

August 10, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 10, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Deborah Balli, Finance Director

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM**

Emilio Garcia, Health Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – July 27, 2020**

Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of July 27, 2020, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting "FOR". Leubert "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).<sup>1</sup>**

**1. Public Hearing on ordinance amending the zoning ordinance by granting a special use permit for car wash use C2 (Retail District) at Ryan Carpenter Subdivision, Lot B, acres 1.6511, Kingsville, Texas near 2600 South Brahma Blvd., Kingsville, Texas, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. Joseph Earnest (applicant), First Community Bank (owner). (Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:02 p.m.

This is a request for a special use permit for a new Car Wash near Gregg's Short Stop on Brahma Blvd. The Planning and Zoning Commissioner reviewed the application and voted unanimously with a 4-0 vote.

Mrs. Alvarez commented that the department had received one phone call on this project, but only had questions with regards to the project. No objections were raised by the caller.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further comments, Mayor Fugate closed this public hearing at 5:04 P.M.

### III. Reports from Commission & Staff.<sup>2</sup>

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

Mr. Mark McLaughlin, City Manager reported that he has been working on the upcoming budget. He has also met with Kleberg County Judge, Rudy Madrid with regards to tax venue for the JK Northway Exposition Center. Phase one of the project will consist of five different projects: 1) interior bathrooms; 2) bleachers; 3) livestock barns; 4) parking lot; and 5) air condition. The DOD Grant that the County has will provide for work on the outdoor arena.

Commissioner Leubert asked if there were five projects to be worked on and if city engineers will be used. Mr. McLaughlin responded yes. Leubert commented that this is going to be a lot of time and work for city staff and asked if we could do only three projects. Mr. McLaughlin responded that he tasked five projects, so they will be doing the five. McLaughlin stated that it was set on these five projects as they are the ones that need to get done. Some of the projects will not be hard for staff as they have architectural drawings for some of the projects. Leubert asked if the city has considered hiring outside engineers to do the work instead of using staff. Mr. McLaughlin responded that this is a viable option but at this time there is no money budgeted for engineering work. Leubert further asked if the venue tax money can be used for this. Mr. McLaughlin responded that it could be used but then he wouldn't be able to start the projects for a year, as the city does not have any venue tax to pay for it yet. He further commented that this is to decide what we will pick to put the venue tax on it as before we start anything, we need to apply the venue tax to a specific project. Commissioner Leubert further asked that once the projects are decided and done, then it gets turned over to the county for management. Mr. McLaughlin responded that if its our, its ours. If it is county doing their thing for EDA or anything else, they are doing for the Department of Defense, the county will manage that, as it is something that County Judge wanted. Mr. McLaughlin commented that if the city is going to execute its venue tax, then the city will execute its administrators and the city's construction manager. Commissioner Leubert commented that what she was talking about was once the project is completed. Mr. McLaughlin commented that once it is complete, it becomes the County's building, which they will own the building come October 1, 2020.

Commissioner Hinojosa asked for cost for each one of the five projects. Mr. McLaughlin responded that staff is looking into the cost for the projects.

Mrs. Courtney Alvarez, City Attorney reported that there are two budget workshops scheduled for the upcoming week, August 17<sup>th</sup> and August 18, 2020 at 4:00 p.m. Regular meeting on August 24<sup>th</sup> at 5:00 p.m. Deadline to submit agenda items for the August 24<sup>th</sup> meeting is August 14, 2020.

Commissioner Leubert asked for a timeline on parking placards. She further stated that one thing staff may want to look into is a fee for replacement placards.

Mrs. Alvarez commented that she assisted in writing the ordinance for the parking placards, but she will need to get with the Planning Director as he would be responsible for implementing the ordinance and let him know of her concerns. If it is decided to have a fee for replacement of placards, then the ordinance can be amended at a later time.

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

1. Comments on all agenda and non-agenda items.
- No public comments made or received.

**V.**

**Consent Agenda**  
**Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

**CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

**Motion made by Commissioner Lopez to approve the consent agenda as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

1. **Motion to approve final passage of an ordinance amending the zoning ordinance by granting a special use permit for general business use in C1 (Neighborhood Service District) at 1131 E. King Ave. (a/k/a 201 S. 16<sup>th</sup> Street), Kingsville, Texas, also known as Lund Addition, Block 7, Lots 8-9, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**
2. **Motion to re-appoint Mike Klepac to the Planning and Zoning Commission for a two-year term. (Director of Planning & Development Services).**

**REGULAR AGENDA**

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

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

3. **Consider the appointment of Dr. Maria de Jesús Ayala-Schueneman to the Historical Development Board for a three-year term. (Downtown Manager).**

**Motion made by Commissioner Leubert to approve the appointment of Dr. Maria de Jesús Ayala-Schueneman to the Historical Development Board for a three-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos Lopez, Hinojosa, Fugate voting "FOR".**

4. **Consider the appointment of Chris Maher and Rose Munoz Morales to the Hotel Occupancy Tax Advisory Board for two-year terms. (Tourism Director).**

**Motion made by Commissioner Lopez to approve the appointments of Chris Maher and Rose Munoz Morales to the Hotel Occupancy Tax Advisory Board for two-year terms, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

5. **Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for car wash use C2 (Retail District) at Ryan Carpenter Subdivision, Lot B, acres 1.6511, Kingsville, Texas near 2600 South Brahma Blvd., Kingsville, Texas, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**

Introduction item.

6. **Consider approving certification of 2019 excess debt collections and certification of 2020 anticipated collection rate. (Finance Director).**

Mrs. Melissa T. De La Garza, Kleberg County Tax Assessor-Collector submitted the certification of 2019 excess debt collections and the certification of 2020 anticipated collection rate. Mrs. De La Garza read the following two statements into the record, "I, Melissa T. De La Garza, Collector for the City of Kingsville solemnly swear, that the amount of excess debt service funds collected in 2019 for the City of Kingsville, Interest & Sinking Fund has been determined to be \$-0-." "I, Melissa T. De La Garza, Collector for the City of Kingsville solemnly swear, that the anticipated collection rate for 2020 for the City of Kingsville, Interest & Sinking Fund has been estimated to be 100%."

**Motion made by Commissioner Leubert to approve the certification of 2019 excess debt collections and certification of 2020 anticipated collection rate, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

**7. Consider accepting 2020 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Finance Director).**

Mrs. De La Garza stated that the net taxable value is \$859,530,983.00. For information purposes only, the estimated adjusted net taxable value is \$913,258,576.00.

**Motion made by Commissioner Pecos to accept the 2020 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

**8. Consider proposed tax rate, if it will exceed the no-new revenue tax rate or the voter-approval rate (whichever is lower), take record vote, and schedule public hearing for September 8, 2020. (Finance Director).**

Mrs. De La Garza stated that the no-new tax rate is the effective rate. The Legislature has changed the name. For the year 2020, the effective tax rate which is the same rate to evaluate the relationship between taxes from the prior year and for the current year based on the tax rate that would produce the same amount taxes, no-new taxes if applicable to the same properties that it was taxed in both years. The no-new revenue tax rate is now the effective rate. The voter approved tax rate is now the rollback rate. The voter approved tax rate is a higher tax rate that a governing unit may adopt without holding an election to seek voter approval of the rate. The voter approval tax rate is split into two separate rates, maintenance & operations tax rate and debt rate. This year there are two other rates that are calculated in the worksheet that is called the de minimus rate. The de minimus rate is a rate equal to the sum of no new maintenance & operation rate. The rate will raise \$500,000 in the current debt year for a taxing unit but is only for certain taxing units and the City of Kingsville does not fall into that. Mrs. De La Garza further stated that we also have the voter approved tax rate of unused increment rate and that is an unused increment rate that is equal to the difference between the adopted rate and the voter approved rate for the unused increment rate for the prior three years. She further commented that since this is the first year, the increment rate for the City of Kingsville for this year is \$0. Mrs. De La Garza stated that she is here to report on the Governing Body Summary 2020 1A, the benchmark of the 2020 tax rate for the City of Kingsville. The no-new revenue tax rate is \$0.83198, and the voter approved tax rate is \$0.85210. Mrs. De La Garza stated that during some conversations she has had with the City Manager and Finance Director, they are looking at proposing a tax rate right below the voter approved rate which is in conjunction with the city's rollback rate of \$0.85209.

Mr. McLaughlin commented that the city's current rate is at \$0.85304.

Mrs. De La Garza further stated that a notice has been provided to the City for a public hearing on the tax rate. She stated that this is tentatively as it would depend on what is decided during tonight's meeting. She will need to go in and plugin the proposed tax rate which will then give us a notice that will need to be published in the Kingsville Record, which will be published on August 27, 2020. She further stated that at this time she is asking for the consideration of the proposed tax rate and schedule a public hearing for September 8, 2020 at 5:00 p.m. in the Helen Kleberg Groves Community Room, 400 W. King Ave., Kingsville, Texas.

**Motion made by Commissioner Leubert that the proposed property tax rate be \$0.85209, and that one public hearing be set for Tuesday, September 8, 2020 at 5:00 p.m. in the Helen Kleberg Groves Community Room, City Hall, 400 W. King Ave., Kingsville, Texas with additional funds to be used for city infrastructure upgrades, employee wages & benefits, and technology, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

9. Consider a resolution amending the resolution for ordering the City of Kingsville General and Special Election, designating voting precincts, establishing election procedures and appointing Early Voting Clerk. (City Secretary). (CONSIDERE RESOLUCIÓN QUE ENMIENDA LA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES Y ESPECIALES DE LA CIUDAD DE KINGSVILLE, INDICA LOS DISTRITOS ELECTORALES DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS ELECTORALES Y NOMBRA EL SECRETARIO DE VOTACIÓN ANTICIPADA). (SECRETARIA MUNICIPAL).

Motion made by Commissioner Lopez to approve the resolution amending the resolution for ordering the City of Kingsville General and Special Election, designating voting precincts, establishing election procedures and appointing Early Voting Clerk, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting: "FOR".

10. Consider a resolution authorizing the City Manager to enter into the 2020 General and Special Joint Election Services Agreement between the City of Kingsville and the Kleberg County Clerk. (City Secretary).

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into the 2020 General and Special Joint Election Services Agreement between the City of Kingsville and the Kleberg County Clerk, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting: "FOR".

11. Consider accepting donations received from Kleberg County District Attorney and Kleberg County Attorney Task Force for 2019-2020 Healthy Family Partners events. (Parks Director).

Motion made by Commissioner Pecos to accept the donations received from Kleberg County District Attorney and Kleberg County Attorney Task Force for 2019-2020 Healthy Family Partners events, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting: "FOR".

12. Consider introduction of an ordinance amending the FY 2019-2020 Budget to accept and expend donations from the Kleberg County Attorney's Specialized Crimes and Narcotics Task Force and the Kleberg County District Attorney's Office for Healthy Family Partner recreational programs. (Parks Director).

Introduction item.

13. Consider introduction of an ordinance amending the FY 2019-2020 Budget for water line supplies needed to maintain operations. (Public Works Director).

Mr. McLaughlin commented that this budget amendment is for waterline supplies that are needed to maintain operations for the remaining fiscal year.

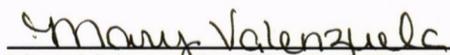
Introduction item.

## VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:30 P.M.

  
Sam R. Fugate, Mayor

## ATTEST:

  
Mary Valenzuela, TRMC, CMC, City Secretary