for the FIF program on January 25, 2021, and staff has negotiated a contract for a fair and reasonable price under

the Professional Services Procurement Act with the firm and now brings the contract back before City Commission for approval;

WHEREAS, the City is not obligated to proceed with the contract if the City is not awarded the TWDB FIF funds.

NOW THEREFORE, 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 execute a Professional Services Agreement with International Consulting Engineers (ICE) for TWDB FIF Program for drainage system improvements in accordance with Exhibit A hereto attached and made a part thereof.

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 _____ 8th day of _____ February _____, 2021.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

PROFESSIONAL SERVICES AGREEMENT

PART I - AGREEMENT

THIS AGREEMENT, effective on the date of selection by the City of Kingsville, made on the 25th day of January 2021 by and between City of Kingsville, hereinafter called the "Client" and International Consulting Engineers (ICE) hereinafter called "Firm".

Firm agrees to render Client engineering / architecture / surveyor / grant administration services for Client's Texas Water Development Board (TWDB) FIF Program administered by the TWDB to fund activities to mitigate flood risks and increase resiliency to disasters, as provided in the provisions titled, "Part IV, Scope of Work" and attached hereto and incorporated by reference herein (the "Services").

The parties mutually agree as follows:

1. Scope of Services - The Firm will perform the services set out in Part IV, Scope of Work.
2. Time of Performance - Services shall commence no earlier than upon execution of this agreement. In any event, Firm shall use commercially reasonable efforts to perform all services required and performed hereunder within either 730 calendar days or the project's administrative closure date, as defined by TWDB, whichever is later.
3. Local Program Liaison - For purposes of this Agreement, the City Engineer will serve as the Local Program Liaison and primary point of contact for the Firm. All required progress reports and communication regarding the project shall be directed to this liaison and other local personnel as appropriate.
4. Compensation and Method of Payment - The maximum amount of compensation and reimbursement to be paid hereunder will be as prescribed and as approved by TWDB on Part II – Fee Schedule. Payment to the Firm shall be based on satisfactory completion of identified milestones in Part II - Fee Schedule of this Agreement and as approved by TWDB. The City is not obligated to proceed with the Contract if the City is not awarded the TWDB FIF Funds.
5. Indemnification – The Firm shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the client and its agency members from and against any and all claims, costs, suits, and damages, including attorney's fees, arising out of the Firm's performance or nonperformance of the activities, services or subject matter called for in this Agreement, and shall assume full responsibility for payments of Federal, State and local taxes on contributions imposed or required under the Social Security, worker's compensation and income tax laws.
6. Miscellaneous Provisions
 - a. This Agreement shall be construed under and accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Kleberg County, Texas.
 - b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
 - c. In any case 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 any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
 - d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.
 - e. This Agreement may be amended by mutual agreement of the parties hereto and a writing to be attached to and incorporated into this Agreement.
7. Extent of Agreement - This Agreement, which **includes Parts I-V** represents the entire and integrated agreement between the Client and the Firm and supersedes all prior negotiations, representations or

agreements, either written or oral. This Agreement may be amended only by written instrument signed by authorized representatives of both client and the Firm.

IN WITNESSETH WHEREOF, the parties have executed this Agreement by causing the same to be signed on the day and year first above written.

BY: _____
(City of Kingsville)

(Printed Name)

(Title)

BY: _____
(Firm's Authorized Representative)

(Printed Name)

(Title)

ENGINEERING SERVICES

PART II– FEE SCHEDULE

Client shall reimburse the Firm for professional services provided upon completion of those services and as allowed by TWDB. Following are the project milestones and their corresponding contract amount:

Description	Estimated Cost
DRAINAGE MASTER PLAN – LOCATION 1	
Engineering Design (8.5%)	\$ 94,119
Topographic Survey (3.5%)	\$ 38,755
Project Management (4.0%)	\$ 44,290
<i>Total Estimated Construction Cost:</i>	\$ 1,107,282
Total	\$ 177,164

DESCRIPTION	AMOUNT
DRAINAGE MASTER PLAN – LOCATION 3	
Engineering Design (8.5%)	\$ 100,882
Topographic Survey (3.5%)	\$ 41,540
Project Management (4.0%)	\$ 47,474
<i>Total Estimated Construction Cost:</i>	\$ 1,186,854
Total	\$ 189,896

DESCRIPTION	AMOUNT
DRAINAGE MASTER PLAN – LOCATION 4	
Engineering Design (8.5%)	\$ 127,704
Topographic Survey (3.5%)	\$ 52,584
Project Management (4.0%)	\$ 60,096
<i>Total Estimated Construction Cost:</i>	\$ 1,502,398
Total	\$ 240,384

DESCRIPTION	AMOUNT
DRAINAGE MASTER PLAN – LOCATION 7	
Engineering Design (8.5%)	\$ 94,120
Topographic Survey (3.5%)	\$ 38,755
Project Management (4.0%)	\$ 44,290
<i>Total Estimated Construction Cost:</i>	\$ 1,107,282
Total	\$ 177,165

Milestones Per Project

- Engineering Notice to Proceed
 - Topographic Survey
 - 30% Design
 - 60% Design
 - 90% Design
 - 100% Design Approved
 - Project Management
-

ENGINEERING SERVICES

PART III - TERMS AND CONDITIONS

1. Termination of Agreement for Cause. If the Firm fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Firm violates any of the covenants, conditions, agreements, or stipulations of this Agreement, the Client shall have the right to terminate this Agreement by giving written notice to the Firm of such termination and specifying the effective date thereof, which shall be at least five days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Firm pursuant to this Agreement shall, at the option of the Client, be turned over to the Client and become the property of the Client. In the event of termination for cause, the Firm shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.

Notwithstanding the above, the Firm shall not be relieved of liability to the client for damages sustained by the client by virtue of any breach of the Agreement by the Firm, and the client may set-off the damages it incurred as a result of the Firm's breach of the contract from any amounts it might otherwise owe the Firm.

2. Termination for Convenience of the Client. Client may at any time and for any reason terminate Firm's services and work at Client's convenience upon providing written notice to the Firm specifying the extent of termination and the effective date. Upon receipt of such notice, Firm shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement.

Upon such termination, Firm shall be entitled to payment only as follows: (1) the actual cost of the work completed in conformity with this Agreement plus (2) such other costs actually incurred by Firm as are permitted by the prime contract and approved by Client. There shall be deducted from such sums as provided in this subparagraph the amount of any payments made to Firm prior to the date of the termination of this Agreement. Firm shall not be entitled to any claim or claim of lien against Client for any additional compensation or damages in the event of such termination and payment.

3. Changes. The Client may, from time to time, request changes in the services the Firm will perform under this Agreement. Such changes, including any increase or decrease in the amount of the Firm's compensation, must be agreed to by all parties and finalized through a signed, written amendment to this Agreement.
4. Resolution of Program Non-Compliance and Disallowed Costs. In the event of any dispute, claim, question, or disagreement arising from or relating to this Agreement, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or TWDB program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within 30 days of receipt of a written notice of the dispute or invitation to negotiate, and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within 30 days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Agreement and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally with mediation occurring at a location in Corpus Christi that is agreeable to both parties. If the matter is not resolved through such mediation within 60 days of the initiation of that procedure, either party may proceed to file suit.

5. Personnel.
 - a. The Firm represents that he/she/it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the Client.
 - b. All of the services required hereunder will be performed by the Firm or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
 - c. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the Client. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.
6. Assignability. The Firm shall not assign any interest on this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Client thereto; Provided, however, that claims for money by the Firm from the Client under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Client.
7. Reports and Information. The Firm, at such times and in such forms as the Client may require, shall furnish the Client such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.
8. Records and Audits. The Firm shall insure that the Client maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner that conforms to 2 CFR 200.300-.309, 24 CFR 570.490, and this Agreement. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Agreement. The Firm and the Client shall retain such records, and any supporting documentation, for the greater of three years from closeout of the Agreement or the period required by other applicable laws and regulations.
9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Firm under this contract are confidential and the Firm agrees that they shall not be made available to any individual or organization without the prior written approval of the Client.
10. Copyright. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Firm.
11. Compliance with Local Laws. The Firm shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Firm shall save the Client harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Agreement.
12. Conflicts of Interest.
 - a. Governing Body. No member of the governing body of the Client and no other officer, employee, or agent of the Client, who exercises any functions or responsibilities in connection with administration, construction, engineering, or implementation of the Client, shall have any personal financial interest, direct or indirect, in the Firm or this Agreement; and the Firm shall take appropriate steps to assure compliance.
 - b. Other Local Public Officials. No other public official, who exercises any functions or responsibilities in connection with the planning and carrying out of administration, construction, engineering or implementation of the grant award and the Client, shall have any personal financial interest, direct or indirect, in the Firm or this Agreement; and the Firm shall take appropriate steps to assure compliance.

- a. The Firm and Employees. The Firm warrants and represents that it has no conflict of interest associated with the grant award and the Client or this Agreement. The Firm further warrants and represents that it shall not acquire an interest, direct or indirect, in any geographic area that may benefit the Client or in any business, entity, organization or person that may benefit from the award. The Firm further agrees that it will not employ an individual with a conflict of interest as described herein.

13. Debarment and Suspension (Executive Orders 12549 and 12689)

The Firm certifies, by entering into this Agreement, that neither it nor its principals are presently debarred, suspended, or otherwise excluded from or ineligible for participation in federally-assisted programs under Executive Orders 12549 (1986) and 12689 (1989). The term "principal" for purposes of this Agreement is defined as an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control over the operations of the Firm. The Firm understands that it must not make any award or permit any award (or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

Federal Compliance.

14. Equal Opportunity Clause (applicable to federally assisted construction contracts and subcontracts over \$10,000).

During the performance of this contract, the Firm agrees as follows:

- a. The Firm will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Firm will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b. The Firm will, in all solicitations or advertisements for employees placed by or on behalf of the Firm, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. The Firm will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- d. The Firm will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Firm's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The Firm will comply with all provisions of Executive Order 11246 of September 24, 1965, "Equal Employment Opportunity," and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The Firm will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the Firm's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in

whole or in part and the Firm may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- h. The Firm will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (h) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Firm will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a Firm becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Firm may request the United States to enter into such litigation to protect the interests of the United States.

- 15. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- 16. Section 109 of the Housing and Community Development Act of 1974. The Firm shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

- 17. Section 504 of the Rehabilitation Act of 1973, as amended. The Firm agrees that no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be denied the benefits of, or be subjected to discrimination, including discrimination in employment, under any program or activity receiving federal financial assistance.

- 18. Age Discrimination Act of 1975. The Firm shall comply with the Age Discrimination Act of 1975 which provides that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

- 19. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) (if contract greater than or equal to \$100,000)
The Firm certifies that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining this contract. The Firm shall disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

20. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.

- a. The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- b. Affirmative steps must include:
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - iii. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

- iv. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- v. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

21. Patent Rights and Inventions -The Firm shall comply with the requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract. (2 CFR 200 Appendix II (f) and Rights to Inventions in 37 CFR Part 401).

Rights to Inventions Made Under a Contract or Agreement - If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the Subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency. (2 CFR 200 Appendix II (f), Rights to Inventions).

22. Energy Efficiency – The Firm shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201). (2 CFR 200 Appendix II (h)).

23. Access to Records - The TWDB Inspectors, the Comptroller General of the United States, and the Client, or any of their authorized representatives, shall have access to any documents, papers, or other records of the Firm which are pertinent to the TWDB award, in order to make audits, examinations, excerpts, and transcripts, and to close-out the Client's contract with TWDB.

24. Retention of Records - The Firm shall retain all required records for three years after the Client makes its final payment and all pending matters are closed.

25. Verification No Boycott Israel. As required by Chapter 2271, Government Code, the Firm hereby verifies that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

26. Foreign Terrorist Organizations. Pursuant to Chapter 2252, Texas Government Code, the Firm represents and certifies that, at the time of execution of this Agreement neither the Firm, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapters 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code, or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.

27. Local Infrastructure Program Engineering Fee Cap. Total engineering fees paid under this Engineering Contract, including any subcontracts, shall not exceed the cap of fifteen percent (15%) of the final total construction activity costs. Engineering includes design, bidding and construction phase services and associated work including special services (surveying, materials, testing, onsite inspections, environmental support, etc.) Any decrease in the total construction budget, including those resulting from lower-than-anticipated bid pricing, change orders or reduced project scope, will automatically adjust the total not-to-exceed fee owed to the engineer to not more than fifteen percent (15%) of the new total construction activity budget.

ENGINEERING SERVICES
PART IV - SCOPE OF WORK

PROFESSIONAL SERVICES

SCOPE OF WORK

General Requirements

- (a) Coordinate, as necessary, between the Client and its service providers (i.e., Contracted Construction Company, Grant Administrator, etc.) and TWDB regarding project design services.
- (b) Provide monthly project status updates.
- (c) Funding release by TWDB will be based on deliverables identified in the contract.

Initial Engineering and Design Support

ICE will provide all the Engineering services described below:

- (a) Provide all project information necessary to ensure timely execution.
- (b) Provide preliminary engineering, investigations, and drawings sufficient to achieve the preliminary design milestone, including at a minimum:
 - i. Cross sections/elevations
 - ii. Project layout/staging areas
 - iii. General notes
 - iv. Special notes
 - v. Design details
 - vi. Specifications
 - vii. Utility relocation designs
 - viii. Construction limits, including environmentally sensitive areas that should be avoided during construction
 - ix. Required permits
 - x. Quantities
 - xi. Estimate of construction costs to within +/- 25%
 - xii. Schedules for design, permitting, acquisition and construction
- (d) Design surveying, topographic and utility locations.
- (e) Prepare horizontal alignments/layouts for all proposed project alternatives necessary to fully describe the project scope, anticipated limitations, and potential project impacts.
- (f) Recommend value engineering options (alternative design, construction methods, procurement, etc.) that may improve efficiency, expedite the schedule, or reduce project costs for the subrecipient.
- (g) Identify, acquire, and assist the Client to submit all necessary permits and approvals required for design approval and construction.
- (h) Submit all necessary deliverables to the appropriate entity for review and comment. Adjust project and/or design to satisfactorily address any comments, as necessary.
- (i) Prepare plans and profiles, including vertical design information for the selected alternative.
- (j) Identify and address potential obstacles to project implementation (i.e., pipelines, easements, permitting, environmental, etc.) prior to moving forward with the final design.
- (k) Provide project schedules from cradle to grave in MS Project format or equal as approved by the subrecipient.

Engineering and Final Design Support

ICE will provide Engineering services as described below as they relate to final design support:

- (a) Prepare plans and profiles, including necessary design information for the selected alternative sufficient to achieve all detailed design milestones. Examples include, but are not limited to:
 - i. Cross sections/elevations
 - ii. Project layout/staging areas
 - iii. General notes
 - iv. Special notes
 - v. Design details
 - vi. Specifications
 - vii. Utility relocation designs
 - viii. Construction limits, including environmentally sensitive areas that should be avoided during construction
 - ix. Required permits
 - x. Quantities
 - xi. Estimate of construction costs to within +/- 15%
 - xii. Schedules for design, permitting, acquisition and construction
- (b) Assist the Client identify, acquire and submit all necessary permits and approvals required for design approval and construction.
- (c) Provide hard copy, if necessary, reproducible plan drawings and bid documents, in addition to electronic copies to the Client, upon design completion, and as requested during design. Electronic copies should be in the native format (AutoCAD DWG) along with PDF packages and should contain all corresponding references, databases, or files associated with the completed design documents.
- (d) Assist the Client with necessary documentation to ensure compliance with all Program requirements and regulations.

Bid and Award Support

ICE will provide all the Engineering services described below as they relate to bid and award support.

- (a) Submit appropriate items and support the Client in the development of complete bid package.
- (b) Prepare and assist the Client in the advertisements for bid solicitation.
- (c) Support development and issuance of bid-related documents necessary to complete bid process (e.g., bid proposal form, bid addenda and supporting documentation).
- (d) Attend and support Client at pre-bid conference and bid opening.
- (e) Support Client with ongoing communication during bid process.
- (f) Support Client to complete bid tabulation and evaluation of responses and provide recommendation for award.
- (g) Support Client to negotiate and finalize contract documents, including issuance of the Notice to Proceed, in accordance with program and subrecipient requirements.
- (h) Support Client in the conducting of a preconstruction conference.

Contract Management and Construction Oversight

ICE will provide Engineering services described below as they relate to contract management and construction oversight.

- (a) Provide ongoing Construction Oversight Reports detailing the status of construction.
- (b) Review all submittals to ensure compliance with construction contract documents and provide recommendations.
- (c) Provide periodic and final inspections and review tests reports, as required for the project.
- (d) Provide construction observation activities at a minimum on a bi-weekly basis or as directed by the TWDB or subrecipient.
- (e) Review Construction Change Orders and provide recommendation as to appropriate action.
- (f) Review invoice/draw requests and provide recommendation as to appropriate action, in compliance with the construction contract documents.
- (g) Obtain independent cost estimates for validation purposes, as required.
- (h) Review and respond to requests for information/clarification.
- (i) Support Client with issue identification and claims resolutions.
- (j) Provide requisite information to TWDB in accordance with established policies and procedures.
- (k) Develop a final “as built” report of quantities, drawings, and specifications.
- (l) Issue to the Client, for execution, a Certificate of Construction Completion within 30 days of final inspection approval.
- (m) Deliver “as-built” drawings within 30 days of project completion.
- (n) Host and/or attend project coordination meetings in person, by phone, or by video conference, which may or may not fall during normal business hours.
- (o) Submit all final invoices within 60 days after contract or work order expiration.

ENGINEERING SERVICES
PART V - PROJECT TIME SCHEDULE

SEE ATTACHED SCHEDULES

(Schedule to be generated at a later time after coordination with the City Engineer and TWDB estimated grant funding)

AGENDA ITEM #7

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Courtney Alvarez, City Attorney

DATE: January 29, 2021

SUBJECT: Resolution regarding AEP Texas Inc. AMS Reconciliation Filing

Summary: On December 31, 2020, AEP Texas Inc. ("AEP" or "Company") filed an Application for Final Reconciliation of its Advanced Metering Costs with the Public Utility Commission of Texas ("PUC"). In the filing, the Company asserts that it is seeking approval of a regulatory asset for approximately \$13,807,740 for under-recovery of Advanced Metering Costs.

The resolution authorizes the City to join with the Cities Served by AEP ("Cities") to intervene in the proceeding, evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Background:

This new matter deals with the filing of an Application for Final Reconciliation of its Advanced Metering Costs which if approved would increase the utility bills for those served by AEP. The City has previously joined other cities in various types of utility filings with the PUC to have consultants and legal counsel review the filings and then take action to best represent the cities' and their constituents who would be impacted by the filing. The review, negotiation, and settlement of the filings is done at no cost to the City of Kingsville. Thus, there is a need to act again this year to review the appropriateness of the requested filing which would result in a utility bill increase if approved by the PUC to ensure the appropriateness of the filing.

Purpose of this Resolution:

The purpose of the Resolution is to approve joining Cities in intervening in PUC Docket 51671.



City of Kingsville Legal Department

Explanation of "Be It Resolved" Paragraphs:

1. This section authorizes the City to participate with Cities as a party in the Company's filing, PUC Docket No. 51671.
2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.
3. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.
4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
5. This section provides that counsel for Cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

Financial Impact: None. Another city is taking the lead financially and cities are entitled to reimbursement of their legal and consulting expenses. Thus, there will be no direct charge to the City of Kingsville as a participant in this matter.

Recommendation: Approve the resolution.



RESOLUTION NO. 2021-_____

RESOLUTION OF THE CITY OF KINGSVILLE APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TO REVIEW AEP TEXAS INC.'S REQUESTED FINAL RECONCILIATION OF ADVANCED METERING COSTS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

WHEREAS, on or about December 31, 2020, AEP Texas Inc. ("AEP" or "Company"), pursuant to the Public Utility Commission of Texas ("Commission" or "PUC") Substantive Rule 25.130(k)(6), filed with the Commission an application for Final Reconciliation of Advanced Metering Costs, PUC Docket No. 51671; and

WHEREAS, the City of Kingsville will cooperate with similarly situated city members and other city participants located within the AEP service area in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Cities Served by AEP ("Cities") to review the rates charged by AEP allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, Cities has a history of participation in PUC dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in AEP's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

1. That the City is authorized to participate with Cities in PUC Docket No. 51671.

2. That subject to the right to terminate employment at any time, the City of Kingsville hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable

rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. That the City's reasonable rate case expenses shall be reimbursed by AEP.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Thomas Brocato, Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the _____ day of _____, 2021.

Sam R. Fugate, Mayor
City of Kingsville, Texas

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

**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: February 8, 2021

SUBJECT: Consider Approving a Budget Amendment for RFP# 21-04 for 2021 Water Well #14 Ground Storage Tank (GST) Replacement.

Summary:

On February 2, 2021, the City received 4 bids and were publicly opened for the 2021 Water Well #14 GST Replacement. Bidder 1 was Donald Hubert Construction located in Kingsville, Texas. Bidder 2 was J & K Utility Services LLC located in Creedmoor, Texas. Bidder 3 was RGV Industrial Machine LLC, located in Elsa, Texas. Bidder 4 was the Bronco LLC., located in Driscoll, Texas. The total bids ranged from \$144,190.00 to \$259,500.00. The project is \$19,190 over our budgeted amount and I am requesting a budget amendment to cover the overage.

The budgeted amount is \$125,000.00.

Background:

The purpose of the project is to replace an existing Ground Storage Tank at water well #14. It was recently taken out of service because of several leaks. It provides 84,000 gallons of treated water to the residents. The project is located at 1133 Kenedy Avenue.

The base bid will be to remove and install a new galvanized bolted tank. Alternate No. 1 is to remove the GST at well 20, it will not be replacement since the well is out of service. Alternate No. 2 included a powder coated finish in lieu of a galvanized finish.

The Engineering Department provided Professional Engineering Services. The project is scheduled to be completed in 6 months. The project has a long lead time due materials and manufacturing. This time of completion was evident from last year's two GST replacements at wells 19 and 23. The City's water source is 90% ground water and



**City of Kingsville
Engineering Dept.**

10% treated water from the South Texas Water Authority. The City has 7 ground water wells in operation wells 14, 19, 21, 22, 23, 24, and 25. The total well capacity is 5,710 gallons per minute. The ground water storage capacity is 3,425,000 gallons. The elevated water storage capacity is 2,000,000.00 gallons.

Financial Impact:

The project will be funded by the City's Utility Fund Capital Project Fund (054-5-6002-72100) in the amount of \$125,000.00. The additional \$19,190 will come from the unappropriated fund balance of Fund 051, which will be transferred over to Fund 054.

Recommendation:

Staff recommends approving the budget amendment of \$19,190.

Attachments:

Bid Tabulation



BID TABULATION

City of Kingsville
 Project Name: 2021 Water Well #14 Ground Storage Tank Replacement
 Bid Number: 21-04
 Date: February 2, 2021



		Donald Hubert Const. Co. Inc. P.O. Box 84 Kingsville, TX 78364		J & K Utility Services LLC 5607 Williamson Road Crestmeor, TX 78610		RGV Industrial Machine Shop & Pumps, LLC 200 E. Hwy 107 (P.O. Box 39) Elgin, TX 78543		Bonco LLC PO Box 186 Driecoll, TX 78351	
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
BASE BID: 2021 Water Well #14 Ground Storage Tank Replacement									
B-1	1	LS	Remove/Dispose of Existing Ground Storage Tank at Water Well #14	\$15,500.00	\$15,500.00	\$16,232.00	\$16,232.00	\$12,500.00	\$12,500.00
B-2	1	LS	Install New 84,000 Gallon Bolted GST At Water Well #14 Including all Related Appurtenances	\$118,240.00	\$118,240.00	\$109,415.00	\$109,415.00	\$121,800.00	\$121,800.00
TOTAL BASE BID					\$133,740.00		\$125,647.00		\$134,300.00
ALTERNATE BID NO. 1: 2021 Water Well #14 Ground Storage Tank Replacement									
A1-1	1	LS	Remove/Dispose of Existing Ground Storage Tank at Water Well #20 and all Related Appurtenances	\$9,450.00	\$9,450.00	\$19,115.00	\$19,115.00	\$12,500.00	\$12,500.00
TOTAL ALTERNATE BID NO. 1					\$9,450.00		\$19,115.00		\$12,500.00
ALTERNATE BID NO. 2: 2021 Water Well #14 Ground Storage Tank Replacement									
A2-1	1	LS	Powder Coated Finish Steel Tank (In Lieu of Galvanized Finish)	\$1,000.00	\$1,000.00	\$1,847.00	\$1,847.00	\$112,200.00	\$112,200.00
TOTAL ALTERNATE BID NO. 2					\$1,000.00		\$1,847.00		\$112,200.00
TOTAL BASE BID									
TOTAL BASE BID + ALTERNATIVE BID NO. 1					\$133,740.00		\$125,647.00		\$134,300.00
TOTAL BASE BID + ALTERNATIVE BID NO. 2					\$143,190.00		\$144,762.00		\$146,800.00
TOTAL BASE BID + ALTERNATIVE BID NO. 1 & 2					\$134,740.00		\$127,494.00		\$246,500.00
TOTAL BASE BID + ALTERNATIVE BID NO. 1 & 2					\$144,190.00		\$146,609.00		\$259,000.00

* DENOTES ERROR IN BID

BID RESULTS RANKING - LOWEST TO HIGHEST:

1

2

3

4

ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO APPROPRIATE ADDITIONAL FUNDS NEEDED FOR THE GROUND STORAGE TANK PROJECT WATER WELL #14.

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
Fund 054 – Utility Fund Capital Projects Fund					
<u>Revenues</u>					
0000	Non Dept	Transfer from Utility Fund	75010	(\$19,190)	
<u>Expenditures</u>					
6002	Water Prod	Utility Plant	72100	\$19,190	
Fund 051 – Utility Fund					
<u>Expenditures</u>					
6900	Transfers	Transfer to UF Cap Projects FD	80054	\$19,190	

[To amend the City of Kingsville FY 20-21 Budget to appropriate additional funds needed for the Ground Storage Tank project at Water Well #14. Funds will come from the Utility Fund 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 8th day of February 2021.

PASSED AND APPROVED on this the 22th day of February 2021.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney