

JUNE 22, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 22, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Hector Hinojosa, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Edna Lopez, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Ricardo Torres, Police Chief
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
Juan Adame, Fire Chief
Cynthia Martin, Downtown Manager

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Bill Donnell, Public Works Director
Emilio Garcia, Health Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with four Commission members present. Lopez being absent.

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 - May 26, 2020

Motion made by Commissioner Leubert and Commissioner Pecos to approve the minutes of May 26, 2020, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting "FOR".

****AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION.** To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

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

1. None.

III. Reports from Commission & Staff.²

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

Mr. Mark McLaughlin, City Manager reported that the scheduled Trash-Off Day for this upcoming weekend has been cancelled. This event will be re-scheduled for a day in the Fall. He further reported that he and the Finance Director have been working diligently on the budget for the upcoming fiscal year and getting it prepared for budget meetings that are to occur in the next few weeks. McLaughlin further reported that Kleberg County has approved a facemask order that will be in effective at midnight tonight and will be in effect for 10 days.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for July 13th. Deadline for staff to submit their agenda items is scheduled for July 2nd, as July 3rd is a City Holiday.

Mayor Fugate read and presented a proclamation and the Key to the City to NAS Kingsville Commanding Officer Capt. Kevin Spitzer for all his hard work at NAS Kingsville and for the community.

Commissioner Leubert commented that she is proud of Kleberg County Judge for standing up to the mandate for mask and businesses wanted this to be put in place.

Mayor Fugate commented that he intends in supporting the Kleberg County Judge on the mask order. The City will be putting the same order into place this evening as well as it is important for the community to protect themselves.

Commissioner Hinojosa commented that he was present at the County meeting and Kleberg County Judge Madrid did a great job on explaining why the mask order is important to our community.

IV. **Public Comment on Agenda Items.³

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

No comments received via email or made virtually.

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)

Mayor Fugate remove agenda item 3 and placed the item under the regular section of the agenda for more discussion.

Motion made by Commissioner Pecos to approve amended consent agenda approving only items 1, 2, 4, 5, & 6 as presented, seconded by Commissioner

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

1. Motion to approve final passage of an ordinance amending the FY19-20 budget to accept and expend funding provided by the Department of Health and Human Services C.A.R.E.S. Provider Relief Fund for the purchase of medical supplies. (Interim Fire Chief).
2. Motion to approve final passage of an ordinance amending the FY19-20 Budget to setup the budget for in-kind engineering services for the TXCDBG Grant #7219192. (Finance Director).
3. Motion to approve final passage of an ordinance amending the FY19-20 Budget to setup the budget for the expenditure on the JK Northway Coliseum for City's half of County's EDA Grant to Reyna Network for pre-grant services. (Finance Director).

This item was placed under the regular section of the agenda for further discussion.

Mr. McLaughlin stated that this is a payment that the City made at the beginning of this fiscal year for \$43,000 for partial payment to Petra Reyna for administrative services. He further stated that this item is basically paperwork to catch up with it all.

Mayor Fugate asked if this had already been paid. Mr. McLaughlin responded that it had been invoiced and paid.

Commissioner Hinojosa commented that he doesn't agree with this, but it's already done.

Commissioner Leubert commented that even though this has already been paid, she would have liked to see more information on what the city is paying for. The information only states that the city pays \$43,000 for professional services, but she would like to see a breakdown of those services. Leubert further asked that before the city pays anymore money, she would like to see more details of the services that the city will be paying for.

Mayor Fugate asked if the Commission had already voted on this to approve payment.

Mrs. Alvarez responded that the Commission had approved Resolution 2019-64.

Mayor Fugate commented that if the Commission needs more time on this item, he suggests not taking any action on the item and bring it back for a future meeting.

Commissioner Leubert commented that she is ok paying this, as it had been voted on in a previous meeting, but for future items such as these, she would like to see more detailed information as to what the city is paying for, what type of services.

Commissioner Hinojosa commented that the item was approve on September 30 and received an invoice on October 1st and the City paid for it. He further stated that as Commissioner Leubert stated, the invoice was a generic invoice and did not give a timeline on how this was all spent. He also stated that we shouldn't pay any expenses prior to the grant being awarded.

Mayor Fugate asked for staff to get more information and bring this item back at a July meeting.

Commissioner Hinojosa asked Mayor Fugate if he would be taking a vote on this item.

Mayor Fugate responded that the Commission will not be taking action on this item at this meeting. He further asked the rest of the Commission if they any objections to this and stated that this will give staff some time to get the information that the Commission is requesting.

Commissioner Leubert commented that she doesn't mind voting on this now, but in the future, she would like to see a breakdown of what is being spent and how.

Motion made by Commissioner Pecos to approve final passage of an ordinance amending the FY19-20 Budget to setup the budget for the expenditure on the JK Northway Coliseum for City's half of County's EDA Grant to Reyna Network for pre-grant services, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Fugate voting "FOR". Hinojosa "AGAINST".

4. Motion to approve final passage of an ordinance amending the FY19-20 budget to accept and expend grant funds received from the State Homeland Security Program. (Police Chief).
5. Motion to approve final passage of an ordinance amending the FY19-20 Budget to accept and expend the donation from Kleberg Bank for a welcome sign for the Main Street District. (Downtown Manager).

6. Motion to approve final passage of an ordinance amending the FY19-20 Budget to accept and expend the donation from Kleberg County for half the cost of a new pumphouse motor for the Golf Course. (Parks Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider waiver of late fees, disconnect fees, and lock fees from March 19, 2020-August 31, 2020 due to COVID-19 event. (Finance Director).

Mr. McLaughlin stated that the city suspended all lockouts of utility accounts, the city didn't terminate services due to the pandemic. Accounts still accrued late fees, as this is an automatic action done by the software. The city has put out a statement in the utility billing that if the customer is paid up by August 31st close of business or you come in an arrange for a payment plan, the city will waiver all the late fees from the pandemic. If customers who have not caught up on their account completely or setup a payment plan by end of day August 31st, will see all waived late fees dated back to March 19th added to their account on September 1st.

Commissioner Leubert commented that she supports staff in doing this as the city has been very forthcoming and letting everyone know many times the options that were put in place to assist our citizens with their water accounts. She further commented that this is a tough time we are in, but feels that the city did its due diligence therefore she supports this item.

Motion made by Commission Leubert to approve the waiver of late fees, disconnect fees and lock fees dated back to March 19, 2020 so long as citizens have either caught up with the utility account or have made a payment arrangement with the city for their utility account by end of business day on August 31, 2020; if full payment or payment arrangements have not been made by end of day on August 31st, all late fees, disconnect fees, and lock fees will be added to their account on September 1, 2020. Motion was seconded by Commissioner Pecos and Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Leubert, Hinojosa, Fugate voting "FOR".

8. Consider a resolution authorizing participation in Southwest Border Rural Law Enforcement Information Sharing and Interdiction Assistance Grants FY2020 with the US Department of Justice (DOJ) Bureau of Justice Assistance (BJA) for software and equipment for the Kingsville Police department; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the Police Department is applying for another grant that allows for \$150,000 in expenditures. He stated that he is trying to capture of bit of that and is applying for \$149,829.54. This will be for the purchase of two cameras ALPR Message Board Trailer including associated hardware, software, shipping and services for a total cost of \$61,184.77; Rapiscan Systems for a total cost of \$21,963.11; 2 Ranger Crew XP 1000 Premium, Steel Blue-49 State for a total cost of \$59,610.54. Torres further stated that there is no cash match but there will be some recurring cost associated with the equipment. The Intelligence Led Policing Package which includes commercial data and the CLK fees for each camera for a recurring cost of \$13,325.00

Motion made by Commission Leubert to approve the resolution authorizing participation in Southwest Border Rural Law Enforcement Information Sharing and Interdiction Assistance Grants FY2020 with the US Department of Justice (DOJ) Bureau of Justice Assistance (BJA) for software and equipment for the Kingsville Police department; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting "FOR".

9. Consider a resolution supporting the Preliminary Financing and Project Plan for Tax Reinvestment Zone Plan #1. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager stated that this is the same plan as before. The updated plan has added street repairs to the project and updated all the financial data. This was presented to the County Commissioner Court about a year ago, but was lacking a draft agreement before proceeding to present this again to the County.

Motion made by Commissioner Pecos to approve the resolution supporting the Preliminary Financing and Project Plan for Tax Reinvestment Zone Plan #1, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Fugate voting "FOR".

10. Consider a resolution authorizing the Mayor to enter into an Amended Interlocal Agreement between Kleberg County and the City of Kingsville for the parks within the city limits. (City Manager).

Mr. McLaughlin stated that this item will remove the JK Northway from the Parks agreement. He stated that the County drafted an agreement and the City countered which this is the counter to our counter which are small changes. He further stated that between the County Judge Attorney and our City Attorney, most changes were minor. There are three big things that the County has agreed to which are as followed: City gets three set aside dates for the city to use, Ranch hand Breakfast, Meet the Blue Angels, and the third would be one that the City would like to do in the future. In the County's counter, the big thing was the money. McLaughlin stated that the city asked that anything that the city books for the JK Northway will be in next fiscal year that the city gets to keep the profits from those bookings to which the County Judge agreed to. He further stated that there is a caveat that any excess revenue from above and beyond that the city budgeted for is to be sent to a non-profit organization. The City's attorney doesn't believe that the city could give anything to a non-profit organization without being under a contract, so if there is anything that is above and beyond the city will split it 50/50 with the County. Mr. McLaughlin commented that Judge Madrid agrees with this. He also stated that the original 2014 Parks Agreement calls for the allocation of funds from the County to the City in the amount of \$550,000. The County Judge requested that this be lowered to \$450,000 since the County was taking back the JK Northway, but the city countered at \$500,000, then the County countered at \$465,000 which is an amount that he feels that the city should agree to. He further stated that exhibit 4 which the city has to have a legal description of the JK Northway which will be inserted in the document once it is received. McLaughlin further stated that where the JK Northway sits now, all the grass and parking lots around it, to make it really simple so that everybody knows where the dividing lines are between the JK Northway Coliseum and Fairgrounds and the rest of Dick Kleberg Park, will be the roads that are in the park. So, you will have the curved road coming in from Escondido Road that comes in, that will be the western boundary. The southern boundary will be the new road that comes off of I-69 frontage road, whenever that gets put in which is already in the plans. This road will be the dividing line to the south and the property boundary with TxDOT to the east and Escondido Road to the north. This makes it is easy for city staff when doing maintenance work in this area. McLaughlin stated that these are the changes to the counter proposals and he agrees with those changes.

Commissioner Leubert asked who will be maintaining the roads? Mr. McLaughlin responded that they were proposing that the roads stay in Dick Kleberg Park because if the city is going to maintain the roads in the park, it would be ridiculous to stop right at the JK Northway when the road continues. He further stated that it's the edge of pavement on the inside closes to the JK Northway property line switches to Dick Kleberg Park. The roads in the park system are in the park and not in the JK Northway. Commissioner Leubert commented that as time goes by with heavy equipment going in and out of the JK Northway, it will cause some damage to the roads. She further asked if the County is willing to assist in the maintenance of those roads.

Mr. Rudy Madrid, County Judge commented that the County will work with the City Manager on the road maintenance.

Commissioner Hinojosa asked that whatever facility that we decide to build in the future, who will be in charge of the maintenance and operation of that facility. He also commented that his main concern is the insurance on this.

Mrs. Alvarez commented that if the Commissioner is talking about the proposed new venue tax project, with regards to that, once the city is at a point to move forward with that, bond counsel has advised that they would help the city in drafting an agreement between the city and the county that would meet all the parameters needed to maintain compliance with the proposal that went before the voters and also keep the State happy. She further commented that in that, she anticipates it would spell out who would be responsible for maintenance and operations of the facility, as well as insurance. At this present time, nobody will have an answer to that, since it hasn't been drafted yet.

Judge Madrid commented from his seat, that if bond counsel allows it, the county will take over the maintenance and operation and insurance.


Mayor Fugate commented that this is a question he had as well, how it would work since the county was going to take possession of the property and with the city having their project out there as well.

Mrs. Alvarez commented that according to bond counsel there would be a separate agreement, separate and apart from this one, that the city and county, with the assistance of bond counsel would draft for that specific area and project to make sure that all covenants are maintained.

Motion made by Commissioner Hinojosa to approve this resolution with the amended agreement that the City Manager handed out and the latest proposals from the County, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Fugate voting "FOR".

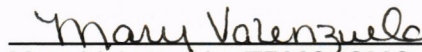
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:36 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary