

NOVEMBER 9, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 9, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Janine Reyes, Tourism Director
Kyle Benson, IT Manager
Derek Williams, IT
Deborah Balli, Finance Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Ricardo Torres, Police Chief
Juan J. Adame, Fire Chief
Uchechukwu Echeozo, Director of Planning & Development Services
Diana Gonzales, Human Resources Director

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-October 26, 2020

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

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

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

II. Public Hearing - (Required by Law).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 stated and gave an update on mosquito testing. He further stated that Region 11 is doing a site visit to determine a vaccination location in Kingsville. COVID testing will take place on November 14th and November 15th from 9:00 a.m. to 4:00 p.m.

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

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

Commissioner Leubert commented that because she won't be here, she would like to share that she receives complaints for two different things, besides streets. She further stated that one complaint she receives has to do with Planning & Zoning, which is not a slam to the department, but the people that are concerned that she speaks with don't expect shortcuts. They expect guidance and communication. She stated that she doesn't feel that this is being done according to some and feels that the department could do better. She further commented that if the city has something like Chick-fil-A coming into town, the city is Johnny on the spot. People who work and live here have businesses or homes that are damaged, are the ones that we want to keep here. Leubert further commented that there are a lot of people who don't live here and that she would like to have live here. She further stated that the second thing that calls for concern, which should be of no surprise to anyone is regarding the Animal Control at the Health Department. She commented that she wants to be clear that the Health Department does a great job, however Animal Control is behind the times. She further stated that she has provided the City Manager the name of a gentleman by the name of Bert who is the City Manager in San Marcos. He has improved 500% Austin's Animal Control and has turned around San Marcos Animal Control. She further commented that we are behind the times. She stated that KAA, which is important to this community has done over 600 saves this year. The girls have added it up and there are 738 dogs that have been saved with her group and a couple of other rescues. Of that amount, over 300 are rehomes that have been kept out of the pound. She further stated that Animal Control, in over the eight years that she has been doing this and not once ever asked Kingsville Animal Advocate what can we do to help you all, what can we do to make this work better, what can we do to help the animals transition from the pound to a rescue or a home. They were only told what they couldn't do. Commissioner Leubert further thanked Deborah Balli, Finance Director personally as she took the charge and saw what nobody else did and did a lot of good for the animals. Leubert further stated that its not so much the employees there, they just need more guidance and to understand that there is a whole new world out there in animal control and animal saving. She further commented that last year KAA saved about 483 of the 511 animals that were saved from the pound. Leubert further stated that she will be reading something that she wrote as there are people that are angry right now that KAA what thrown out of Animal Control and she would like to make it clear that they were not. She stated that they quit going about mid-October because one of the ladies spent over six hours saving nine dogs that had been dumped out of sixteen the day before. They went to pick up those nine dogs and was turned away until the afternoon. These dogs had to go to San Antonio. She stated that this is not rainbows and unicorns, it's a lot of work. These people are going to school, they have jobs, and they have

children, these individuals are volunteers. She further stated that she wrote to the City Manager stating that she has been going over the rescue situation with KAA Rescues and Animal Control. For now, since Animal Control is doing a job that is good for the city and the animals, KAA will share daily report information and let you handle the rescues. I do expect no less than what has been standard held by the past and that Animal Control will continue as no to low kill shelter. I do expect for no healthy dogs or cats to be euthanized any sick or injured the option for the rescue to pull. Leubert stated that the reply to her email was as followed: Commissioner my procedures have not changed nor will they. If we get overcrowded euthanasia is certainly on the table. That is the harsh reality when cleaning up the mess of irresponsible pet owners. Leubert further read her reply, it can be. The other harsh reality is that animal shelters have been partners with rescues to combat euthanasia and it works. Your procedures are yours and I see that you are not willing to adjust any of your decisions except for partners for Saturdays pulls, which is a huge help for rescues and transporters. Euthanasia has not been needed because of the work of the rescues and facilitators. You praise your crew for their hard work, and I applaud that. I also do know that euthanasia has not been needed for quite some time because of groups networking, holding, vetting, and basically saving hundreds of lives. KAA and other have saved the innocence from the mess of irresponsible pet owners and want to continue, but they also expect common courtesy, help and understanding from the City, which would be the City Manager. So bottom line is that you have the right to not change any of your decisions or just for the sake of animals. You are also responsible for making sure that each department does the right thing for the community as a reflection of our city. Killing animals simply because of mess of irresponsible individuals is not something I will accept when I know, and it is proven that it doesn't have to be that way. The easy way out of a mess is not the only option. This is my town; I live here, and I will standup and fight for what is right. I am reasonable and will look for solutions to problems and I can adjust to change my stance if I am given other options and will help others that need it. I expect no less from city employees.

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

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

IV. Public Comment on Agenda Items.³

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

No public comments made or received.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over purchase orders that were ordered or started last fiscal year and will be received or completed this fiscal year. (Finance Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**VI. Items for consideration by Commissioners.⁴**

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

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

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and Thunderbird Real Estate II, Ltd. (care of Henry Sames), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

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

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

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

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

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

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

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

Motion made by Commissioner Lopez to approve the resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

6. **Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to accept and expend grant funding from the Patrick Leahy Bulletproof Vest for Police Body Armor, the Coronavirus Emergency Supplemental Funding**

Program for overtime, the Local Boarder Security Program for operational overtime, and the Enhancement Body Worn Camera Policy and Implementation Program for replacement cameras. (Police Chief).

Introduction item.

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

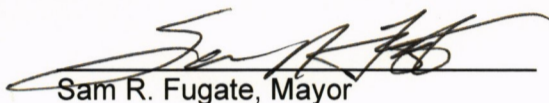
Introduction item.

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

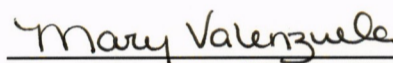
Introduction item.

VI. Adjournment.

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


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary