

SEPTEMBER 28, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 28, 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
Janine Reyes, Tourism Director
Susan Ivy, Parks & Recreation Director
Juan Adame, Fire Chief
Ron Lee, Fire Marshall
Diana Gonzales, Human Resources Director
Uchekukwu Echeozo, Director of Planning & Development Services
Rudy Mora, Engineer
Steve Palacios, Fire Department
James Creek, Fire Department

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)

Special Meeting - August 17, 2020

Special Meeting - August 18, 2020

Regular Meeting - August 24, 2020

Special Meeting - August 25, 2020

Regular Meeting - September 14, 2020

Motion made by Commissioner Lopez to approve the minutes of August 17th, August 24th, August 25th, and September 14, 2020 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

Motion made by Commissioner Lopez to approve the minutes of August 18, 2020 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos voting "FOR". Fugate "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. Public hearing to accept comments on proposed flood projects in Step 2 of Flood Infrastructure Fund by the Texas Water Development Board. (City Engineer).

Mayor Fugate read and opened this public hearing at 5:02 P.M.

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.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 position of Downtown Manager has been filled with a start date of October 15th. He further reported that the Capital Improvement Manager has submitted his resignation on Friday which was his last day of work. He also reported that the Water Supervisor has also resigned as well. Mr. McLaughlin gave a brief update on Miller Street.

Ms. Courtney Alvarez, City Attorney reported that staff had a telephone call with the counsel for Chick-fil-A and an agreement has been reached on the definition that has been pending since last October. She is now waiting to get the finalized documents from their counsel for the City Manager to sign. She further stated that the next Commission meeting is scheduled for Tuesday, October 13th as Monday, October 12th is a holiday. Deadline for staff to submit agenda items for that meeting is October 2nd.

Mayor Fugate presented two proclamations, Fire Prevention Week and the other for National Domestic Violence Awareness and Prevention Month.

IV. Public Comment on Agenda Items.³

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

No public comments made.

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.

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

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

1. Motion to approve final passage of an ordinance amending Chapter IX-General Regulations, Article 8-Parks & Recreation, providing for revised cart fees for the L.E. Ramey Golf Course. (Parks Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to cover deficit accounts. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution approving the City of Kingsville's 2020 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).

Motion made by Commissioner Leubert and Commissioner Hinojosa to approve the resolution approving the City of Kingsville's 2020 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

4. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for Fiscal Years 2020-2022. (Human Resources Director).

Motion made by Commissioner Leubert to approve the resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for Fiscal Years 2020-2022, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR",

5. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, International Association of Firefighters (IAFF) Local #2390 for Fiscal Years 2020-2022. (Human Resources Director).

Motion made by Commissioner Lopez and Commissioner Leubert to approve the resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, International Association of Firefighters (IAFF) Local #2390 for Fiscal Years 2020-2022, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

6. Consider a resolution amending the resolution ordering the City of Kingsville General and Special Election, designation voting precincts, establishing election procedures and appointing early voting clerk. (City Secretary). (CONSIDERE UNA 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 Pecos to approve the resolution amending the resolution ordering the City of Kingsville General and Special Election, designation voting precincts, establishing election procedures and appointing early voting clerk, seconded by Commissioner Lopez.

City Secretary, Mary Valenzuela reported that this resolution is to amend the voting precincts and date changes of the two twelve-hour voting days.

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

7. Consider accepting donation from Walmart for Park's Department Healthy Families Program. (Parks Director).

Motion made by Commissioner Leubert to approve the acceptance of a donation from Walmart for Park's Department Healthy Families Program, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to receive and expend Park donations for the Healthy Family Recreational Programs from Walmart. (Parks Director).

Introduction item.

9. Consider a resolution authorizing the submission of Step 2 of an application to the Texas Water Development Board for the Flood Infrastructure Fund for City drainage projects. (City Engineer).

Mr. Rudy Mora, City Engineer reported that On June 8, 2020, the City Commission approved submitting applications to the Flood Infrastructure Fund (FIF) through the Texas Water Development Board (TWDB). On June 15, 2020 the City submitted 9 applications addressing the Master Drainage Plan as adopted by Commission in 2018. On September 17, 2020 the TWDB informed the City that all 9 applications were ranked and approved for funding. Based on TWDB calculations, the City is eligible for 43% grant funds with 0%, 30-year loan financing. There were approximately \$24 million dollars of infrastructure improvement projects submitted and approved. Drainage location 9, which ranked the highest at 66 out of 286 projects, is located at 17th Street and Corral Ave. and impacts the City's Public Works Department. I have included an attachment of all the project locations with their TWDB Prioritization Rank along with grant and loan eligible amounts. I discussed options with the City Manager on what projects to proceed with in Step 2 of the application process, which is due by October 19, 2020. The City is required to submit an Intent to Apply by September 30, 2020. Failure to submit either of these will remove the projects from the funding list.

Mr. Mora further stated that Option 1, the City will propose applying for locations 1, 3, 4 and 7. These locations are ranked 2, 3, 4 and 5 on the TWDB prioritization list (not in order by location). Option 1 projects total \$6,200,000 and will result in a grant award of \$2,666,000 plus a \$3,360,000, 0% interest, 30-year loan. The annual loan payment would be \$112,000 per year. This option requires a City cash contribution of \$174,000. Option 2, the City will propose applying for location 9. This location is ranked 1 on the TWDB prioritization list. Option 2 project totals \$5,600,000 and will result in a grant award of \$2,408,000 plus a \$3,192,000, 0% interest, 30-year loan. The annual loan payment would be \$106,400 per year. Either option selected will require a combination of grant funds and a 0% loan for 30-years. As part of the loan terms from TWDB, the recipient of the loan must establish an adequate source of revenue and/or demonstrate adequate security for the repayment of the loan as it becomes due. The 5 locations proposed in Option 1 and 2 ranked within the TWDB funding of \$779 million dollars. Locations that are not part of the TWDB Step 2 applications can be applied for in the General Land Office CDBG-MIT grant.

Fund 55, Stormwater User Fee can fund the 0% interest, 30-year loan with a maximum repayment amount of \$112,000 per year. The City would need to transfer funds from 068 into Fund 55 to cover the amount over the repayment amount per year.

Commissioner Leubert commented that the Commission listens to the employees and City Manager and further stated that although Option 2 is important, Option 1 would be the best options as it affects homes.

Motion made by Commissioner Leubert to approve resolution authorizing the submission of Step 2 of an application to the Texas Water Development Board for the Flood Infrastructure Fund for City drainage projects, Option 1, seconded by Commissioner Pecos.

Commissioner Lopez asked what happens to the other locations in Option 1? Mr. Mora responded that they will be part of the General Land Office application which has a 1% match. Commissioner Lopez asked if this included the Circle Drive area.

Mr. Charlie Cardenas, ICE Engineers stated that Circle Drive is in the Drainage Master Plan and further commented that they will be going out for additional grants (CDBG) as well. He further stated that all the area is included in the CDBG Grant as well. He stated that if the City of Kingsville doesn't get it under the Texas Water Development Board Grant, there is the opportunity to apply for the CDBG Grant as well. The CDBG Grant is a 99% grant with a matching fund of 1%.

Commissioner Lopez commented that the reason she asked about Circle Drive and with staff mentioning Caesars Ditch, this drains straight into it.

Mr. McLaughlin commented that it is not only to the Caesar ditch on the Southside it is also the Caesar ditch on the Northside as well which both must be addressed. He further stated that if the Commission decides not to do this and take a loan of 57% of the value of Option 1 and go through that process, if the city gets it then the city is committed. If the city doesn't get it or if the city would have passed on this hoping for the CDBG Mitigation Grant which is due October 30th. If the city waits for the Mitigation Grant and the grant only having a 1% match, every city will be applying for the grant.

Commissioner Lopez commented that she agrees with Commissioner Leubert comment.

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


10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8-Traffic Control Devices, Section 3 Traffic Control Areas, providing for one-way traffic going from east to west on Veteran's Memorial Drive from 12th Street to 11th Street. (City Engineer).

Mr. Mora stated that in order to ease congestion and enhance safety, especially during election season, Kleberg County is requesting that Veteran's Memorial Drive be converted to a one-way traffic only, heading west. This would be between 11th and 12th Street. The road on the opposite side of the Courthouse is already a one-way street heading east.


Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:37 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary