

# *City of Kingsville, Texas*

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**AGENDA  
CITY COMMISSION  
THURSDAY, APRIL 2, 2020  
SPECIAL MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
12:00 P.M.-noon**

**Conference Line call: 1 (408) 418-9388 and  
when prompted type access code: 620805471#**

**OR**

**Live Videostream: <http://www.cityofkingsville.com/webex>**

**I. Preliminary Proceedings.**

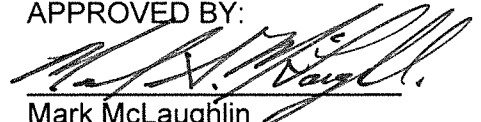
**OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

None.

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).<sup>1</sup>

1. None.

## 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."*

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

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 2019-2020 Budget to accept and expend donations received for Pony League costs of uniforms and umpires. (Parks Director).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV-Land Use, Article 6, Section 4-Changes and Amendments to include clarification on the vote required. (Director of Planning and Development Services/ City Attorney).

3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of ordinances by amending Section 15-6-124, providing for the maximum height of pole signs along U.S. Highway 77 Bypass. (Director of Planning & Development Services).

## **REGULAR AGENDA**

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

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

4. Consider a resolution ordering the extension of the Local State of Disaster and Order to Stay Home/Work Safe declared by the Mayor of the City of Kingsville on March 26, 2020. (City Attorney).

#### **VII. Adjournment.**

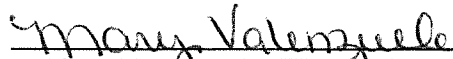
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action. No public comment at this point.

#### **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](mailto: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:

March 30, 2020 at 10:30 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



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

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Parks & Recreation Department**

**TO: Mayor and City Commissioners**  
**CC: Mark McLaughlin, City Manager**  
**FROM: Susan Ivy, Parks Manager**  
**DATE: March 13, 2020**  
**SUBJECT: Agenda Request – Receipt of League donations**

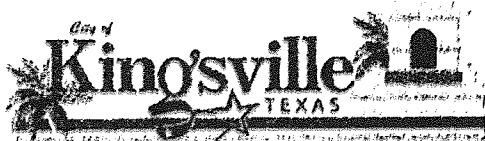
**Summary:** Kingsville Parks has received the following donations and would like Commission to approve the receipt of these funds and authorize the expenditure of the funds for the purpose intended.

**\$300.00 each from: Calaveras Kingsville, Sally Nunez x 2 teams, Hero Electric, Integrity Industries, Moreno's Backhoe Services, Perez Brothers' Ranch, Pipeline Measurement Co., Hawks Landing, Mike Shaw Kia, Ninehawk Completion Services, Turcotte Piper Funeral Home, and Danny Davila Contracting. (13 donations x \$300.00 or \$3900.00).**

**Background:** Kingsville Parks' Pony League is receiving team sponsorships from various community businesses to assist with league expenses such as uniforms, umpires, etc. In exchange these sponsor's business name will be placed on the back of the team's uniform.

**Financial Impact:** This will increase donations revenue by \$3900.00 and will budget an additional \$3900.00 for expenditure for league expenses only.

**Recommendation:** We ask that City Commission approve the receipt of these donations and the associated budget amendment to record them properly.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO ACCEPT AND EXPEND DONATIONS RECEIVED FOR PONY LEAGUE COSTS OF UNIFORMS AND UMPIRES.**

**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 2019-2020 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

| Dept No.                       | Dept Name       | Account Name             | Account Number | Budget Increase | Budget Decrease |
|--------------------------------|-----------------|--------------------------|----------------|-----------------|-----------------|
| <b>Fund 001 – General Fund</b> |                 |                          |                |                 |                 |
| <u>Revenues – 4</u>            |                 |                          |                |                 |                 |
| 4514                           | Park Recreation | Donations                | 58003          | \$3,900         |                 |
|                                |                 |                          |                |                 |                 |
| <u>Expenditures – 5</u>        |                 |                          |                |                 |                 |
| 4514                           | Park Recreation | Uniforms & Personal Wear | 21200          | \$3,900         |                 |

[To amend the City of Kingsville FY 19-20 Budget to accept and expend donations for Pony League costs for uniforms and umpires. Funding will come from the donation received.]

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 23<sup>rd</sup> day of March 2020.

**PASSED AND APPROVED** on this the 2nd day of April, 2020.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **AGENDA ITEM #2**

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## MEMO

**Date:** March 19, 2020

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Re:** Ordinance amendment that gives clarification to the issue of voting on a zoning matter.

The Planning and Zoning Commission meeting held as scheduled yesterday, March 18, 2020 with 5 members in attendance. There were two members that were absent – Commissioners Debbie Tiffie and Bill Aldrich

Members deliberated over the issue of amending the ordinance on voting on a zoning matter and at the end, voted unanimously to approve the recommendation to amend the ordinance clarifying the 3/4<sup>th</sup> requirement. A recorded vote of all members present was taken and Commissioners Brian Coufal, Idotha Battle, Lupe Alvarez, Mike Klepac and the Chairman – Steve Zamora all voted 'YES'

The meeting was adjourned by 6.30p.m.

Thank you.

**ORDINANCE NO.2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, LAND USE, ARTICLE 6, SECTION 4 CHANGES AND AMENDMENTS TO INCLUDE CLARIFICATION ON THE VOTE REQUIRED; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, Texas caselaw provides explanation on how positions and votes are eligible for voting and the City recently received a request to clarify the existing City ordinance to reflect the caselaw; and

**WHEREAS**, the City of Kingsville Planning and Zoning Commission has reviewed this ordinance at a meeting on March 18, 2020 and voted 5-0 with no abstentions to recommend its approval; and

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Section 4 of Article 6: Zoning of Chapter XV, Land Usage Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**Sec. 15-6-4. CHANGES AND AMENDMENTS; APPLICATION FEE.**

(A) This zoning article, including boundaries of districts and regulations, may be amended, supplemented or changed by ordinance of the City Commission. The City Commission shall receive the report of the Planning and Zoning Commission prior to adopting any change or amendment to the zoning ordinance.

a. The Planning and Zoning Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.

i. All property owners within 200 feet of the property on which the change is proposed shall be sent written notice not less than ten (10) days before the hearing date. The list of property owners shall be prepared from the last city tax roll

listing all property owners who have rendered their property for city taxes. Notice is adequately served by depositing properly addressed and postage paid notice with the city post office. Property owners whose names do not appear on the city tax roll are adequately notified by the publication in a newspaper of local circulation.

- b. Following the Planning and Zoning Commission public hearing and report, the City Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
  - i. Three-fourths ( $\frac{3}{4}$ ) vote of the members of the City Commission shall be necessary to make any change should a petition opposed to such change be presented by the owners of 20% of either the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom.
  - ii. Three-fourths ( $\frac{3}{4}$ ) vote of the members of the City Commission shall be necessary to overrule a recommendation of the Planning and Zoning Commission that a proposed amendment, supplement, or change be denied.

Vote of the City Commission means members eligible to vote. With a five (5) member commission, 3/4ths vote is 4 of 5 members eligible to vote. The absence of a commission member from a meeting does not change the number of votes required (ie, still 4 of 5). If a commission member were to die, resign, or be disqualified (ie, due to a conflict of interest), then that is considered a vacancy which reduces the number of eligible votes so that the vote would then be 3/4ths of the four (4) members eligible to vote.

- c. Applications for Special Use permits, changes of districts (rezones), or other applications which require notification or publication shall be accompanied by a fee of \$250.00.
- (B) The fee for processing appeals to the Board of Adjustment shall be based on the actual costs of materials used, mailing, and publication costs as determined by the Planning Division of the Management Services Department, the fee to be payable prior to the scheduling of any hearing or appeal.

(1962 Code, § 11-1-4; Ord. 84009, passed 6-18-84; Ord. 90027, passed 6-25-90; Ord. 2014-44, passed 8-11-2014)

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 be codified and become effective on and after adoption and publication as required by law.

V.

**THAT** this Ordinance was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**INTRODUCED** on this the 23rd day of March, 2020.

**PASSED AND APPROVED** on this the 2nd day of April, 2020.

Effective Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #3**

**City of Kingsville**  
**Planning & Development Services Department**

**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Uche Echeozo, Director

**DATE:** March 11, 2020

**SUBJECT:** Amend Sec. 15-6-124 – Maximum size; US77/I-69 corridor to Add a Maximum Sign Height Restriction

**Summary:** This item authorizes the amendment of City sign regulations to include a maximum height restriction for owner identification or advertising signs utilizing steel poles located within 300 ft. of the US77 Bypass/Interstate 69 right-of-way.

**Background:** Currently, the City of Kingsville sign regulations do not specify a maximum height limit for pole mounted owner identification and advertising signs situated along the US Hwy 77/I-69 corridor. As more development takes place along this corridor, lack of a maximum height for this type of sign could present problems.

Staff researched sign regulations of four nearby communities, Victoria, Portland, Sinton and Beeville. Three of these communities set the maximum height at 50 foot with the exception being Beeville where the maximum height was 42.5 feet. Victoria set the maximum height of freestanding signs fronting roadways that are not elevated at 35 feet and the maximum height of those facing elevated portions of the highway at 50 feet. The City's Building Official is recommending a maximum height of 50- 60 feet. Glenn Jones, Mission Sustainability Officer, Naval Air Station Kingsville confirmed that signs no taller than 50 feet should not be an issue referencing Sec. 15-6-35 -44 of the Air Installations Zoning Regulations.

**Financial Impact:** None.

**Recommendation:** It is being recommended to set the maximum height of 50 ft. for owner identification or advertising signs utilizing steel poles along the US77/I69 Corridor.

At their February 19, 2020 meeting, the Planning and Zoning Commission voted 5-0 with no abstentions, to recommend 50 ft. as the maximum height for these signs.



**ORDINANCE #2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 15-6-124, PROVIDING FOR THE MAXIMUM HEIGHT OF POLE SIGNS ALONG U.S. HIGHWAY 77 BYPASS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville;

**WHEREAS**, the City has determined that the sign ordinance is in need of revision for the ease of users, benefit of the public, and for public health and safety;

**WHEREAS**, the City of Kingsville Planning and Zoning Commission has reviewed this ordinance at a meeting on February 19, 2020 and voted 5-0 with no abstentions to recommend its approval;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Section 15-6-124 shall be amended to read as follows:

...

**§ 15-6-124. MAXIMUM SIZE; US77 / I-69 CORRIDOR**

(A) Owner identification and advertising signs located within 300 feet of the U.S Highway 77 Bypass/Interstate 69 right-of-way, may utilize steel poles or monument signs.

(1) When utilizing steel poles, the signs shall not have their total display face area exceed 400 square feet, with a sign maximum height of 50 ~~40~~ feet, and a maximum sign length of 40 feet; inclusive of border and trim, but excluding the base or apron.

(2) When utilizing monument signs, the sign shall not have their total sign area exceed 400 square feet, with a maximum height equal to that which is allowed in the respective zoning district, inclusive of sign frame, cabinet, border and trim as measured from grade.

(B) The maximum size limitations apply to each side of the sign structure or structures visible to approaching traffic.



(C) Signs may be placed back-to-back, side by side, or stacked, with not more than two display faces visible to approaching traffic on the Highway 77 Bypass. Such sign structure or structures shall be considered one sign.

(D) Signs that exceed 200 square feet in area, including cutouts, may not be stacked or placed side by side.

...

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 be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 23rd day of March, 2020.

**PASSED AND APPROVED** on this the 2nd day of April, 2020.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **REGULAR AGENDA**

# **AGENDA ITEM #4**

**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION ORDERING THE EXTENSION OF THE LOCAL STATE OF DISASTER AND ORDER TO STAY HOME/WORK SAFE DECLARED BY THE MAYOR OF THE CITY OF KINGSVILLE ON MARCH 26, 2020.**

**WHEREAS**, the COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes and the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death;

**WHEREAS**, the COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes and the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death;

**WHEREAS**, the Governor of the State of Texas on March 13, 2020, under the authority of the Texas Disaster Act of 1975, issued a proclamation certifying that COVID-19 (novel coronavirus) poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and directed that all necessary measures, both public and private as authorized under Section 418.015, Texas Government Code, be implemented to meet the disaster;

**WHEREAS**, the City of Kingsville is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

**WHEREAS**, Section 418.108 of the Texas Government Code authorizes the Mayor of the City of Kingsville, as the presiding officer of the governing body of the political subdivision, to declare a local state of disaster;

**WHEREAS**, on March 17, 2020 the Mayor of the City of Kingsville, issued a proclamation declaring a state of disaster for public health emergency existed for the City of Kingsville resulting from COVID-19, and revised that order on March 18, 2020;

**WHEREAS**, on March 23, 2020 the City Commission of the City of Kingsville extended the Mayor's Declaration of Disaster via Resolution #2020-23 after determining that extraordinary measures stated in the declaration must be continued for public health and safety;

**WHEREAS**, this public calamity continues to require emergency action;

**WHEREAS**, pursuant to the Texas Disaster Act of 1975/Section 418.108 of the Texas Government Code, the Mayor is designated as the emergency management director of the City of Kingsville, and may exercise the powers granted to the governor on an appropriate local scale;

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons

under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated, request assistance from the governor of state resources, and access funds available for disaster relief and reimbursement at the state and federal level; and

**WHEREAS**, on March 26, 2020 the Mayor of the City of Kingsville, issued a proclamation declaring a local state of disaster for public health emergency existed for the City of Kingsville resulting from COVID-19 and a Stay Home/Work Safe order that now needs to be extended by the City Commission; and

**WHEREAS**, I, Sam R. Fugate, the Mayor of the City of Kingsville and the City Commission have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19;

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF KINGSVILLE, HEREBY PROCLAIMS, ORDERS, AND DECLARES:**

**Section 1.** That a local state of disaster and public health emergency is hereby declared for the City of Kingsville pursuant to Section 418.108(a) of the Texas Government Code as declared by the Mayor on March 17, 2020 due to the public health emergency created by COVID-19, which declaration was amended on March 18, 2020 and extended by the Kingsville City Commission on March 23, 2020, shall continue until terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

**Section 2.** Stay Home/Work Safe. That pursuant to the Texas Disaster Act of 1975/ Chapter 418 of the Texas Government Code, I, Sam R. Fugate, as Mayor of the City of Kingsville and the City Commission in coordination and consultation with the Local Health Authority and the Kleberg County Judge order all individuals living in the City of Kingsville to Stay Home/Work Safe consistent with the direction and guidelines as set out in Exhibit 1 attached to this Declaration.

**Section 3.** That a state of disaster Stay Home/Work Safe Order declared by the Mayor on March 26, 2020 due to the public health emergency created by COVID-19 shall continue until 11:59 p.m. on April 13, 2020, unless terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

**Section 4.** That pursuant to Section 418.108(d) of the Texas Government Code, this declaration directs the City Manager to continue with all emergency management activities and the emergency management plan; authorizes the furnishing of all aid and assistance, as deemed necessary or desirable by those administering the plans, and continues activation of the preparedness and response aspects of the plans. By this Declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident, and authorize the City Manager to exercise all emergency powers as are available to address this emergency.

**Section 5.** As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

**Section 6.** That pursuant to Section 418.108(c) of the Texas Government Code, this declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

This proclamation shall take effect at 11:59 p.m. on April 2, 2020 through 11:59 p.m. on April 13, 2020.

**DECLARED AND ORDERED** this the 2nd day of April, 2020.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## EXHIBIT 1

### **STAY HOME/WORK SAFE MEASURES**

Take effect at 11:59 p.m. on March 27, 2020 and will continue through 11:59 p.m. on April 13, 2020, until it is either rescinded, superseded, or amended pursuant to applicable law.

#### 1. Stay at Home:

- a. All individuals currently living in the City of Kingsville are ordered to stay at home consistent with the direction and guidance in this Declaration. If individuals are using shared or outdoor spaces outside their home or engaged in Exempted Activities or Exempted Businesses, then they must maintain social distancing of at least six feet from any other person. All persons may leave their residences only for Exempted Activities, or to provide or perform Governmental Functions, or to operate Exempted Businesses, all as defined in Section 2.
- b. All businesses operating within Kingsville except Exempted Businesses are required to stop operations in Kingsville during the duration of this Order. Businesses may continue operations consisting exclusively of the following as long as social distancing of at least six feet is maintained during these activities:
  - i. Employees or contractors performing activities at their own residences (i.e. working from home or operation a home-based business regardless of whether it constitutes an Exempted Business).
  - ii. Operations necessary to maintain security, upkeep, and maintenance of premises, equipment of inventory, including but not limited to the care and maintenance of livestock or animals.
  - iii. IT or other operations that facilitate employees working from home.
- c. All public or private gatherings occurring outside a single household or single-family living unit are prohibited unless specifically exempted under this Declaration. This Order does not prohibit the gathering of members of a household or single-family living unit.
- d. Restaurants, prepared food retailers, microbreweries, or micro-distilleries may only provide room service, take out, delivery, drive-in, or drive-through services consistent with state and local laws and Governor Greg Abbott's proclamations. Any food establishment that provides services under this section must adhere to social distancing requirements for any food preparation, waiting area or queue.
- e. All *elective* medical, surgical, and dental procedures are prohibited anywhere in Kingsville. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "Elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response. Elective surgeries and procedures that are designed to reduce risk to patients or treat painful or potentially disabling conditions may be continued.

#### 2. Definitions:

a. The following are Exempted Activities:

- i. **Health and Safety Activities:** Activities related to maintaining the health and safety of the individual or their family or household members and pets, for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home. This includes activities to care for a family member or pet in another household.
- ii. **Necessary Supplies:** Activity to obtain or purchase necessary services or supplies for themselves and their family or household members and pets, or to deliver those services or supplies to others. For example, to purchase or obtain food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and operation of residences.
- iii. **Outdoor Activity:** Activity in an outdoor open space, such as walking, biking, hiking, or running, as long as individuals comply with social distancing requirements of six feet apart.
- iv. **Work for Exempted Business:** Activity to perform work for Exempted Business or to otherwise carry out activities specifically allowed in this Declaration.

b. For purposes of this Declaration, Exempted Businesses should implement screening precautions to protect employees and all activities shall be performed in compliance with Social Distancing Guidelines to the extent possible. Exempted Businesses means:

i. **Health Care Services.** Business tied to the providing or delivering of healthcare services. For example:

1. hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, including veterinary services, and any related and/or ancillary healthcare services,

2. healthcare suppliers, home healthcare service providers, physical therapy providers, laboratory services, mental health providers, substance abuse providers,

3. blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals,

4. home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children.

This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities.

ii. **Government Functions.** Business activity related to the operations or services provided by government for the continuing operation of the government agencies to provide for the health, safety and welfare of the public. For example,



defense (ie, NAS Kingsville) and national security-related operations, public safety, solid waste collection, and utility operations.

iii. **Education and Research.** Educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Activities and Exempted Businesses.

iv. **Infrastructure.** Businesses related to public works construction, construction of housing, commercial construction, airport operations, water, sewer gas, electrical, oil refining, roads and highways, and public transportation.

- v. **Transportation.** Business related to the operation, maintenance, construction, and manufacture of transportation services. For example:
  - 1. Vehicle manufacturers, automotive suppliers, car dealerships, large truck and RV dealerships (sales and service centers), parts distribution, maintenance and repair facilities,
  - 2. Public transportation,
  - 3. Businesses supporting airport operations,
  - 4. Street and highway maintenance and construction,
  - 5. Gas stations and other fuel distribution businesses,
  - 6. Vehicles for hire including taxis and rideshare.
- vi. **IT Services:** Activity to provide or maintain internet, and telecommunications systems including the provision of essential global, nation, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- vii. **Food, Household Staples Retail.** Food service and food distribution providers including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets that sell food products and household staples. Businesses that ship or deliver groceries, food, goods or services directly to residences or provide for pick-up options. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis may continue. Laundromats, dry cleaners, and laundry service providers, hardware stores, landscaping, and businesses that supply products needed for people to work from home are included in Household Staples Retail.
- viii. **Services for Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or other vulnerable populations.
- ix. **Services to Maintain Operations of Residences or Support Exempted Businesses.**
  - 1. Hotels, motels, recreational vehicles, motor homes, and other temporary residence facilities,
  - 2. Trash and recycling collection, processing and disposal,

3. Mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, public storage facilities, and storage for essential businesses,
  4. Plumbers, electricians, roofers, exterminators, air conditioner repair, appliance repair, equipment repair, moving services and other service providers who provide services to maintain the safety, sanitation, and operations of residences, and
  5. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, such as filing of taxes.
- x. **News Media.** Newspapers, television, radio, and other media services.
  - xi. **Financial Institutions.** Banks, credit unions, and other financial institutions including pawn shops, bail bond sureties, and payday lenders, as well as insurance companies, title, and real estate companies.
  - xii. **Childcare Services.** Licensed childcare facilities, organizations, or individuals providing childcare services.
  - xiii. **Worship Services.** Religious and worship services may only be provided by video, teleconference or other remote measures. Institutions must limit in-person staff to 10 persons or less in the same room when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines.
  - xiv. **Funeral Services.** For example funeral homes, crematoriums and cemeteries.
  - xv. **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) and outlined at <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>.
  - xvi. **Ventilator Manufacturer.** Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an “exempted business” exemption under this Order. Application for exemption shall be made with the Mayor.
3. The City acknowledges and supports full compliance with the Kleberg County Judge’s Executive Order provisions that address rental property evictions, and foreclosure proceedings be followed and that these actions be suspended for the next 30 days
  4. To facilitate delivery for activity allowed under this Declaration, all delivery hour restrictions related to the selling or distribution of food products, medicine, or medical supplies is suspended for the next 60 days.
  5. People who are sick should stay at home and not engage in any activity outside their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19 then they must follow the isolation and quarantine measures proscribed by the local, state, or federal health authorities and isolate at home for a period of at least 14 days or until the person has tested negative for coronavirus or such longer period as determined by the Health Department. If a member of a household tests positive, then other members of the household should consider themselves positive

if they become symptomatic and also follow the isolation and quarantine measures proscribed by local, state, or federal health authorities.

6. Nursing homes, retirement, and long-term care facilities must prohibit non-essential visitors from accessing their facilities unless to provide medical assistance and for end-of-life visitation.

7. The Office of the Mayor and the Health Authority instructs all employees to remain at home if sick, and to promptly communicate with an appropriate health care professional.

8. All public, private, and commercial laboratories operating within the City of Kingsville and performing COVID-19 testing shall report by 5:00p.m. each day for the prior 24-hour period (1) the number of COVID-19 tests performed; and (2) the number of positive COVID-19 tests to the City's designated representative for the Emergency Operations Center and the Local Health Authority for the Kleberg County Health District if either the specimen is collected or the test is performed in the City of Kingsville or Kleberg County. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

9. The City of Kingsville must promptly provide copies of this Order by posting on the City of Kingsville website and the City-County Health District website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

10. All typical routes of ingress and egress (roads and streets, county roads, state and other highways, Interstate highways) throughout the City of Kingsville (including all of the City's incorporated and unincorporated areas) shall remain open and accessible, except to the extent specifically limited by this Order.

11. A violation of this Order to Stay Home/Work Safe is a violation of the emergency management plan of the City of Kingsville. A violation by any person of any provisions of this Order is punishable by a fine of up to \$500 per violation and each day can be a separate day of violation, and additional amounts as authorized by law. A second offense after warning in which intent to commit all elements of an act prohibited herein is proven may result in a fine of up to \$1,000 per violation or separate day of violation or up to 180 days in jail.

9. Subject to Kingsville City Commission approval, this Declaration shall be effective until 11:59 p.m. on April 13, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

## **SOCIAL DISTANCING GUIDELINES**

### *Social Distancing and Travel Recommendations*

1) *Avoid traveling to other jurisdictions unless essential for work or health.*

2) *Vulnerable Populations: Limit Outings*

- *Vulnerable populations include people who are: 60 years old and older.*

*People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.*

- *For vulnerable populations, do not go to gatherings unless it is essential. Stay home. Avoid people who are sick.*

3) *Workplace and Businesses: Minimize Exposure*

- *Suspend nonessential employee travel.*
- *Ensure employees practice social distancing and do not work within six (6) feet of one another.*
- *Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.*
- *Do not require a doctor's note for employees who are sick.*
- *Maximize telecommuting options.*
- *Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.*

4) *Cancel Non-essential events*

- *Cancel non-essential events.*
- *Do not attend any events or gatherings if sick.*
- *For events that aren't cancelled, we recommend:*

*Provide hand washing, hand sanitizers stations and make tissues available.*

*Frequently clean high-touch surface areas like counter tops and hand rails.*

*Finding ways to implement social distancing.*

**5) Schools Safety First**

- *Do not have your child attend school if sick.*
- *If you have a child with chronic health conditions, consult the child's doctor about school attendance.*
- *Schools should equip all classrooms with hand sanitizers and tissues.*
- *Recommend rescheduling or cancelling events that are not essential.*
- *Explore remote teaching and online options to continue learning.*
- *Schools should develop a plan for citywide school closures, and families should prepare for further closures.*

**6) Transit: Cleaning and Protection**

- *Increase cleaning of vehicle and high touch surface areas.*
- *Provide hand washing/hand sanitizers and tissues in stations and on vehicles.*
- *Ensure social distancing practices are implemented to the full extent possible.*

**7) Health Care Setting: Avoid as possible, protect the vulnerable.**

- *Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.*
- *Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.*
- *The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.*
- *If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.*
- *Do not visit emergency rooms unless it is essential.*

- *Follow guidance and directions of all facilities.*

8) *Everyone: Do your part*

*The best way for all Nueces County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:*

- *Wash hands with soap and water for at least twenty (20) seconds.*
- *Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.*
- *Stay home if you are sick.*
- *Avoid touching your face.*
- *Try alternatives to shaking hands, like an elbow bump or wave.*
- *If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidelines.*
- *There is no recommendation to wear masks at this time to prevent yourself from getting sick.*

*You can also prepare for the disruption caused by an outbreak.  
Preparedness actions include:*

- *Prepare to work from home if that is possible for your job, and your employer.*
- *Make sure you have a supply of all essential medications for your family.*
- *Prepare a child care plan if you or a caregiver are sick.*
- *Make arrangements about how your family will manage school closures.*
- *Plan for how you can care for as sick family member without getting sick yourself.*
- *Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.*
- *Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.*