

# City of Kingsville, Texas

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**AGENDA  
CITY COMMISSION  
MONDAY, APRIL 13, 2020  
REGULAR MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.**

**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)**

Regular Meeting- March 23, 2020

Special Meeting- April 2, 2020

APPROVED BY:

*Mark McLaughlin by TD*  
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. Public Hearing on request for an alcohol variance for a Wine and Beer Retailer's Off-Premise License (BQ) for the establishment known as Vasquez Food Mart located at 1230 E. Santa Gertrudis, Kingsville, Texas. (Director of Planning and Development Services).

**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 a resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Police Chief).

## REGULAR AGENDA

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

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

2. Consider a resolution ordering the extension of the Local State of Disaster and Order to stay home/work safe until April 30, 2020. (Mayor Fugate).
3. Consider a resolution extending the Declaration of Local State of Disaster and Order limiting the number of persons from one family in an exempted business at one time until April 30, 2020. (Mayor Fugate).
4. Consider an alcohol variance for a Wine and Beer Retailer's Off-Premise License (BQ) for the establishment known as Vasquez Food Mart located at 1230 E. Santa Gertrudis, Kingsville, Texas (due to a change in ownership of the convenience store). (Director of Planning and Development Services).
5. Consider the temporary cessation of contributions to the Façade Grant Program and the John E. Conner Museum until the financial impact to the HOT Fund from cancellation of tourism events and hotel bookings due to COVID-19 is better known to ensure contractual and legal compliance. (Tourism Director).
6. Consider authorizing staff to move forward with a temporary hotel occupancy tax payment deferral plan, as outlined in the memo, due to the COVID-19 pandemic. (Tourism Director).
7. Consider a resolution finding AEP Texas Inc.'s application to Amend its distribution cost recovery factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (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.

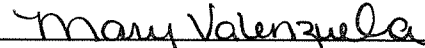
#### **NOTICE**

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:

April 8, 2020 at 3:00 P.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

# **MINUTES OF PREVIOUS MEETING(S)**

MARCH 23, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 23, 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  
Dianne Leubert, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM**

Bill Donnell, Public Works Director  
Ron Lee, Interim Fire Chief  
Uchechukwu Echeozo, Director of Planning & Development Services  
Diana Gonzales, Human Resources Director

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**OR**

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**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.

Mayor Fugate announced that at this meeting there are only 10 people in attendance which includes the five City Commission members, City Manager, City Secretary, City Attorney, IT Manager, and Chief of Police.

Mrs. Courtney Alvarez stated that this is the first virtual meeting of the City of Kingsville due to the COVID-19 virus and the Governor's Proclamation of March 19, 2020 restricting gatherings of no more than 10 persons. As this is a new process with new technology, we ask patience from everyone with the proceedings. Alvarez further stated that procedures for public participation for all public meetings for the Commission and Boards were posted last week by the City Secretary. These procedures were posted on the City's website and posted outside of City Hall. The electronic submission is the preferred method for input. If people are participating via Webex, there should be an option for participants to notify the city moderator they wish to comment when it becomes time for public comments or when it becomes time for the public hearing. Any input received electronically by the City Secretary under the new public comment procedures, will be read to the City Commission at the appropriate time and will become part of the record for the

meeting. If citizens have not participated in one of our meetings before, they will need to know that each speaker will need to state their name and address for the record. Public comments are allowed 3 minutes and may be extended by the Commission. Public hearing comments are allowed 5 minutes and may not be extended by the Commission. No dialogue is allowed under the regular public comments section of the agenda.

## **MINUTES OF PREVIOUS MEETING(S)**

### **Special Joint Meeting with County - February 18, 2020**

**Motion made by Commissioner Pecos to approve the minutes of February 18, 2020 as presented, seconded by Commissioner Leubert.**

Commissioner Hinojosa commented that a correction needed to be made to the minutes of February 18, 2020. He stated that on page 7, a paragraph states "unnamed individual". Commissioner Hinojosa stated that he believes the individual who spoke at that time was Ms. Petra Reyna.

Mayor Fugate asked Commissioner Hinojosa if this was a motion he would like to make. Commissioner Hinojosa responded yes.

**Commissioner Pecos and Commissioner Leubert withdrew their prior motions.**

**Motion made by Commissioner Hinojosa to approve the minutes of February 18, 2020 with the correction to be made on page 7 listing the name of Ms. Petra Reyna as the unnamed individual as listed on the minutes, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

### **Regular Meeting - March 9, 2020**

**Motion made by Commissioner Pecos to approve the minutes of March 9, 2020 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

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II. **\*\*Public Hearing - (Required by Law).<sup>1</sup>**

**1. Public Hearing on request for an alcohol variance for a Beer Retail Dealer's Off-Premise Permit (BF) and Package Store Permit (P) and Local Distributor's Permit (LP) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 Brahma Blvd. Suite D, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate announced and opened this public hearing at 5:08 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.

Mrs. Courtney Alvarez commented that this item was brought forward to the Commission at a previous meeting and was approved, although the owner has decided to add an additional permit, Local Distributor Permit, therefore requiring for it to be brought back for consideration.

There being no further discussion or comments, Mayor Fugate closed this public hearing at 5:10 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 over the City Manager Staff Report. He stated that planning for utility bill payment delays. With some of the economic hardship some of our citizens will be facing due to the COVID-19, city staff is working on solutions to bring forth to Commission on what we can do during this difficult time. Budget execution directives to department heads; due to the COVID-19 impact that will be coming to the City revenues, it is believed that the impact from sales tax on the non-labor portion of the City budget will necessitate upwards of a 34% cut in expenditures. HOT tax are projected to fall as well. It is being anticipated an approximate 80% reduction in HOT for April through June, which will have a net effect of a 25% loss in City HOT revenues for the year. Street paving initiative, with COVID-19 impacting all sorts of industry, there is an opportunity for the City to increase street paving projects with extra employment from the oil and paving industry where employees may be furloughed. Staff is looking at a temporary hiring of several positions that will require all the necessary licensing so that we can get them straight onto street projects and offer them employment. McLaughlin commented on status of city services.



Most city services are running 100% it is the access to city employees is restricted in all city buildings as to avoid the physical contact and prevent the spreading of the virus. Employees are still accessible by phone or by email.

Commissioner Hinojosa commented that he commends the City Manager by trying to reduce the budget by 34%. He further commented that hopefully this will reflect on the budget next year.

Mrs. Alvarez reported that the next Commission is scheduled for April 13<sup>th</sup> with the deadline to city staff to submit their agenda items no later than April 2<sup>nd</sup>. Notice was received that CenterPoint Gas did a GRIP Filing and with this GRIP Filing it will be raising the fee by an additional \$1.55 per month for each residential gas customer which will take effect on May 4<sup>th</sup>.

Commissioner Pecos commented that he has heard that the Navy will be sending 30 individuals to work on a Navy carrier, but also send 40 other individuals to work at Cecil Base in Florida.

Mr. McLaughlin commented that Cecil Field is a private airfield but utilized by the Navy for carrier qualifications. He further commented that the Commanding Officer of NAS Kingsville stated that the Department of Defense is not restricted mission essential in getting these students pilots carrier qualified is considered mission essential because they must fill a fleet seat. The rules about shelter in place in a State that it applies, the Department of Defense will do what they need to do for mission essential. He further stated that the 40 people going to Cecil Field is for ground support.

Commissioner Pecos further stated that he is concerned with the fact that the state of Florida has had a lot of confirmed cases of the COVID-19 virus and with these individuals going to Florida, there could be a chance they can contract it and bring it back to our community.

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

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

No public comments made via conference call or through livestream or received via email.

#### V.

##### **Consent Agenda**

##### **Notice to the Public**

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##### **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 the consent agenda as presented, seconded by Commissioner Hinojosa. 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 2019-2020 Budget to accept and expend LEOSE Grant funds for Police Department training expenditures. (Police Chief).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 Budget to accept and expend donation received for bullet proof armor for Police K-9's. (Police Chief).**

## **REGULAR AGENDA**

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

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

**3. Consider a resolution ordering the extension the Local State of Disaster declared by the Mayor of the City of Kingsville on March 17, 2020 and amended on March 18, 2020. (City Attorney).**

**Motion made by Commissioner Leubert to approve the resolution ordering the extension the Local State of Disaster declared by the Mayor of the City of Kingsville on March 17, 2020 and amended on March 18, 2020, seconded by Commissioner Lopez.**

Mayor Fugate commented that the language on this order mirrors the language that was put in place by the Governor.

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

**4. Consider a resolution postponing the City of Kingsville General and Special Elections from May 2, 2020 until November 3, 2020, which is the next uniform election date, pursuant to the Governor's Proclamation dated March 18, 2020. (City Attorney).**

Mrs. Alvarez stated that on March 13, 2020, the Governor of Texas certified that the Coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas. The Governor signed a proclamation on March 18, 2020 suspending Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020 to move their general and special elections for 2020 only to the next uniform election date occurring on November 3, 2020, without otherwise adjusting the term of office. The proclamation also stated that the authority ordering the election under Section 3.004 of the Texas Election Code is authorized to make the decision to postpone its election in accordance with the March 18, 2020 proclamation. The rapidly changing public health crisis due to the contagious virus and the primary concern is the health and safety of voters, election workers, and our local election officials and the City desires to protect them and reduce the spread of the virus. Alvarez further stated that depending on what the Commission decides tonight, there may be other items for consideration at a future meeting.

Commissioner Lopez commented that she has been asked if on the November election will it be Federal, State, County, City, and School District(s) having their election on the same day. Mrs. Alvarez responded that this is correct. Lopez further asked if all elections would be on the same ballot. Mrs. Alvarez responded that if the City decides to postpone their election to November, at a future meeting there would be an agenda items on whether the City wants to do a joint election with the County or go on its own; we hope to have a costs estimates at that time so that a decision could be made.

Commissioner Lopez commented that her concern, as people have spoken with her about, is that the city election is different, you can vote for one, two, three, or four is confusing when it comes to the State as they already voted for one and then giving them different directions. She further stated that this is what those individuals who spoke with her are concerned about.

Commissioner Hinojosa asked how it would work when you have Democrats and Republicans, would there be ballots on both side of the equation? Commissioner Lopez responded that it would be one ballot.

Commissioner Leubert asked City Secretary Mary Valenzuela that the last general election the city had, it stated on the ballot to voter for one, two, three or four.

Mrs. Valenzuela responded that the ballot has always given the direction of voting for one, two, three, or four, it has always been listed since she's been doing elections. You must give the voter the option to vote for none, one, two, three, or four when it comes to the Commission race and none, or one for the Mayor's race. Valenzuela further stated that the ballot for the City of Kingsville election would not change other then it being on a ballot that has other entities ballot on it. The City's ballot could be listed on the back of a ballot depending on how many entities are on that ballot.

Mayor Fugate commented not necessarily if the city decides to do their own election, it would have its own ballot.

Mrs. Valenzuela stated that if the City decides to do their own election on November 3<sup>rd</sup>. the cost would be much more than if it was a general election done in May. The City would have to abide by the election code which states that if a city is to have an election on November 3<sup>rd</sup>, it must use all county precinct, which are 15 county precincts that the city has, which are consolidated into 6 city polling locations. It would also mean that if the sites that are used for election sites charges a fee, the city would have to pay that fee in order to use the facility as a voting cite. The City would also have hire 15 sets of 3 to 4 election workers to work each of the 15 voting sites, which would be hard to find that many individuals to works, as the election workers that are used by the city during a May election also work the County's election in November; with the County having an agreement with their election workers for two years. If the city decides to go on its own, it could be a high price for this election.

Mayor Fugate asked when early voting is set to begin for the May election. Mrs. Valenzuela responded that first day for early voting is April 20<sup>th</sup>.

Mrs. Alvarez commented that if the Commission decides not to postpone the election to November 3<sup>rd</sup>, staff will notify the company that is printing the ballots to continue with printing the ballots so that we can receive them in time for early voting on April 20<sup>th</sup>.

However, tonight the Commission is only being asked to decide if they would want to postpone the May 2<sup>nd</sup> election to November 3<sup>rd</sup>.

Commissioner Lopez commented that for clarification if this was only one ballot as it would not be democrat or republican as it is the general election.

**Motion made by Commissioner Leubert that for the safety of our citizens, with the situation as it is and not knowing from day to day what could happen, it will be the best for everyone to postpone the May 2, 2020 election to November 3, 2020 seconded by Commissioner Pecos.**

Commissioner Lopez commented that she agrees with Commissioner Leubert that for the safety of the citizens we have to do this as we are still unsure how long this situation will go for, as the school district is still out.

Mayor Fugate commented that he does not know what the school district is intending to do. He has had some conversation with some of the school districts members and he suspect that they will continue to move forward, but they wanted to know what the city was going to decide to do.

Commissioner Lopez commented that the school district would need to piggy-back off the city.

Mrs. Valenzuela commented that it would be up to the school district to make that decision for themselves. If they chose to keep it in May, they could be violating the Education Code.

Mayor Fugate commented that not knowing what this virus is going to do, there is not much of a choice then to move the election to November 3<sup>rd</sup>.

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

5. Consider an alcohol variance for a Beer Retail Dealer's Off-Premise Permit (BF) and Package Store Permit (P) and Local Distributor's Permit (LP) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 Brahma Blvd. Suite D, Kingsville, Texas. (Director of Planning and Development Services).

**Motion made by Commissioner Lopez to approve the alcohol variance for a Beer Retail Dealer's Off-Premise Permit (BF) and Package Store Permit (P) and Local Distributor's Permit (LP) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 Brahma Blvd. Suite D, Kingsville, Texas, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

6. Consideration of approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Limited Tax Refunding Bonds, Series 2020", a Paying Agent/Registrar Agreement, and an Escrow Agreement; providing for the sale of such bonds; delegating authority to city representatives to select obligations to be refunded and approve final terms of the bonds; and approving all other matters related thereto. (Finance Director).

**Motion made by Commissioner Leubert to approve the ordinance authorizing the issuance of “City of Kingsville, Texas Limited Tax Refunding Bonds, Series 2020”, a Paying Agent/Registrar Agreement, and an Escrow Agreement; providing for the sale of such bonds; delegating authority to city representatives to select obligations to be refunded and approve final terms of the bonds; and approving all other matters related thereto, seconded by Commissioner Pecos.**

Commissioner Hinojosa asked is it would be going through open market or privatized? He further commented that he agrees to go out for refunding, but his question is what kind of rate the city is going to get, based on market the way it is at this point.

Mr. McLaughlin referred the question to Mrs. Deborah Balli, Finance Director who is attending the meeting via WebEx. He further stated that this bond that the city is paid off in 2032 and not changing this date. The current bond is financed at about 4 to 4 ½%. He further commented that there is money out there that is really cheap at 1 to 1 ½%, which through the life of the bond could save the city about \$850,000 of what would need to be paid back on. He further stated that there is a time limit that you can start the refinancing process.

Mr. Don Gonzales reported that the City of Kingsville will be the issuer, Estrada Hinojosa & Company, Co. will be the Financial Advisor, Winstead, PC will be the Bond Counsel. He further stated that the City of Kingsville currently underlying rating is an A+.

Mrs. Balli, and Don Gonzales, Financial Advisor and Dan Martinez Bond Counsel were unable to continue the presentation due to technical difficulties.

Mrs. Alvarez gave this presentation on their behalf. She stated that it is her understanding that what Mr. Gonzales was saying is that if you are looking at the call dates, CO Series 2011 is the only one that is currently available for call. This would be the issue that they will be looking to refinance at a lower interest rate and in order to save the city money. Alvarez further stated that this ordinance would allow for the Financial Advisor and staff to work together to determine, based on the interest rates available at the time they go to market, what amount of the 2011 issue they could refinance and once they determine what the best rate is then they would be authorized to engage the refunding at that point. Once authorization is given and the rate is locked in for the amount of the issue, the completed financial documents would be prepared showing the payments and interest rates.

Commissioner Hinojosa asked if this would be done through open market versus privatization? Mrs. Alvarez responded that this would be done in compliance with the State Law based on advice from the Financial Advisor and Bond Counsel.

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

**7. Consider accepting donations for Kingsville Parks’ Pony League team sponsorships. (Parks Director).**

**Motion made by Commissioner Leubert to approve the acceptance of a donation for Kingsville Parks’ Pony League team sponsorships, 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 2019-2020 Budget to accept and expend donations received for Pony League costs of uniforms and umpires. (Parks Director).**

Introduction item.

9. **Consider introduction 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).**

Introduction item.

10. **Consider introduction 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).**

Introduction item.

11. **Consider resolution dissolving the 1979 Interlocal Agreement with Kleberg County for the City-County Library Department. (City Manager).**

**Motion made by Commissioner Leubert to approve the resolution dissolving the 1979 Interlocal Agreement with Kleberg County for the City-County Library Department, seconded by Commissioner Pecos.**

Mayor Fugate commented that at one point he had some reservations regarding turning over the Library to the County, but the things are a lot better now than what they used to be financially.

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

12. **Consider resolution dissolving the 1978 Interlocal Agreement with Kleberg County for the City-County Health Department. (City Manager).**

**Motion made by Commissioner Leubert to approve the resolution dissolving the 1978 Interlocal Agreement with Kleberg County for the City-County Health Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting "FOR". Lopez voting "AGAINST".**

13. **Consider a resolution authorizing the Mayor to execute a Quit Claim Deed with the Texas Department of Transportation for three utility easements and a road parcel needed for improvements to US77 From General Cavazos to the southern city limits. (City Engineer).**

Mayor Fugate commented that as a lawyer he does not quit claim deeds and maybe we would need to do a special warranty deed as oppose to a quit claim deed, as it serves the same purpose.

Mrs. Alvarez responded that this is what TXDOT prepared and recommended. She further stated that the total amount based on independent appraisals that the city has obtained for the three easements and road parcel is \$41,436. She further stated that TXDOT is aware of the dollar amount and has no objection.

Mayor Fugate asked how much property this is. Mrs. Alvarez responded that it is 1.67 acres total.

**Motion made by Commissioner Leubert to approve the resolution authorizing the Mayor to execute a Quit Claim Deed with the Texas Department of Transportation for three utility easements and a road parcel needed for improvements to US77 From General Cavazos to the southern city limits, seconded by Commissioner**

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

**14. Consider a resolution authorizing the Mayor to enter into a Standard Utility Agreement with the Texas Department of Transportation for reimbursement of part of the City's cost to relocate and adjust utilities due to improvements along US77. (City Engineer).**

Mr. McLaughlin stated that the total relocation of everything, all the utilities is \$823,000. He further stated that the final TXDOT cost with Engineering is \$386,000, the cost to the city was \$436,000 but will be reimbursed under 51 on top of this, so the net cost for the city, what the city will have to pay to get all this moved is \$385,203. The city has budgeted \$600,000.

Commissioner Hinojosa asked how it was arrived at 43% that the city will be reimbursed.

Mrs. Alvarez stated that it is her understanding from speaking with the Engineer that it was mentioned that TXDOT has some guidelines that they are required to abide by, and so it kind of depends on where the utilities are located and various other factors, but they would need to look at the matrix set out on their guidelines and based on our situation and the matrix they have to deal with, it was arrived at 43%.

Commissioner Hinojosa commented that it is probably under the Texas Administrative Code. He further commented that he doesn't agree with it.

Mayor Fugate asked what would happen if the Commission does not agree to this and say no to moving the lines?

Mrs. Alvarez responded that we have to move the lines and we would pay the full amount.

**Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to enter into a Standard Utility Agreement with the Texas Department of Transportation for reimbursement of part of the City's cost to relocate and adjust utilities due to improvements along US77, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:56 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

APRIL 2, 2020

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, APRIL 2, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 12:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT Department

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM:**

Bill Donnell, Public Works Director  
Deborah Balli, Finance Director

**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**

Mayor Fugate opened the meeting at 12:00 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)**

None.

**\*\*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."*

Mr. Mark McLaughlin, City Manager reported that the City Commission has received their CAFR Report. The report comes with no findings and is an excellent report which was filed on time. He further reported that the Street Department continues to work outside. At this moment they are currently working on the sidewalks off Santa Gertrudis. McLaughlin also stated that department heads are looking in their budgets to see what purchases can be deferred until further notice. He stated that Mrs. Balli has been able to identify a total of \$700,000 in deferral expenses. Mr. McLaughlin further reported that the City of Kingsville did not get selected for the DEAGG Grant. This grant was for the HVAC System at the Captain's Club located inside NAS Kingsville. He stated that the city is about 70% done for the August submission for the sewer line from South to North that will connect together using Navy land and connecting the Navy to it so that there is redundancy for them for the sewage treatment plant.

Mrs. Courtney Alvarez, City Attorney reported that the deadline for staff to submit agenda items for the April 13<sup>th</sup> meeting is today, April 2<sup>nd</sup>. She further stated that City offices will be closed next Friday, April 10<sup>th</sup> for Good Friday. Alvarez further reported that Governor Abbot came out with a new Executive Order, GA-14. After reviewing the city's existing order with GA-14, there is one paragraph that even though the Governor's order supersedes our order, it would be best to make it consistent to the Governor's order. She further stated that the reason we would have to have the extension is the Government Code, the head of the local entity can impose certain things for up to 7 days. After that point in time, the City Commission as a whole has to meet in order to extend those emergency order if necessary or to modify them. She continued to state that the order that is in the agenda packet was put out before noon on Monday, March 31, 2020 which

currently has an expiration date of midnight on April 13<sup>th</sup>. She stated that the reason for this is to make sure the Commission had sufficient time between now and then, as everything changes minute by minute, to have some time as to what was going to happen in the event that we need to extend the order again, we would have time to do it at the meeting on April 13<sup>th</sup>. Alvarez stated that a draft has been provided to the Commission that extends the declaration of disaster which was implemented last week. She stated that the draft before the Commission contains a revision from the GA-14 with regards to Worship Services.

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

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

No public comments made via conference call or through livestream or received via email.

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

**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).**

**Motion made by Commissioner Leubert to approve the 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, seconded by Commissioner Lopez and Commissioner Pecos.**

Mayor Fugate asked if the City is to spend any money and with it being a disaster, a declaration would need to be put in place for FEMA purposes.

Mrs. Alvarez responded that the city has the original order that was done on the 17<sup>th</sup> and modified on the 18<sup>th</sup>, which was the one that kicked off the city 's emergency management plan, so it would be the one that would cover any of the expenditures. She further stated that, that one is still in place and not modified by this one. This one acknowledges that the other one is in place and the other order is still good up until the time the Commission rescinds it or amend it, so this one would be a secondary one.

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

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 12:10 P.M.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**

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

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**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Uche Echeozo, Director  
**DATE:** April 6, 2020  
**SUBJECT:** Request for alcohol variance for a Wine and Beer Retailer's Off-Premise License (BQ) for the establishment known as Vasquez Food Mart Located at 1230 E Santa Gertrudis Street, Kingsville TX 78363

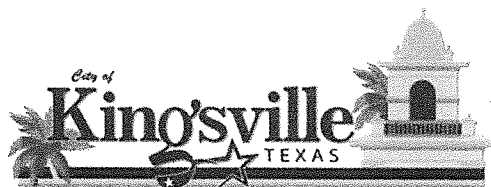
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**Summary:** The property owner, through the agent – All Star License Service, is requesting this variance for a convenience store with gas, Vasquez Food Mart, situate at 1230 Santa Gertrudis Street, Kingsville TX 78363.

**Background:** The said property falls within the 300-foot boundary of a school known as John S. Gillet Intermediate School and therefore, would require a variance according to City Ordinance, sections 11-3-4. Notices have been sent to property owners within the 300-foot radius boundary and a notice published in the local newspaper with respect to the public hearing to be held on Monday, April 13, 2020 in the City Hall. The Planning Department received no citizen feedback.

**Financial Impact:** None. The establishment is replacing Sunny Mini Mart which is similar in nature.

**Recommendation:** Approve the alcohol variance as requested.



**CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION**

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 1230 E Santa Gertrudis Street Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: \_\_\_\_\_

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent All Star License Service Phone 713-644-2120 FAX \_\_\_\_\_

Email Address (for project correspondence only): allstars@icloud.com

Mailing Address 10101 Southwest Freeway, Ste. 307 City Houston State TX Zip 77074

Property Owner Carmen Salinas Phone 361-207-1620 FAX \_\_\_\_\_

Email Address (for project correspondence only): granny.15@icloud.com

Mailing Address 402 S Seguin St. City San Diego State TX Zip 78384

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request _____	No Fee	<input type="checkbox"/> Preliminary Plat _____	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____	\$250.00	<input type="checkbox"/> Final Plat _____	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____	\$250.00	<input type="checkbox"/> Minor Plat _____	\$100.00
<input type="checkbox"/> Re-zoning Request _____	\$250.00	<input type="checkbox"/> Re-plat _____	\$250.00
<input type="checkbox"/> SUP Request/Renewal _____	\$250.00	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250.00	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PUD Request _____	\$250.00	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

Please provide a basic description of the proposed project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature  Date: 03/05/2020

Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



**TEXAS ALCOHOLIC BEVERAGE COMMISSION**

*Texas Helping Businesses & Protecting Communities*

**OFF-PREMISE PREQUALIFICATION PACKET**

L-OFF (12/2019)

**Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13**  
 All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. [www.tabc.texas.gov/laws/code\\_and\\_rules.asp](http://www.tabc.texas.gov/laws/code_and_rules.asp)

**LOCATION INFORMATION**

1. Application for:  Original  
 Reinstatement  Reinstatement and Change of Trade Name License/Permit Number \_\_\_\_\_  
 Change of Location  Change of Location and Trade Name License/Permit Number \_\_\_\_\_

2. Type of Off-Premise License/Permit  
 BQ Wine and Beer Retailer's Off-Premise Permit  LP Local Distributor's Permit  
 BF Beer Retail Dealer's Off-Premise License  E Local Cartage Permit  
 P Package Store Permit  ET Local Cartage Transfer Permit  
 Q Wine Only Package Store Permit  PS Package Store Tasting Permit

3. Indicate Primary Business at this Location  
 Grocery/Market  Convenience Store without Gas  
 Liquor Store  Miscellaneous \_\_\_\_\_  
 Convenience Store with Gas

4. Trade Name of Location (Name of store, business, etc.)  
 Vasquez Food Mart

5. Location Address  
 1230 E Santa Gertrudis Street

City Kingsville	County Kleberg	State TX	Zip Code 78363
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6. Mailing Address 402 S Seguin St.	City San Diego	State TX	Zip Code 78384
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7. Business Phone No. \_\_\_\_\_ Alternate Phone No. 361/207-1620 E-mail Address granny.15@icloud.com

**OWNER INFORMATION**

8. Type of Owner  
 Individual  Corporation  City/County/University  
 Partnership  Limited Liability Company  Other \_\_\_\_\_  
 Limited Partnership  Joint Venture  
 Limited Liability Partnership  Trust

9. Owner of Business /Applicant (Name of Corporation, LLC, etc.)  
 Vasquez Inc.

**PRIMARY CONTACT PERSON**

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your permit/license.

10. Contact Person: All Star License Service Relation to Business: licensing agent  
 Phone (mandatory): 713/644-2120 Email (mandatory): allstarls@icloud.com

**TABC DATESTAMP**





CITY OF  
**KINGSVILLE**  
MEMORANDUM

Date	Thursday, March 5, 2020
To	Mary Valenzuela, City Secretary
From	Engineering Department
Subject	Alcohol License for 1230 E Santa Gertrudis (Vasquez Food Mart)

Thursday, March 5, 2020

Mary Valenzuela, City Secretary

Engineering Department

Alcohol License for 1230 E Santa Gertrudis (Vasquez Food Mart)

Mrs. Valenzuela,

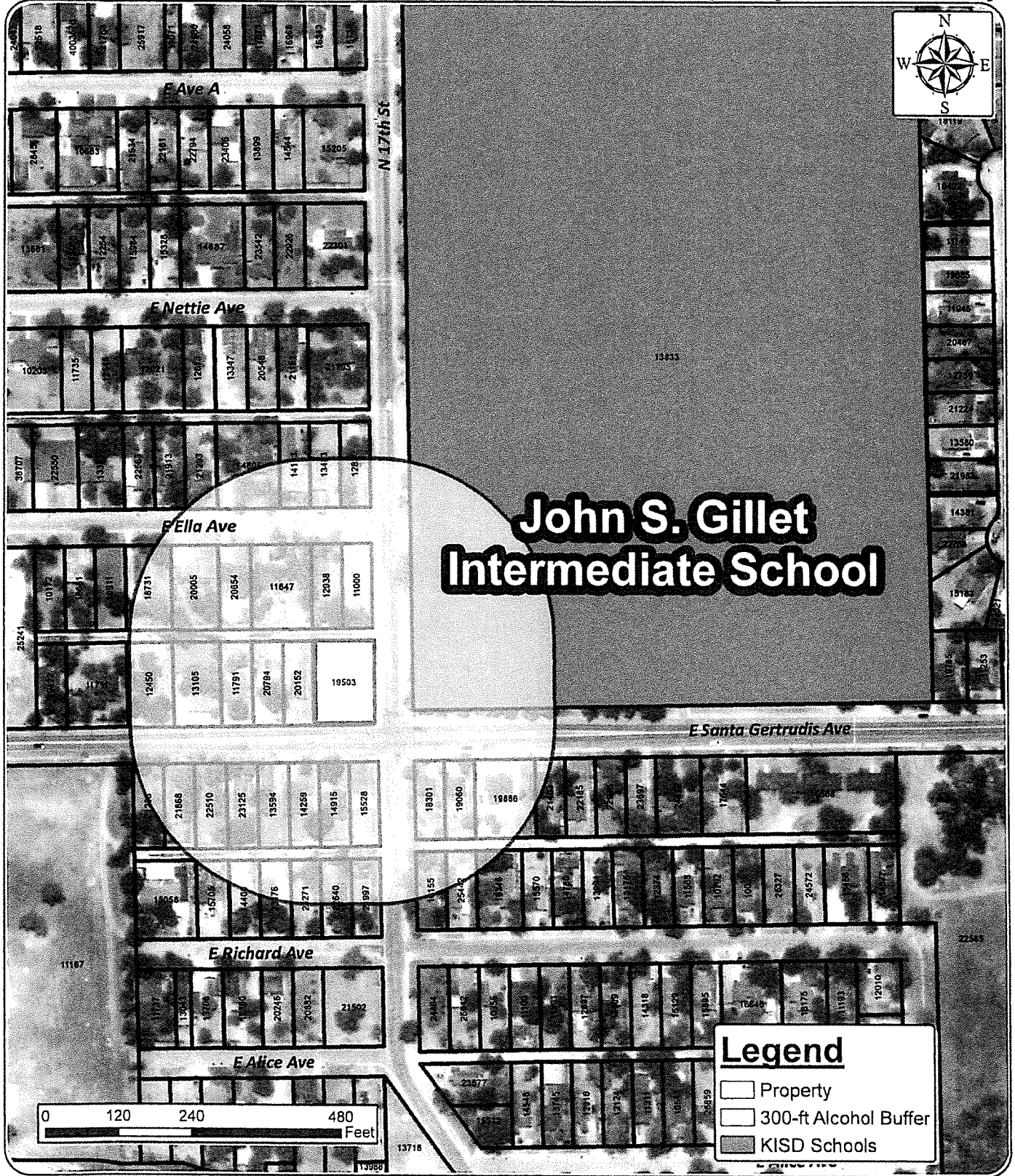
After performing the research and physical inspection you requested for the property at **1230 E Santa Gertrudis Ave.**, we have concluded that the property in question does fall within the 300ft boundary of **1 school**; therefore, it will require a variance according to City Ordinance sections 11-3-4. Notices must be sent to the property owners within the 300-foot boundary and a public hearing and publication in the local newspaper is required.

Thank You,


Engineering Department

**Attachment 1** shows the property and the relative location of **1 school**; suspected to be close to the property. **John S. Gillet Intermediate School** is within the 300-foot boundary. All properties within the 300-foot boundary are shown with their short Property ID by the Kleberg Appraisal District.

# Alcohol Permit - 1230 E Santa Gertrudis Street (Vasquez Food Mart)

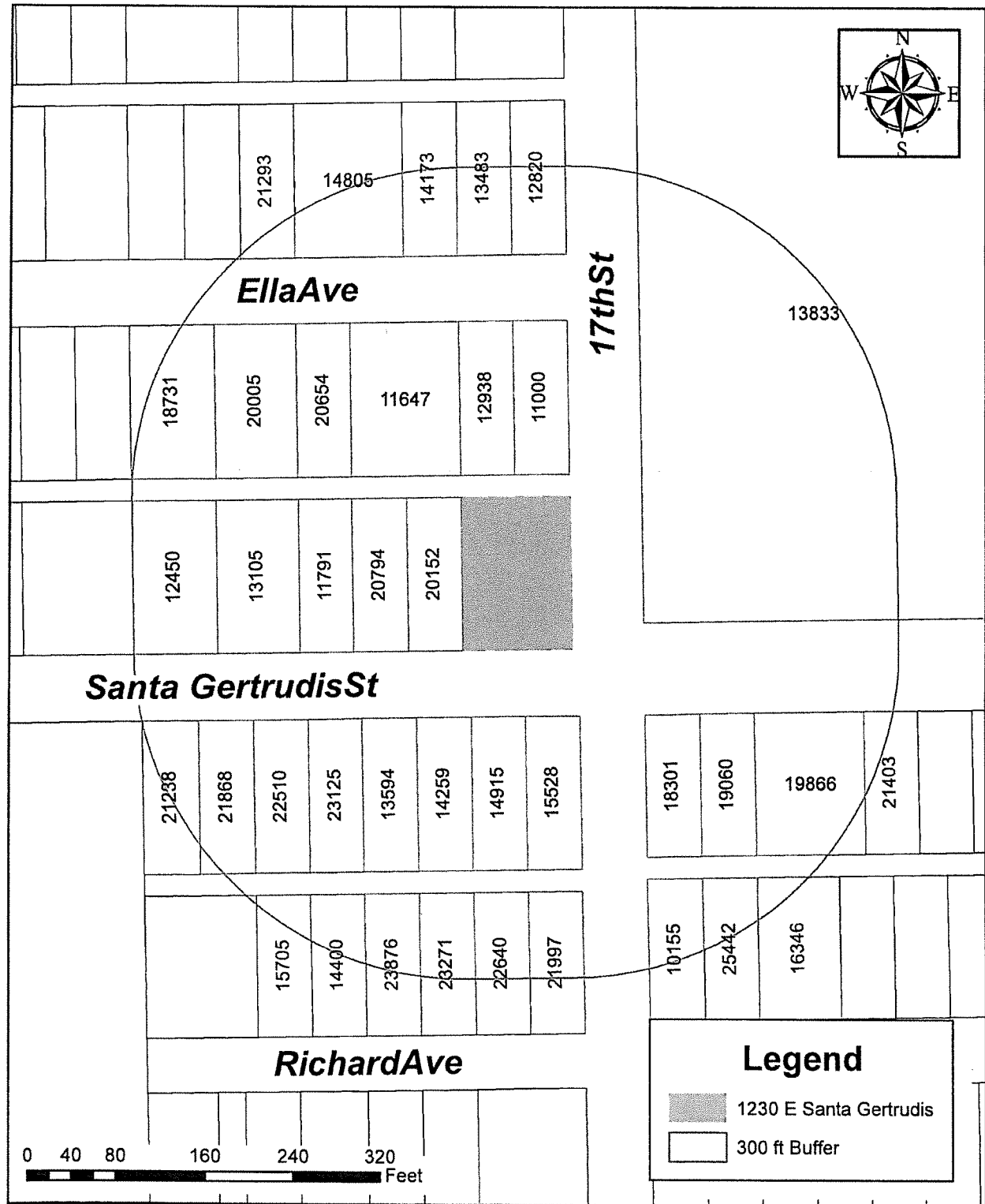


Document Path: L:\Joseph Coulat\Alcohol Permits\Alcohol Permit Base Map.mxd


Page 1 / 1	Drawn By: Engineering Dept.	CITY OF  <b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave Kingsville, Texas 78363 Office: (361) 595-8007 Fax: (361) 595-8064
	Last Update: 3/5/2020	
	Note: Please see attached documents.	

DISCLAIMER  
 THIS MAP IS FOR VISUAL PURPOSES ONLY.  
 THE INFORMATION ON THIS SHEET MAY  
 CONTAIN INACCURACIES OR ERRORS.  
 THE CITY OF KINGSVILLE IS NOT  
 RESPONSIBLE IF THE INFORMATION CONTAINED  
 HEREIN IS USED FOR ANY DESIGN,  
 CONSTRUCTION, PLANNING, BUILDING,  
 OR ANY OTHER PURPOSE.

# 300 ft Buffer Map of 1230 E Santa Gertrudis



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Page 1/1	Drawn By: Planning Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <b>CITY OF KINGSVILLE</b> PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 3/19/2020		
	Note:		

MELCHOR B HAWKINGS  
5399 COUNTY ROAD 440  
ALICE, TX 78332-7446  
#21293

ABEL L GARCIA  
106 S PATORIA AVE  
SUNNYVALE, CA 94086-5922  
#13483

GREGORIA V GONZALEZ JR EST  
ETUX JUANITA  
1235 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#20005

RITA GARCIA OLIVAREZ  
15719 WALNUT TRAIL DR  
SAN ANTONIO, TX 78247  
#12938,11000

MIGUEL RAMIREZ  
ETUX BERENICE  
PO BOX 5060  
KINGSVILLE, TX 78364-5060  
#20794

RAMON VILLANUEVA RAMIREZ  
ANA LEMUZ DE RAMIREZ  
1205 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#21868

RAMON ESPINOZA JR EST  
1225 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#13594

FRANK DELBOSQUE  
PO BOX 4133  
ALICE, TX 78333-4133  
#18301

ADELITA GUZMAN  
1319 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4803  
#21403

DAVID POLANCO  
1220 E RICHARD AVE  
KINGSVILLE, TX 78363  
#23876, 23271

REYMUNDO LOERA JR  
ETAL  
1242 E ELLA AVE  
KINGSVILLE, TX 78363-4047  
#14805

MANUEL H GONZALES  
& NORMA ELLA GONZALES  
256 E COUNTY ROAD 2150  
KINGSVILLE, TX 78363  
#12820

MARIO C FLORES  
ETUX RAQUEL  
1237 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#20654

ESEQUIEL DE LA PAZ  
ETUX IRMA P  
% MARGOT DE LA PAZ  
1218 E SANTA GERTRUDIS  
KINGSVILLE, TX 78363  
#12450, 13105

RAQUEL FLORES  
1237 E ELLA AVE  
KINGSVILLE, TX 78364  
#20152

RODOLFO GONZALES EST  
PO BOX 707  
KINGSVILLE, TX 78364-0707  
#22510

BETTY ANN REYES  
6219 PANTHER PEAK  
SAN ANTONIO, TX 78247-6212  
#14259

MONICA MARIE ALVAREZ  
7630 WOOD HOLLOW DR APT  
119  
AUSTIN, TX 78731-2203  
#19060

VICTOR AMARO  
1210 E RICHARD  
KINGSVILLE, TX 78363  
#15705

GUADALUPE N PENA  
1228 E RICHARD AVE  
KINGSVILLE, TX 78363-4755  
#22640

GEORGE ADAME  
PO BOX 444  
KINGSVILLE, TX 78364-0444  
#14173

ELIZA A GUERRA  
ETVIR JOSE G EST  
1225 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#18731

DELFINA BAZAN (LIFE EST)  
ELIZABETH BAZAN HARRIS  
1245 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#11647

JOSE R GUERRA EST  
ETUX LEANDRA G  
1220 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4704  
#11791

FIDEL ALVAREZ (LIFE EST)  
SYLVIA IRENE ALVAREZ  
1217 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#21238

OSCAR C QUINTANILLA EST  
ETUX ERNESTINA QUINTANILLA  
1221 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#23125

RUBEN RAMOS JR  
ETAL  
1229 E SANTA GERTRUDIS  
KINGSVILLE, TX 78363  
#14915, 15528

MANUEL JOSE RAMIREZ  
ETUX DALILA  
1222 E SANTA GERTRUDIS  
KINGSVILLE, TX 78363  
#19866

CAPRO INVESTMENTS LLC  
4639 CORONA DR, STE 100  
CORPUS CHRISTI, TX 78411-  
5401  
#14400

CYNTHIA FLORES  
1230 E RICHARD  
KINGSVILLE, TX 78363  
#21997

JOSE G FERNANDEZ  
17702 ARBOR CREEK DR  
KATY, TX 77449  
#10155

KAREN DONNA BUSTOS  
1304 E RICHARD  
KINGSVILLE, TX 78363  
#25442

FLORENCIO CISNEROS  
ETUX FLAVIA F EST (LIFE EST)  
ESTER ELDA CISNEROS  
PO BOX 1321  
KINGSVILLE, TX 78364-1321  
#16346

# SGISD students qualify for state science fair

ANTHONY RUIZ  
REPORTER

The Santa Gertrudis Independent School District had a strong presence at the 2020 Coastal Bend Regional Science Fair held in Corpus Christi in February, with several students advancing to the state science fair that will be held later this month.

The Adorno Energy Foundation and Texas A&M University-Corpus Christi Coastal Bend Regional Science Fair is held annually at the TAMU-C University Center in Corpus Christi.

Students who place in the top three in their respective categories in the senior division, which covers grades 6-12, advance to the Texas State Science and Engineering Fair that was scheduled to take place in College Station on March 27-28.

That has since changed due to concerns over the novel coronavirus, and will be conducted online instead.

According to the FUSE website, the move was designed to allow the competition to move forward without requiring roughly 1,200 participants and their families to travel to Texas A&M University-Corpus Station.

Participants have received instructions on how to upload a PDF



## Science fair

SGISD students advanced to the Texas State Science and Engineering Fair that will be held at the end of March. Pictured with members of the SGISD school board are Kathryn McKinney, Owen Bryant, Cassidy West, Maddie Murphy, Jackson Munn, Penelope Lozano, Margerie West and Joaquin Haves Garcia. Not pictured are Wyatt Thomas and Pritham Kumar. (Staff photo by Anthony Ruiz)

of their final, state-approved abstract and additional forms, as well as a high-resolution photo of their presentation board for judges to review and evaluate.

They will also have to complete a questionnaire, according to the website. This must all be done by March 27.

Santa Gertrudis ISD had 10 students place

in the top three in their respective categories in the senior division to advance to state competition.

Owen Bryant received second place in 6-8 grade Animal Sciences with "Raised in a Barn Which Show Barn Has the Most Fougus."

Cassidy West received first place in 6-8 grade Behavioral and Social Sciences with "Does Distraction Affect Reaction?" Penelope Lozano received second place in 6-8 grade Behavioral and Social Sciences with "The Stoop Life."

Margerie West received third place in 6-8 grade Behavioral and Social Sciences with "Multi-colored Memory."

Maddie Murphy received second place in 6-8 grade Biomedical Engineering with "Pro-

cedure 101."

Wyatt Thomas received third place in 6-8 grade Earth and Environmental Sciences with "Bottle."

Kathryn McKinney received first place in 6-8 grade Microbiology with "The Water We Drink."

Jackson Munn received third place in 6-8 grade Plant Sciences with "Grow Well."

Pritham Kumar received first place in Computational Biology and Informatics with a project where she is developing a metabolomics-based microchip to detect early onset, progression and development of Alzheimer's Disease, and

Joaquin Haves Garcia received first place with a project to implement an alert system for trains at road crossings.

In addition, Kumar received the Valero Plat-

inum Sponsor Award. McKinney was nominated for the Broadcom MASTERS national competition and Haves Garcia was selected for the Regemson International Science and Engineering Fair (ISEF) that will be held in Anaheim, Calif. in mid-May.

Santa Gertrudis ISD also had several elementary students place in the top three in the junior division at the regional science fair.

Emmeagan Lucas received first place in second grade Life and Health Sciences with "Don't Forget to Eat."

Nicha Srinivas received second place in second grade Life and Health Sciences with "Vitamins C."

Rubon James Cantu received first place in fourth grade Life and

Health Sciences with "Can You Highlight Your Memory?"

Sudham Kumar received second place in fourth grade Physical Science with "A Solution to Plastic Pollution," and

Ava Vaziri received third place in fifth grade Life and Health Science with "How Fat is Your Sleep?"

SGISD Superintendent Veronica Altano recognized the district's science fair students during the school board's Feb. 25 meeting. Altano said the science fair is "a passion of mine."

"I truly believe that the science fair teaches students in a different way," she said. "It's able to ignite a passion within them, and pursue that passion wherever it is, because we all know that science is everywhere."

Ricardo ISD was represented at the regional science fair as well, with two students placing in the top three at the elementary level.

Dallas Everett received third place in kindergarten Physical Sciences with "Dirty Air," and Hinsley Terrell received second place in Second Grade Physical Science with "Don't Crack the Egg."

In addition, Ashlyn Terrell received First Grade Most Creative with "Young and Rose" where she listed how to keep rose petals from aging.

Harvey Elementary student James Lovelady, representing Kingsville ISD, received third place in Kindergarten Life and Health Sciences with "Don't Forget to Eat."

Nicha Srinivas received second place in second grade Life and Health Sciences with "Vitamins C."

Rubon James Cantu received first place in fourth grade Life and

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**James R. Kirkpatrick, CLU**

**KIRKPATRICK & ASSOCIATES**

**PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, April 13, 2020 at 5:00 P.M. to discuss and/or take action on the following item:

**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit (BQ) for the establishment known as Vasquez Food Mart at 1230 E Santa Gertrudis St., Kingsville, Texas.**

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 592-8955.

## NewWave announces COVID-19 measures

STAFF REPORT  
THE KINGSVILLE RECORD

NewWave Communications announced in a news release Monday that the company is opening WiFi hotspots for public use as concerns continue to grow over the novel coronavirus.

The move is meant to assist individuals and communities in keeping connected to online resources during the release states. In Kingsville,

the hotspot can be accessed in the NewWave local office parking lot located at 1629 Brahma Blvd.

In addition, the company announced that as of March 17, it has made unlimited data available on all Internet services for 30 days, and is offering payment deferrals and waiving late fees for its customers for 60 days.

The company plans to reassess after 30 days, the release states, "based on the continued impact

and evolving nature of the virus."

"We understand that our customers rely on their Internet service to stay connected to family, work, school and information, and we are committed to ensuring they receive the assistance they need during this time," Julie Lantz, NewWave Communications President and CEO, said in the news release.

For more information, customers can call 844.756.5278.

## KISD, CONTINUED FROM 6A

and key staff met at the central office to discuss the district's plans moving forward. In the afternoon, however, a rumor that one or more of the faculty members had traveled

out of the country had altered the meeting began circulating in town.

In an interview Tuesday morning, KISD Interim Superintendent Kamara Adams denied the rumor, saying that while the faculty members were a part of a conference call during the meeting, they did not attend in person.

"Nobody that was talked about in Friday's board meeting was in that meeting," she said. "Nobody in that meeting was even on an airplane."

Adams said she did send some of the administration and staff who were present home. However, out of "an abundance of caution," as they had traveled out of the district,

or states with confirmed COVID-19 cases or were in confined spaces with a large number of people.

"Anybody who left Kingsville to San Antonio, Houston, the Rio Grande Valley, any place like that," she said. "I've asked them not to come to work."

"I just want to make sure and other people's fears that anybody that might have left Kingsville aren't coming in to Kingsville ISD buildings and mingling around others," she added.

Adams said for district staff under self-quarantine, she is monitoring each individual on a case-by-case basis to determine when they can return to

return to their respective campuses.

She also said all KISD campuses had been locked down starting Wednesday to visitors, faculty or otherwise, to allow cleaning and disinfecting inside all school buildings.

"We're not allowing anyone to come into our buildings," she said.

As of Tuesday, Adams said the district is continuing to monitor local, state and federal guidance to determine if Kingsville ISD will be resuming classes next week.

"The information is changing quickly," she said. "We're monitoring things very, very closely and trying to be prepared for whatever comes next."

# **CONSENT AGENDA**

# **AGENDA ITEM #1**



**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 27, 2020

SUBJECT: Chapter 59 Donation to Boy Scouts of America for Drug Prevention Programs

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**Summary:**

The police department is requesting to make a monetary donation for “Drug Prevention Programs.”

**Background:**

The Texas Code of Criminal Procedure, Article 59.06 (h) allows for Chapter 59 funds to be used for nonprofit programs for the prevention of drug abuse. The Boy Scouts of America Venado District provides drug abuse prevention programs through the Learning for Life character development program in the public schools of Kleberg and Kenedy Counties.

**Financial Impact:**

This \$5,000.00 donations made to worthy organizations that assist the young people and children in our community by providing drug prevention programs.

Total Expenditures for this donation would be \$5,000.00

**Recommendation:**

We request approval of the monetary donation from fund 005.





**BOY SCOUTS OF AMERICA**  
SOUTH TEXAS COUNCIL

March 10, 2020

Mr. Mark McLaughlin  
City Manager  
City of Kingsville  
P. O. Box 1458  
Kingsville, Texas 78364

Mr. Ricardo Torres  
Chief of Police  
Kingsville Police Department  
P. O. Box 1458  
Kingsville, Texas 78364

Re: Drug Abuse Prevention Programs of Boy Scouts of America/Chap.59

Gentlemen,

Thank you so much for your past contributions to the Friends of Scouting campaign. The continued generosity from the City of Kingsville and the Chapter 59 Forfeiture Grant to the 2019 Friends of Scouting Campaign allowed our district to flourish. Part of the Boy Scouts of America’s mission is to teach youth positive character traits, leadership, responsibility, and the skills necessary to make ethical and moral choices. This mission is accomplished through the countless lessons taught in traditional Scouting programs; such as Cub Scouts and Scouts BSA.

Below are the traditional and Learning for Life program numbers which are encompassed in 7 Cub Scout packs, 5 Scout Troops and 1 Explorer post.

In 2019, the Venado District recorded:

Type	2018	2019
Cub Scout Packs:	7	7
Cub Scouts:	191	224
Scouts BSA Troops:	4	5
Scouts:	65	70
Explorer Posts:	1	1
Explorers:	9	13
Total Units:	12	13
Total Youth:	265	307

The volunteers of the Boy Scouts of America, South Texas Council provide these programs in partnership with local Police and Border Patrol Agency’s at weekly Scout Unit and Explorer Post meetings and outdoor activities, including Cub Scout Day Camp, Cub Adventure Weekends, Javelina Tailgate Campout, Scout Summer and Winter Camps held throughout the year. Scouts who attend these events fulfill requirements for rank advancement and merit badges such as Crime Prevention and Fingerprinting. As a requirement for advancement in Scouting programs, the drug abuse prevention and awareness message is instilled at each rank/level for Cub and Scouts BSA.





BOY SCOUTS OF AMERICA<sup>®</sup>  
SOUTH TEXAS COUNCIL

For Explorers, that message plays a pivotal role in the Character Education lessons in which each youth is taught to help them make better ethical and moral choices.

The Venado district and South Texas Council underwrites each one of our Scouts approximately \$400 per year to provide services of advancement, registration, camp maintenance, leader training, recruiting, etc. These funds help support all the youth in the scouting program within Kleberg and Kennedy County which is made up of 12 traditional units to grow and become productive members of the community. Along with our traditional units we also have an Explorer Post with the United States Border Patrol which currently services 13 young adults in the area. The age in which youth can be a part of this program is middle school, and they are taught how an officer in the field prepares for and implements their training to give them the best opportunity to succeed. In order to continue providing a Drug Abuse Prevention Program for the youth in our community, we are requesting your consideration of an annual contribution of \$5,000, which would greatly assist our efforts.

Thank you for your consideration.

Yours in Scouting,

Martin Sepulveda  
Scout Executive



RESOLUTION NO. 2020-\_\_\_\_\_

**A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE POLICE DEPARTMENT FOR DONATION TO THE BOY SCOUTS OF AMERICA VENADO DISTRICT.**

**WHEREAS**, the Texas Code of Criminal Procedure, Article 59.06(h) allows for the release of Chapter 59 funds for nonprofit programs for the prevention of drug abuse;

**WHEREAS**, the Boy Scouts of America Venado District is a non-profit organization that provides drug abuse prevention programs through (1) the Learning for Life character development program in the public schools of Kleberg and Kenedy counties, and (2) the advancement requirements for both Cub Scouts and Boy Scouts, which serves approximately 307 youths locally;

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission authorizes the Kingsville Police Department to assist with a \$5,000 donation to the Boy Scouts of America Venado District, to help educate young people about living a drug-free and alcohol-free lifestyle. Boy Scouts of America Venado District will submit quarterly charitable contribution reporting forms to the Kingsville Police Department.

II.

**THAT** local elected representatives shall be encouraged to promote, endorse, and support the Boy Scouts of America Venado District in their efforts for the benefit of the community through drug abuse prevention programs.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 13th 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 #2**

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

**A RESOLUTION ORDERING THE EXTENSION OF THE LOCAL STATE OF DISASTER AND THE ORDER TO STAY HOME/WORK SAFE UNTIL APRIL 30, 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 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 Commissioner of the Texas Department of State Health Services (SDHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code;

**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 was to expire on April 4, 2020 at 11:59 p.m. but was amended and extended by the City Commission on April 2, 2020 via Resolution #2020-29 to expire on April 13, 2020 at 11:59 p.m. and that resolution now needs to be further extended by the City Commission; and

**WHEREAS**, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020 as the spread of COVID-19 can be reduced by minimizing social gatherings;

**WHEREAS**, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14, a copy of which is attached hereto, that extends his prior social distancing order (GA-08) through April 30, 2020 and closes all Texas schools through May 4, 2020, and those dates may be extended;

**WHEREAS**, it was recently learned that up to 25% of COVID-19 carriers can be asymptomatic for days thereby unknowingly exposing others to the virus;

**WHEREAS**, on about April 4, 2020 the COVID-19 Task Force and CDC recommended that all individuals going out in public wear a protective face mask to the greatest extent possible in an effort to slow the spread of this virus;

**WHEREAS**, I, Sam R. Fugate, the Mayor of the City of Kingsville and the Kingsville 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 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 which was extended by the City Commission on April 2, 2020 until 11:59 p.m. on April 13, 2020 is now ordered extended and shall continue until 11:59 p.m. on April 30, 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 13, 2020 through 11:59 p.m. on April 30, 2020.

**DECLARED AND ORDERED** this the 13th day of April, 2020.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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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 30, 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.** Consistent with the GA-14 (pages 2-3), religious and worship services should be provided through remote telework/services from home unless they cannot be provided through remote telework/services, then they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19. Current Guidelines limit in-person presence to 10 persons or less in the same room and all individuals must follow the Social Distancing Guidelines of no less than 6 feet apart, both of which are subject to change by CDC.
  - 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 each day, 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, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

12. Subject to Kingsville City Commission approval, this Declaration shall be effective until 11:59 p.m. on April 30, 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.*

# **AGENDA ITEM #3**

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

**A RESOLUTION EXTENDING THE DECLARATION OF LOCAL STATE OF DISASTER AND ORDER LIMITING THE NUMBER OF PERSONS FROM ONE FAMILY IN AN EXEMPTED BUSINESS AT ONE TIME UNTIL APRIL 30, 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, sneezes, or breaths 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 Commissioner of the Texas Department of State Health Services (SDHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code;

**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 was extended until April 13, 2020 at 11:59 p.m. by the City Commission via Resolution #2020-29 on April 2, 2020; and

**WHEREAS**, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020 as the spread of COVID-19 can be reduced by minimizing social gatherings;

**WHEREAS**, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14 that extends his prior social distancing order (GA-08) through April 30, 2020 and closes all Texas schools through May 4, 2020, and those dates may be extended;

**WHEREAS**, it was recently learned that up to 25% of COVID-19 carriers can be asymptomatic for days thereby unknowingly exposing others to the virus;

**WHEREAS**, on about April 4, 2020 the COVID-19 Task Force and CDC have recommended that all individuals going out in public wear a protective face mask to the greatest extend possible in an effort to slow the spread of this virus;

**WHEREAS**, on April 6, 2020 the Mayor of the City of Kingsville in an effort to reduce the spread of the virus ordered that starting at 11:59 p.m. on April 6, 2020 through 11:59 p.m. on April 13, 2020 (subject to extension, modification, or termination of the City Commission) that to the greatest extend possible only one family member should enter an exempted business at a time and the City Commission believes that order needs to be extended;

**WHEREAS**, the Kingsville City Commission has 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 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 Resolution #2020-29, which is effective until 11:59 p.m. on April 13, 2020, unless terminated, suspended, rescinded or amended by separate order of the City Commission of the City of Kingsville.

**Section 3.** That a state of disaster has created a need to limit the number of family members in an exempted business to one member per family at a time, to the greatest extent possible, and ordered and declared by the Mayor on April 6, 2020 due to the public health emergency created by COVID-19 which order shall continue until 11:59 p.m. on April 30, 2020, unless terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

**Section 4.** 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.

**Section 5.** A violation of this Order 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 each day, 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, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

**Section 6.** 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 7.** As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

**Section 8.** 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.

**Section 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.

This proclamation shall take effect at 11:59 p.m. on April 6, 2020 through 11:59 p.m. on April 13, 2020.

**DECLARED AND ORDERED** this the 13th day of April, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**

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

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**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Uche Echeozo, Director  
**DATE:** April 6, 2020  
**SUBJECT:** Request for alcohol variance for a Wine and Beer Retailer's Off-Premise License (BQ) for the establishment known as Vasquez Food Mart Located at 1230 E Santa Gertrudis Street, Kingsville TX 78363

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**Summary:** The property owner, through the agent – All Star License Service, is requesting this variance for a convenience store with gas, Vasquez Food Mart, situate at 1230 Santa Gertrudis Street, Kingsville TX 78363.

**Background:** The said property falls within the 300-foot boundary of a school known as John S. Gillet Intermediate School and therefore, would require a variance according to City Ordinance, sections 11-3-4. Notices have been sent to property owners within the 300-foot radius boundary and a notice published in the local newspaper with respect to the public hearing to be held on Monday, April 13, 2020 in the City Hall. The Planning Department received no citizen feedback.

**Financial Impact:** None. The establishment is replacing Sunny Mini Mart which is similar in nature.

**Recommendation:** Approve the alcohol variance as requested.





**CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION**

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 1230 E Santa Gertrudis Street Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: \_\_\_\_\_

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent All Star License Service Phone 713-644-2120 FAX \_\_\_\_\_

Email Address (for project correspondence only): allstarls@icloud.com

Mailing Address 10101 Southwest Freeway, Ste. 307 City Houston State TX Zip 77074

Property Owner Carmen Salinas Phone 361-207-1620 FAX \_\_\_\_\_

Email Address (for project correspondence only): granny.15@icloud.com

Mailing Address 402 S Seguin St. City San Diego State TX Zip 78384

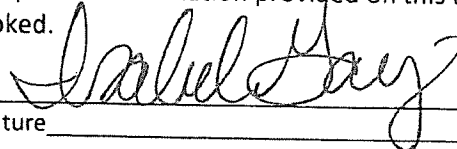
Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request _____ No Fee	<input type="checkbox"/> Preliminary Plat _____ Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____ \$250.00	<input type="checkbox"/> Final Plat _____ Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____ \$250.00	<input type="checkbox"/> Minor Plat _____ \$100.00
<input type="checkbox"/> Re-zoning Request _____ \$250.00	<input type="checkbox"/> Re-plat _____ \$250.00
<input type="checkbox"/> SUP Request/Renewal _____ \$250.00	<input type="checkbox"/> Vacating Plat _____ \$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____ \$250.00	<input type="checkbox"/> Development Plat _____ \$100.00
<input type="checkbox"/> PUD Request _____ \$250.00	<input type="checkbox"/> Subdivision Variance Request _____ \$25.00 ea

Please provide a basic description of the proposed project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature  Date: 03/05/2020  
 Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



**TEXAS ALCOHOLIC BEVERAGE COMMISSION**

*Texas Helping Businesses & Protecting Communities*

**OFF-PREMISE PREQUALIFICATION PACKET**

L-OFF (12/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13  
 All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. [www.tabc.texas.gov/laws/code\\_and\\_rules.asp](http://www.tabc.texas.gov/laws/code_and_rules.asp)

**LOCATION INFORMATION**

1. Application for:  Original  
 Reinstatement  Reinstatement and Change of Trade Name License/Permit Number \_\_\_\_\_  
 Change of Location  Change of Location and Trade Name License/Permit Number \_\_\_\_\_

2. Type of Off-Premise License/Permit  
 BQ Wine and Beer Retailer's Off-Premise Permit  LP Local Distributor's Permit  
 BF Beer Retail Dealer's Off-Premise License  E Local Cartage Permit  
 P Package Store Permit  ET Local Cartage Transfer Permit  
 Q Wine Only Package Store Permit  PS Package Store Tasting Permit

3. Indicate Primary Business at this Location  
 Grocery/Market  Convenience Store without Gas  
 Liquor Store  Miscellaneous \_\_\_\_\_  
 Convenience Store with Gas

4. Trade Name of Location (Name of store, business, etc.)  
 Vasquez Food Mart

5. Location Address  
 1230 E Santa Gertrudis Street

City Kingsville	County Kleberg	State TX	Zip Code 78363
6. Mailing Address 402 S Seguin St.	City San Diego	State TX	Zip Code 78384

7. Business Phone No. \_\_\_\_\_ Alternate Phone No. 361/207-1620 E-mail Address granny.15@icloud.com

**OWNER INFORMATION**

8. Type of Owner  
 Individual  Corporation  City/County/University  
 Partnership  Limited Liability Company  Other \_\_\_\_\_  
 Limited Partnership  Joint Venture  
 Limited Liability Partnership  Trust

9. Owner of Business /Applicant (Name of Corporation, LLC, etc.)  
 Vasquez Inc.

**PRIMARY CONTACT PERSON**

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your permit/license.

10. Contact Person: All Star License Service Relation to Business: licensing agent  
 Phone (mandatory): 713/644-2120 Email (mandatory): allstarls@icloud.com

**TABC DATESTAMP**



CITY OF  
**KINGSVILLE**  
MEMORANDUM

Date	Thursday, March 5, 2020
To	Mary Valenzuela, City Secretary
From	Engineering Department
Subject	Alcohol License for 1230 E Santa Gertrudis (Vasquez Food Mart)

Mrs. Valenzuela,

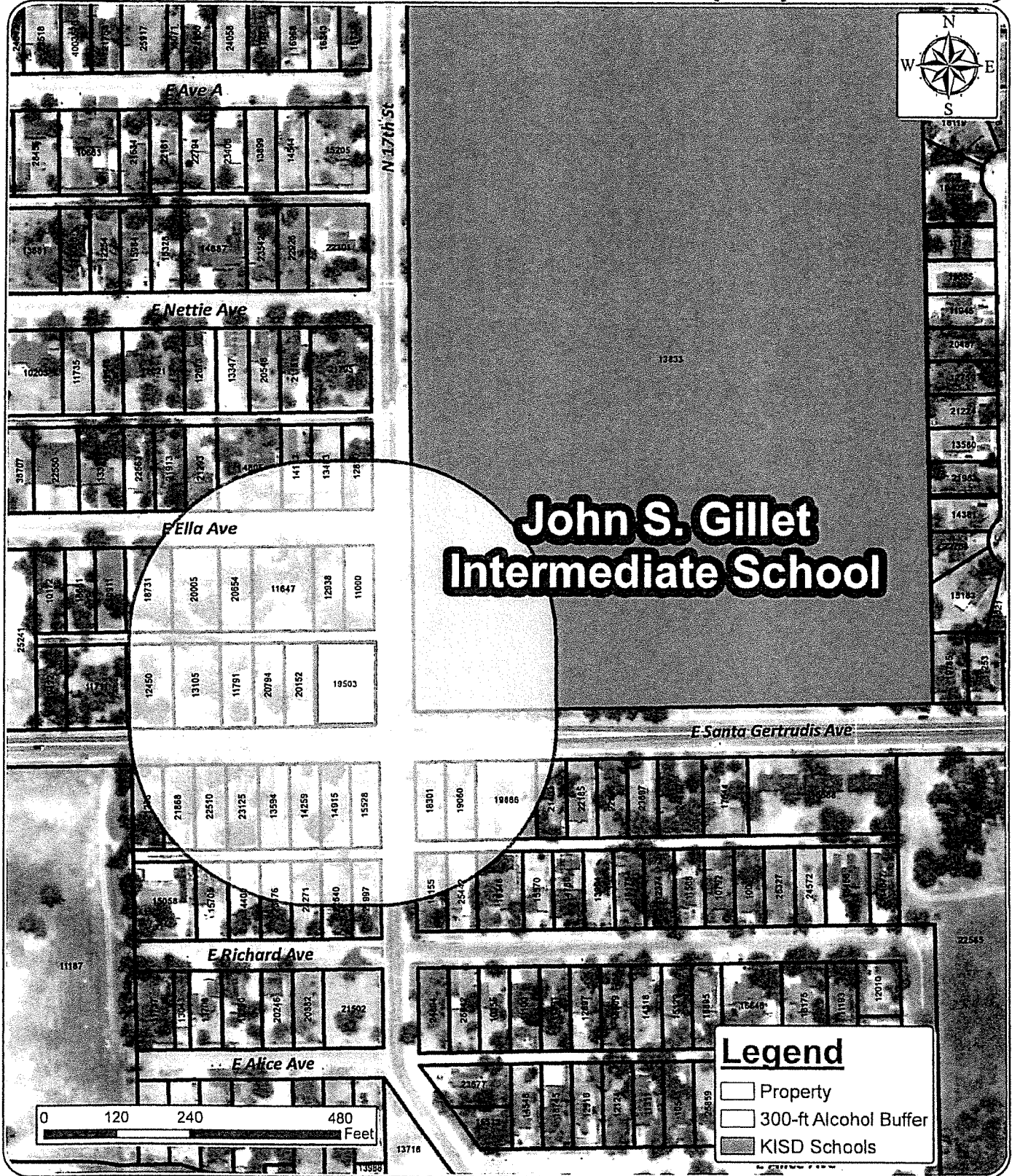
After performing the research and physical inspection you requested for the property at **1230 E Santa Gertrudis Ave.**, we have concluded that the property in question does fall within the 300ft boundary of **1 school**; therefore, it will require a variance according to City Ordinance sections 11-3-4. Notices must be sent to the property owners within the 300-foot boundary and a public hearing and publication in the local newspaper is required.

Thank You,


Engineering Department

**Attachment 1** shows the property and the relative location of **1 school**; suspected to be close to the property. **John S. Gillet Intermediate School** is within the 300-foot boundary. All properties within the 300-foot boundary are shown with their short Property ID by the Kleberg Appraisal District.

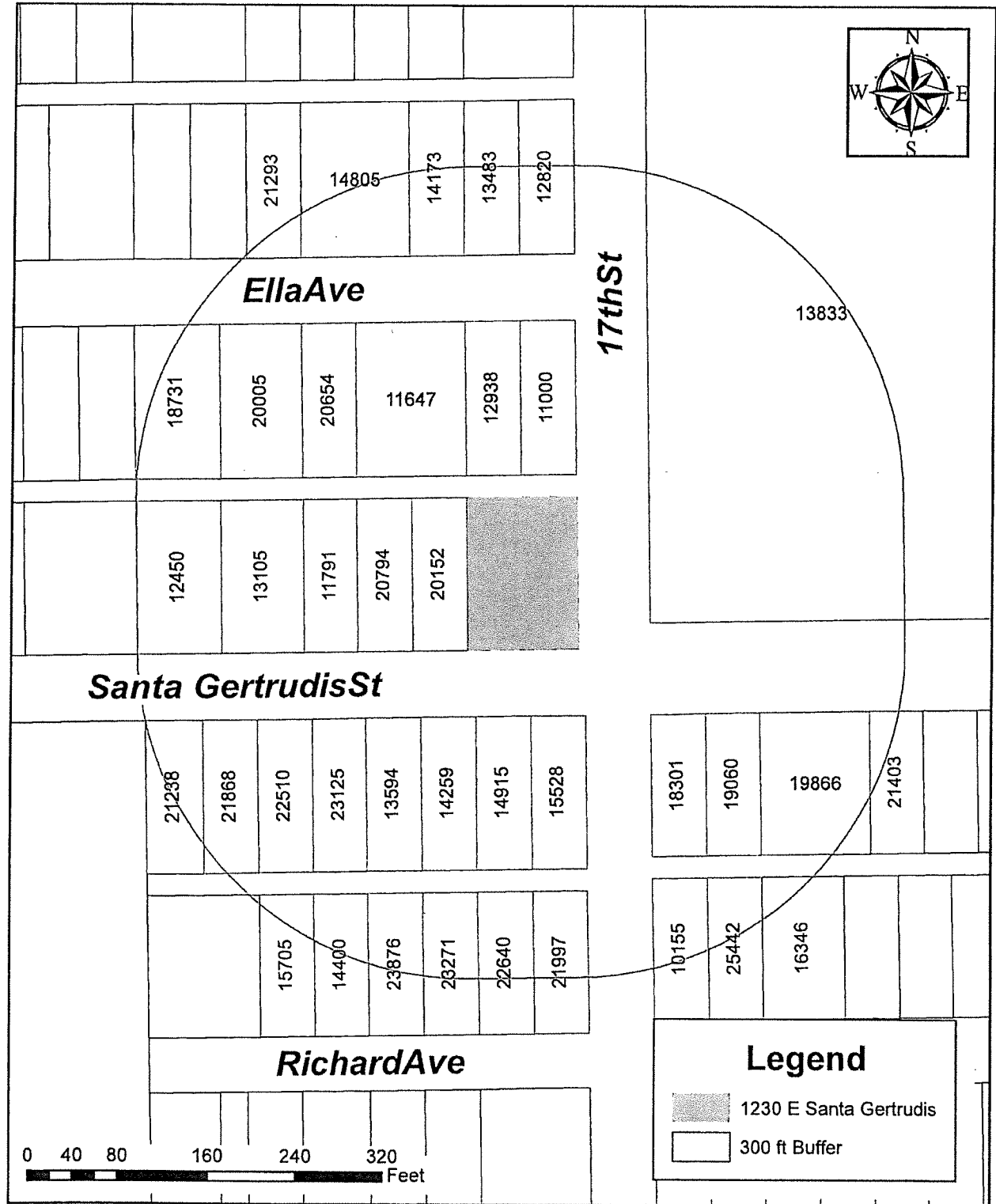
# Alcohol Permit - 1230 E Santa Gertrudis Street (Vasquez Food Mart)




Document Path: L:\Joseph Coufal\Alcohol Permits\Alcohol Permit Base Map.mxd

Page 1 / 1	Drawn By: Engineering Dept.	<b>DISCLAIMER</b> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave Kingsville, Texas 78363 Office: (361) 595-8007 Fax: (361) 595-8064
	Last Update: 3/5/2020		
	Note: Please see attached documents.		

# 300 ft Buffer Map of 1230 E Santa Gertrudis



Document Path: C:\Users\sresendez\Desktop\GISMaps\Buffer Map.mxd

1/1 e6ed	Drawn By: Planning Department	<b>DISCLAIMER</b> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b> 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 3/19/2020		
	Note:		

MELCHOR B HAWKINGS  
5399 COUNTY ROAD 440  
ALICE, TX 78332-7446  
#21293

ABEL L GARCIA  
106 S PATORIA AVE  
SUNNYVALE, CA 94086-5922  
#13483

GREGORIA V GONZALEZ JR EST  
ETUX JUANITA  
1235 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#20005

RITA GARCIA OLIVAREZ  
15719 WALNUT TRAIL DR  
SAN ANTONIO, TX 78247  
#12938,11000

MIGUEL RAMIREZ  
ETUX BERENICE  
PO BOX 5060  
KINGSVILLE, TX 78364-5060  
#20794

RAMON VILLANUEVA RAMIREZ  
ANA LEMUZ DE RAMIREZ  
1205 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#21868

RAMON ESPINOZA JR EST  
1225 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#13594

FRANK DELBOSQUE  
PO BOX 4133  
ALICE, TX 78333-4133  
#18301

ADELITA GUZMAN  
1319 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4803  
#21403

DAVID POLANCO  
1220 E RICHARD AVE  
KINGSVILLE, TX 78363  
#23876, 23271

REYMUNDO LOERA JR  
ETAL  
1242 E ELLA AVE  
KINGSVILLE, TX 78363-4047  
#14805

MANUEL H GONZALES  
& NORMA ELLA GONZALES  
256 E COUNTY ROAD 2150  
KINGSVILLE, TX 78363  
#12820

MARIO C FLORES  
ETUX RAQUEL  
1237 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#20654

ESEQUIEL DE LA PAZ  
ETUX IRMA P  
% MARGOT DE LA PAZ  
1218 E SANTA GERTRUDIS  
KINGSVILLE, TX 78363  
#12450, 13105

RAQUEL FLORES  
1237 E ELLA AVE  
KINGSVILLE, TX 78364  
#20152

RODOLFO GONZALES EST  
PO BOX 707  
KINGSVILLE, TX 78364-0707  
#22510

BETTY ANN REYES  
6219 PANTHER PEAK  
SAN ANTONIO, TX 78247-6212  
#14259

MONICA MARIE ALVAREZ  
7630 WOOD HOLLOW DR APT  
119  
AUSTIN, TX 78731-2203  
#19060

VICTOR AMARO  
1210 E RICHARD  
KINGSVILLE, TX 78363  
#15705

GUADALUPE N PENA  
1228 E RICHARD AVE  
KINGSVILLE, TX 78363-4755  
#22640

GEORGE ADAME  
PO BOX 444  
KINGSVILLE, TX 78364-0444  
#14173

ELIZA A GUERRA  
ETVIR JOSE G EST  
1225 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#18731

DELFINA BAZAN (LIFE EST)  
ELIZABETH BAZAN HARRIS  
1245 E ELLA AVE  
KINGSVILLE, TX 78363-4046  
#11647

JOSE R GUERRA EST  
ETUX LEANDRA G  
1220 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4704  
#11791

FIDEL ALVAREZ (LIFE EST)  
SYLVIA IRENE ALVAREZ  
1217 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#21238

OSCAR C QUINTANILLA EST  
ETUX ERNESTINA QUINTANILLA  
1221 E SANTA GERTRUDIS ST  
KINGSVILLE, TX 78363-4703  
#23125

RUBEN RAMOS JR  
ETAL  
1229 E SANTA GERTRUDIS  
KINGSVILLE, TX 78363  
#14915, 15528

MANUEL JOSE RAMIREZ  
ETUX DALILA  
1222 E SANTA GERTRUDIS  
KINGSVILLE, TX 78363  
#19866

CAPRO INVESTMENTS LLC  
4639 CORONA DR, STE 100  
CORPUS CHRISTI, TX 78411-  
5401  
#14400

CYNTHIA FLORES  
1230 E RICHARD  
KINGSVILLE, TX 78363  
#21997

JOSE G FERNANDEZ  
17702 ARBOR CREEK DR  
KATY, TX 77449  
#10155

KAREN DONNA BUSTOS  
1304 E RICHARD  
KINGSVILLE, TX 78363  
#25442

FLORENCIO CISNEROS  
ETUX FLAVIA F EST (LIFE EST)  
ESTER ELDA CISNEROS  
PO BOX 1321  
KINGSVILLE, TX 78364-1321  
#16346

# SGISD students qualify for state science fair

ANTHONY RUIZ  
REPORTER

The Santa Gertrudis Independent School District had a strong presence at the 2020 Coastal Bend Regional Science Fair held in Corpus Christi in February, with several students advancing to the state science fair that will be held later this month.

The Valero Energy Foundation and Texas A&M University-Corpus Christi Coastal Bend Regional Science Fair is held annually at the TAMU-C University Center in Corpus Christi.

Students who place in the top three in their respective categories in the senior division, which covers grades 9-12, advance to the Texas State Science and Engineering Fair that was scheduled to take place in College Station on March 27-28.

That has since changed due to concerns over the novel coronavirus, and will be conducted online instead.

According to the FUSEE website, the move was designed to allow the competition to move forward without requiring roughly 1,200 participants and their families to travel to Texas A&M University-Corpus Station.

Participants have received instructions on how to upload a PDF



## Science fair

SGISD students advanced to the Texas State Science and Engineering Fair that will be held at the end of March. Pictured with members of the SGISD school board are Kathryn McKinney, Owen Bryant, Caitlyn West, Maddie Murphy, Jackson Mann, Penelope Lozano, Margaroo West and Joaquin Haos Garcia. Not pictured are Wyatt Thomas and Priyan Kumar. (Staff photos by Anthony Ruiz)

of their final, state-approved abstract and additional forms, as well as a high-resolution photo of their presentation board for judges to review and evaluate.

They will also have to complete a questionnaire, according to the website. This must all be done by March 23.

Santa Gertrudis ISD had 10 students place

in the top three in their respective categories in the senior division to advance to state competition.

Owen Bryant received second place in 8th grade Animal Sciences with "Raised in a Barn Which Show Barn Has the Most Fungus."

Caitlyn West received first place in 8th grade Behavioral and Social Sciences with "Does Distraction Affect Reaction."

Penelope Lozano received second place in 8th grade Behavioral and Social Sciences with "The Strep Effect."

Margaroo West received third place in 8th grade Behavioral and Social Sciences with "Multi-colored Memory."

Maddie Murphy received second place in 8th grade Biomedical Engineering with "Pos-

thetic B1."

Wyatt Thomas received third place in 8th grade Earth and Environmental Sciences with "BioSelle."

Kathryn McKinney received first place in 8th grade Microbiology with "The Water We Drink."

Jackson Mann received third place in 8th grade Plant Sciences with "Grow Well."

Priyan Kumar received first place in Computational Biology and Bioinformatics with a project where she is developing a metabolomics-based microchip to detect early onset, progression and development of Alzheimer's Disease, and

Joaquin Haos Garcia received first place with a project to implement an alert system for trains at road crossings.

In addition, Kumar received the Valero Platinum Sponsor Award. McKinney was nominated for the Broadcom MASTERS national competition and Haos Garcia was selected for the Regeneron International Science and Engineering Fair (ISEF) that will be held in Anaheim, Calif. in mid-May.

Santa Gertrudis ISD also had several elementary students place in the top three in the junior division at the regional science fair.

Finnegan Lucas received first place in second grade Life and Health Sciences with "Iron for Breakfast."

Nicha Sunitrayat received second place in Second Grade Life and Health Sciences with "Vitamin C."

Ruben Jaanus Cantu received first place in Fourth Grade Life and

Health Sciences with "Can You Highlight Your Memory?"

Sasham Kumar received second place in Fourth Grade Physical Science with "A Solution to Plastic Pollution" and

Ava Varola received third place in Fifth Grade Life and Health Science with "How Fit is Your Sleep?"

SGISD Superintendent Veronica Alfaro recognized the district's science fair students during the school board's Feb. 25 meeting. Alfaro, science teacher, Alfaro said the science fair is "a passion of mine."

"I truly believe that the science fair reaches students in a different way," she said. "It's able to ignite a passion within them, and pursue that passion wherever it is, because we all know that science is everywhere."


Ricardo ISD was represented at the regional science fair as well, with two students placing in the top three at the elementary level.

Dallas Ewert received third place in Kindergarten Physical Sciences with "Dirty Air," and Lindsey Terrell received second place in Second Grade Physical Science with "Don't Crack the Egg."

In addition, Ashlyn Terrell received First Grade Most Creative with "Ming and Ros," where she tested how to keep nose petals from aging.

Harvey Elementary student James Lowndes, representing Kingsville ISD, received third place in Kindergarten Life and Health Sciences with "Different Drinks Stay Your Teeth," while

Celinda Garza of Jubilee Kingsville charter school received Fifth Grade Most Creative with "Family Fingerprints."



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James R. Kirkpatrick, CLU

**KIRKPATRICK & ASSOCIATES**

**PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, April 13, 2020 at 5:00 P.M. to discuss and/or take action on the following item:

**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit (BQ) for the establishment known as Vasquez Food Mart at 1230 E Santa Gertrudis St., Kingsville, Texas.**

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 505-8055.

## NewWave announces COVID-19 measures

STAFF REPORT  
THE KINGSVILLE RECORD

NewWave Communications announced in a news release Monday that the company is opening WiFi hotspots for public use as consumers continue to grow over the next coronavirus.

The move is meant to assist individuals and communities in keeping connected to online resources, the release states. In Kingsville,

the hot-spot can be accessed in the NewWave local office parking lot located at 1629 Brahma Blvd.

In addition, the company announced that as of March 17, it has made unlimited data available on all Internet services for 30 days, and is offering payment deferrals and waiving late fees for its customers for 60 days.

The company plans to reassess after 30 days, the release states, based on the continued impact

and evolving nature of the virus.

"We understand that our customers rely on their Internet service to stay connected to family, work, school and information, and we are committed to ensuring they receive the assistance they need during this time," Julie Laulis, NewWave Communications President and CEO, said in the news release.

For more information, customers can call 844-746-2279.

## KISD, CONTINUED FROM 6A

and key staff met at the central office to discuss the district's plans moving forward. In the afternoon, however, a rumor that one or more of the faculty members had traveled

out of the country had attended the meeting began circulating in town.

In an interview Tuesday morning, KISD Interim Superintendent Kamara Adams denied the rumor, saying that while the faculty members were a part of a conference call during the meeting, they did not attend in person.

"Nobody that was talked about in Friday's board meeting was in that meeting," she said. "Nobody to that meeting was even on an airplane."

Adams said she did send some of the administration and staff to where present home, however, out of "an abundance of caution" as they had traveled out of state to meet

or states with continued COVID-19 cases or were in confined spaces with a large number of people.

"Anybody who left Kingsville to San Antonio, Houston, the El Paso Grande Valley, any place like that," she said. "I've asked them not to come to school."

"I just want to make sure and calm people's fears that anybody that might have left Kingsville aren't coming in the Kingsville ISD building, and mingling around others," she added.

Adams said for district staff under self-quarantine, she is monitoring each individual on a case-by-case basis to determine how many will be able to

return to their respective campuses.

She also said all KISD campuses had been locked down starting Wednesday to visitors, faculty or otherwise, to allow cleaning and disinfecting inside all school buildings.

"We're not allowing anyone to come into our buildings," she said.

As of Tuesday, Adams said the district is continuing to monitor local, state and federal guidance to determine if Kingsville ISD will be resuming classes next week.

"The information is changing quickly," she said. "We're monitoring things very, very closely and trying to be prepared for any eventuality."



# **AGENDA ITEM #5**

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

**Date:** April 1, 2020

**To:** City Commission via City Manager Mark McLaughlin

**CC:** Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

**From:** Janine Reyes, Director of Tourism Services

**Summary:** The COVID-19 global pandemic began severely economically impacting the City of Kingsville hotels on or around March 1, 2020 with a significant decline in hotel room rentals. This is causing a negative impact on HOT revenues for the current fiscal year. On March 23, 2020 all city departments were asked to review their budgets and prepare recommendations for a 34% decrease in the FY 19-20 approved budget. City Commissioners approved a FY 19-20 budget for the City of Kingsville Tourism Department in the amount of \$420,345. Tourism Services Department Director Janine Reyes made recommendations for the attached budget cuts in the amount of \$142,842,.49, that total is \$74.81 short of the requested 34% cut. The recommended cuts were presented to the Hotel Occupancy Tax Advisory Board at a meeting on March 31, 2020. By majority vote, the Hotel Occupancy Tax Advisory Board made the following two recommendations for City Commission consideration:

- Pause the remaining payments budgeted for contribution to John E. Conner Museum according to resolution #2019-71 executed on August 26, 2019. To date, the City of Kingsville Tourism Department has made first and second quarter contributions totaling \$20,000. The financial impact should this pause extend to the end of the fiscal year is also totals an expected \$20,000 (for the third and fourth quarter payments). The interlocal agreement is 'subject to annual budgetary appropriations,' which have the potential to be severely impacted by the immediate decline in visitors to the city due to the COVID-19 pandemic which has caused the cancellation of the Wings Over South Texas air show, Texas A&M University graduation ceremony, the NCAA Division II Track and Field Competition and many more cancellations not named above. Also, the reduction in HOT fund revenue causes a change to the percentage of funds allowed to be spend on various categories under State law. Furthermore, at this point in time, the John E. Conner museum is not in compliance with part of the Interlocal agreement which requires a statement of expenditures made with HOT funds each quarter be submitted to the City quarterly. City staff notified University staff on March 16<sup>th</sup> about these issues. No quarterly reports have been furnished to date. Lastly, the Tourism Director inquired with the Texas Hotel and Lodging Association about the rules and regulations regarding HOT fund expenditures made to an entity who is not currently open to the public and was advised that expenditures of HOT funds to a facility closed during the pandemic that did not provide a virtual component was not recommended. Due to the pandemic, the museum is closed and not currently providing a virtual component.
  - Hotel Occupancy Tax Advisory Board Vote to pause payments: 5 in favor, 1 abstention, 1 not present.
- Pause the contributions to Fund 202 for the purpose of the Façade Grant Program. Beginning in FY 18-19, the City of Kingsville created a Façade Grants Program Fund for the purpose of retaining earmarked

dollars to be utilized for economic development in our downtown district. Previously, grants were paid directly out of the Tourism Department budget and contributions did not historically meet or exceed \$50,000 in a fiscal year. The purpose of developing the fund was to allow a fund balance to grow, so that eventually if local businesses had a demand for the Façade Grant that exceeded \$50,000, there would be funds in place beyond the annual budgeted amount of \$50,000 to support that demand. However, given the current climate caused by this global pandemic and the uncertainty of future revenues received from Hotel Occupancy Taxes, city staff recommends to transfer what is needed to honor the previously approved façade grants and pause any future applications until the Tourism budget is financially sound enough to continue contributions to the fund. Should commission approve this pause, Fund 202 will only carry a balance sufficient to fund previously approved façade grants. There are two currently approved: Mary & Warren Allen (311-313 E Kleberg Avenue): \$20,000; Mary Lou & Tony Gonzalez (323 E Kleberg Avenue): \$20,000. Future grants would be paused. There are currently no Façade Grant applications in progress. The financial impact should this pause continue to the end of the fiscal year is \$22,305.05.

- o Hotel Occupancy Tax Advisory Board Vote to pause new façade grant funding and applications: 6 in favor, 1 not present.

Attached for review and background are:

- The COVID-19 Proposed Budget Cuts excel sheet provided to Finance Director Deborah Balli Monday, March 30, 2020.
- E-Mail communication between Tourism Services Director Janine Reyes and TAMUK staff in reference to COVID-19 potential budget implications and advising staff of non-compliance with resolution #2019-71.
- A copy of Resolution #2019-71 with the Interlocal Agreement executed August 26, 2019.
- E-mail communication with Finance Director Deborah Balli and a Balance Sheet detailing the current status of Fund 202 - Façade Grants Program Fund.



**Tourism Recommended Budget Cuts**

<b>Line Item</b>	<b>Name</b>	<b>Original Budget Remaining</b>	<b>Reduction</b>	<b>Budget Remaining</b>
002-5-1071-21155	Supplies - Parade Float	\$ 304.28	\$ 304.28	\$ -
002-5-1071-21200	Uniforms & Personal Wear	\$ 80.00	\$ 80.00	\$ -
002-5-1071-21500	Motor Gas & Oil	\$ 1,019.83	\$ 500.00	\$ 519.83
002-5-1071-23200	Promotional Supplies	\$ 2,760.91	\$ 1,760.91	\$ 1,000.00
002-5-1071-31431	Prof Serv - NASK Air Show	\$ -	\$ 1,500.00	\$ (1,500.00)
002-5-1071-31441	Special Events & Festivals	\$ 29,850.00	\$ 27,850.00	\$ 2,000.00
002-5-1071-31500	Printing & Publishing	\$ 7,484.65	\$ 2,000.00	\$ 5,484.65
002-5-1071-31900	Catering	\$ 786.81	\$ 586.81	\$ 200.00
002-5-1071-34001	Advertising Services	\$ 37,990.41	\$ 29,915.41	\$ 8,075.00
002-5-1071-35000	Museum Obligation	\$ 20,000.00	\$ 20,000.00	\$ -
002-5-1076-21100	Supplies	\$ 2,414.74	\$ 2,314.74	\$ 100.00
002-5-1076-31400	Professional Services	\$ 5,858.25	\$ 3,000.00	\$ 2,858.25
002-5-1076-41400	Equipment Maintenance	\$ 805.96	\$ 500.00	\$ 305.96
002-5-1076-51100	Building Maintenance	\$ 8,352.34	\$ 3,000.00	\$ 5,352.34
002-5-1076-59100	Grounds & Perm Fixtures	\$ 12,030.34	\$ 12,030.34	\$ -
002-5-6900-80202	Transfer to Fund 202	\$ 37,500.00	\$ 37,500.00	\$ -
<b>TOTAL</b>		<b>\$ 167,238.52</b>	<b>\$ 142,842.49</b>	

Credit to be issued

Anticipating WOST Credit

## Janine Reyes

---

**From:** Jacob W Flournoy <Jacob.Flournoy@tamuk.edu>  
**Sent:** Monday, March 16, 2020 3:39 PM  
**To:** Janine Reyes; Jonathan A Plant  
**Cc:** Courtney Alvarez; Mark McLaughlin  
**Subject:** RE: Conner Museum Interlocal and potential COVID-19 impacts

Caution! This message was sent from outside your organization.

Janine,

Thank you for the communication below. We will get you the first quarter statement by the end of this week and the second quarter statement by the end of this month.

Jacob W. Flournoy  
Vice President for Finance and CFO  
Texas A&M University Kingsville  
MSC 144, 700 University Blvd  
Kingsville, Texas 78363  
361-593-2410

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**From:** Janine Reyes <jreyes@cityofkingsville.com>  
**Sent:** Monday, March 16, 2020 1:43 PM  
**To:** Jacob W Flournoy <Jacob.Flournoy@tamuk.edu>; Jonathan A Plant <Jonathan.Plant@tamuk.edu>  
**Cc:** Courtney Alvarez <calvarez@cityofkingsville.com>; Mark McLaughlin <mmclaughlin@cityofkingsville.com>  
**Subject:** Conner Museum Interlocal and potential COVID-19 impacts

Mr. Flournoy and Mr. Plant,

I wanted to make you both aware of the potential for a reduced contribution to the John E. Conner Museum for Fiscal Year 2019-2020. As you are aware the Interlocal Agreement dated 8/26/19 allows for an annual appropriation of \$40,000 subject to annual budgetary appropriations. Due to the unfortunate global COVID-19 pandemic, the City of Kingsville, much like the rest of the nation, is anticipating significant reductions in Hotel Occupancy Tax Funds. At this point in time, several properties are reporting increased cancellations and significantly reduced occupancy. Just today the Navy announced the cancellation of Wings Over South Texas, which has a significant impact on room revenue in our city.

Considering the nature of HOT tax receipts, it's not possible to gauge the entire financial impact at this point. However, we did want you to be aware so that you could plan for this potential reduction in the city's contribution. The impact will likely affect the 4<sup>th</sup> quarter contribution that is due in July. As you are likely aware, state law does not allow for any HOT funded art contributions to exceed 15% of HOT revenues. We do anticipate reduced revenue beginning in our 2<sup>nd</sup>

quarter and potentially continuing through our 3<sup>rd</sup> and 4<sup>th</sup> quarters and with CDC guidelines recommending the cancellation of any events that attract more than 50 people through at least May 11<sup>th</sup>. We will do our very best to keep you posted as budgetary restrictions become more clear. Additionally, we would like to remind you that item F in Section 2 of our interlocal agreement requires TAMUK to furnish a statement of expenditures made with the HOT funds each quarter. To our knowledge this has not been completed. We understand this is a new agreement and this is likely a simple oversight. We would like to make sure that the terms of this agreement are closely monitored and adhered to. We thank you for keeping us posted on Museum operations in this trying time. Please let me know if there is anything we can do to help.

Many thanks,

**Janine Reyes**

Director of Tourism Services

City of Kingsville

1501 N. Hwy 77/P.O. Box 1458

Kingsville, Texas 78364

Office: (361) 592-8516

Cell: (361) 455-5946

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RESOLUTION #2019- 71 \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO THE JOHN E. CONNER MUSEUM; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and Texas A&M University-Kingsville ("TAMUK") try to work together for the benefit of our community when able to do so; and

**WHEREAS**, City of Kingsville (City) has levied a hotel occupancy tax pursuant to state law since 1979 and can use those funds as allowed by state law; and

**WHEREAS**, Texas A&M University-Kingsville (TAMUK) operates the John E. Conner Museum (Conner Museum), which is a museum open to the public located on the TAMUK campus within Kingsville, Kleberg County, Texas; and

**WHEREAS**, having the Conner Museum in the city of Kingsville could serve to promote tourism to the city and educate people regarding the history of the area; and

**WHEREAS**, the City Commission previously approved an agreement with the University for the Conner Museum on October 15, 1979 via Resolution #79-28 and has approved several other Interlocal Agreement with TAMUK relating to various matters such as students performing intern work, engineering design, and vet tech services for shelter animals; and

**WHEREAS**, the City Commission at a meeting on June 10, 2019 authorized staff to notify TAMUK regarding revisions to the agreement for the Conner Museum, and staff so notified them via letter emailed on June 13, 2019; and

**WHEREAS**, the agreement regarding the museum is in need of updating; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

**NOW THEREFOR, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.



THAT the Interim City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Agreement Between the City of Kingsville and the Texas A&M University-Kingsville relating to John E. Conner Museum in accordance with Exhibit A hereto attached and made a part hereof.

II.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

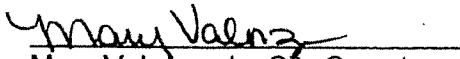
III.

THAT this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
26<sup>th</sup> day of August, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF KINGSVILLE  
AND TEXAS A&M UNIVERSITY KINGSVILLE  
RELATING TO  
JOHN E. CONNER MUSEUM**

**WITNESSETH:**

**WHEREAS**, City of Kingsville (City) levies a hotel occupancy tax pursuant to state law and can use those funds as allowed by state law; and

**WHEREAS**, Texas A&M University-Kingsville (TAMUK) operates the John E. Conner Museum (Conner Museum), which is a public museum located on the TAMUK campus within Kingsville, Kleberg County, Texas; and

**WHEREAS**, having the Conner Museum in the city of Kingsville could serve to promote tourism to the city and educate people regarding the history of the area; and

**WHEREAS**, the City Commission previously approved an agreement with the University for the Conner Museum on October 15, 1979 via Resolution #79-28 and has approved several other Interlocal Agreement with TAMUK relating to various matters such as students performing intern work, engineering design, and vet tech services for shelter animals; and

**WHEREAS**, the agreement regarding the museum is in need of updating; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with these terms; and

**NOW, THEREFORE**, the City of Kingsville and Texas A&M University Kingsville, in consideration of these mutual covenants and agreements, agree as follows:

1. **PARTIES**. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Texas A&M University Kingsville ("TAMUK"), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

2. **PURPOSE & RESPONSIBILITIES**.

- A. TAMUK hosts the Conner Museum and shall encourage, promote, improve, and apply the arts and provide for historical preservation and restoration in the City and its vicinity.
- B. TAMUK shall submit to the City by July 1<sup>st</sup> of each year an annual operating budget for the John E. Conner Museum for the next fiscal year (October 1-

September 30). This budget shall reflect the proposed expenditures to be made by TAMUK on behalf of the Conner Museum and the purpose for which said expenditures are to be made. The submitted budget should show all sources of income/revenue for the Conner Museum.

- C. The City shall appropriate, subject to annual budgetary appropriations, \$40,000 for the Conner Museum for Fiscal Year 2019-2020 (starting 10/01/19-09/30/20) from hotel occupancy tax revenues of the City, while providing the Conner Museum the option to apply for additional arts funds through a process to be developed by the City's Hotel Occupancy Tax Advisory Board. The City shall appropriate, subject to annual budgetary appropriations, \$30,000 for the Conner Museum for Fiscal Year 2020-2021 (starting 10/01/20-09/30/21) from hotel occupancy tax revenues of the City, while providing the Conner Museum the option to apply for additional arts funds through a process to be developed by the City's Hotel Occupancy Tax Advisory Board.
- D. The City shall pay TAMUK the fixed monetary amount each year, which will be divided in equal quarterly payments, by the 10<sup>th</sup> day of each quarter.
- E. The City and TAMUK each understand and agree that all funds received from the Hotel Occupancy Tax and paid to TAMUK for and on behalf of the Conner Museum shall be used solely in accordance with Texas Tax Code Chapter 351- Municipal Hotel Occupancy Taxes.
- F. TAMUK shall furnish to the City Manager a statement of expenditures made in furtherance of the activities associated with this Agreement during the preceding calendar quarterly period, which shall separately account for the expenditures made from the Hotel Occupancy Tax proceeds received under this Agreement and the expenditures made from such proceeds.
- G. The City Manager, or their designee, during normal business hours shall have the right to inspect all books and records of TAMUK with respect to the Hotel Occupancy Tax funds used by TAMUK on behalf of the Conner Museum.
- H. As reciprocation for part of the receipt of funds, the Conner Museum will participate in at least two City-sponsored festivals, such as the Ranch Hand Festival and the Festival de la Loteria.

### 3. TERM.

- A. This Agreement shall be for a term of two years from August 26, 2019 through August 25, 2021.
- B. This Agreement may be terminated at any time by any party with or without cause upon sixty (60) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.
- D. This Agreement in no way affects, restricts, or limits the governmental authority of the City to enact, amend, or repeal the Hotel Occupancy Tax; and, in the event that the City repeals such tax, this Agreement shall be automatically terminated.
- E. Upon termination of this Agreement, unless it be renewed, TAMUK shall deliver to the City all funds derived from the Hotel Occupancy Tax that it may have.

### 4. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas  
Attention: City Manager  
P.O. Box 1458  
Kingsville, Texas 78364  
Telephone: (361) 595-8002  
Facsimile: (361) 595-8035  
Email: citymanager@cityofkingsville.com

Texas A&M University Kingsville  
Attention: Jacob W. Flournoy  
Vice President for Finance & Chief Financial Officer  
700 University Blvd. MSC 144  
Kingsville, Texas 78363-8202  
Telephone: (361) 593-2410  
Email: Jacob.Flournoy@tamuk.edu

B. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Interlocal Agreement may be deemed or construed to constitute a waiver of any other violation or breach of any of the terms, provisions, and covenants of this Agreement.

C. Amendment of Interlocal Agreement. This Agreement may be amended at any time. Any amendment to this Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Agreement, without the express action of the governing body of the party.

D. Not for Benefit of Third Parties. This Agreement and all activities under this Agreement are solely for the benefit of the parties and not the benefit of any third parties.

E. Exercise of Police Powers. This Agreement and all activities under this Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

F. Immunities Not Waived. Nothing in this Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers,

employees, representatives, and agents as a result of the execution of this Agreement and the performance of the covenants contained in this Agreement.

G. Mutual Indemnification: To the extent allowed by the Constitution and Laws of the State of Texas, TAMUK, and City agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

H. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

I. Fiscal Obligations. Each party which performs services or furnishes aid under this Agreement must do so with funds available from current revenues of the party.

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

K. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party as required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code or that proper power and authority has been delegated by the governing body.

L. Entirety of Agreement. No other oral or written commitments of the parties with respect to the veterinary technologist services may have any force or effect if not contained in this Interlocal Agreement or any amendments thereto.

M. Severability. If any provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.

O. Warranty. The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of

such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement.

P. Governing Laws. This Agreement shall be governed by the laws of the State of Texas.

Q. Venue. Venue for an action arising under this Agreement is in Kleberg County, Texas.

R. Effective Date. This Agreement is effective on the date when the last party executes this agreement.

S. Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

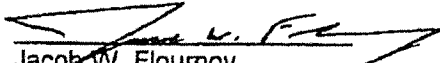
T. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

U. Conflict of Interest: By executing and/or accepting this agreement, City and each person signing on behalf of City certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no member of The Texas A&M University System ("TAMUS") or TAMUS Board of Regents, nor any employee, or person, whose salary is payable in whole or in part by Texas A&M or TAMUS, has direct or indirect financial interest in the award of this Agreement, or in the services to which this Agreement relates, or in any of the profits, real or potential, thereof.

V. Prohibition on Agreements with Companies Boycotting Israel: Pursuant to Chapter 2270, *Texas Government Code*, City certifies City (1) does not currently boycott Israel; and (2) will not boycott Israel during the Term of this Agreement. City acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

W. Certification Regarding Business with Certain Countries and Organizations: Pursuant to Subchapter F, Chapter 2252, *Texas Government Code*, City certifies City is not engaged in business with Iran, Sudan, or a foreign terrorist organization. City acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

EXECUTED by Texas A&M University - Kingsville on the 22 day of August, 2019.

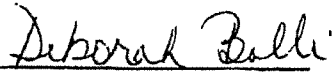


Jacob W. Flourmoy  
Vice President for Finance & Chief Financial Officer

ATTEST:

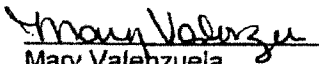
\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

EXECUTED by the City of Kingsville on the 26 day of August, 2019.



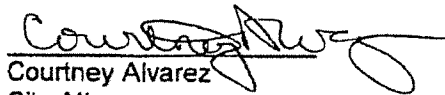
Deborah Balli  
Interim City Manager

ATTEST:



Mary Valenzuela  
City Secretary

APPROVED AS TO FORM:



Courtney Alvarez  
City Attorney

## Janine Reyes

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**From:** Deborah Balli  
**Sent:** Wednesday, April 1, 2020 1:26 PM  
**To:** Janine Reyes  
**Cc:** David Bodiford  
**Subject:** Facade Grant Fund  
**Attachments:** Balance Sheet-Fund 202.pdf

Attached is a Balance Sheet for Fund 202 – Façade Grant Fund. It shows that there is \$62,710.55 in the bank and the current balance of the fund balance. There is a liability in Fund 002 of \$405.50 which needs to be covered and transferred over to Fund 202 which leaves a current balance then of \$62,305.05. There are 2 outstanding façade grant awards of: \$20,000 – Mary & Warren Allen – 311-313 E Kleberg Avenue & \$20,000 – Mary Lou and Tony Gonzalez – 323 E Kleberg Avenue.

That would leave a surplus of \$22,305.05 which could be returned to the Tourism Fund.

Hope this information helps.

Thanks  
Deborah





City of Kingsville, TX

**Balance Sheet**  
**Account Summary**  
As Of 09/30/2020

Account	Name	Balance
<b>Fund: 202 - TOURISM - FACADE GRANTS PROGRAM FUND</b>		
<b>Assets</b>		
<u>202-0-01000</u>	Claim on Pooled Cash	62,710.55
	<b>Total Assets:</b>	<u>62,710.55</u>
		<u><b>62,710.55</b></u>
<b>Liability</b>		
<u>202-1-21300</u>	Accounts Payable	0.00
<u>202-1-27000</u>	Deferred Revenues	0.00
	<b>Total Liability:</b>	<u>0.00</u>
<b>Equity</b>		
<u>202-2-61002</u>	Restirtced - Facade Grants	25,380.00
	<b>Total Beginning Equity:</b>	<u>25,380.00</u>
Total Revenue		40,000.00
Total Expense		<u>2,669.45</u>
<b>Revenues Over/Under Expenses</b>		<u><b>37,330.55</b></u>
	<b>Total Equity and Current Surplus (Deficit):</b>	<u>62,710.55</u>
	<b>Total Liabilities, Equity and Current Surplus (Deficit):</b>	<u><u><b>62,710.55</b></u></u>

REGULAR MEETING OF THE HOTEL OCCUPANCY TAX ADVISORY BOARD FOR THE CITY OF KINGSVILLE WAS HELD ON MARCH 31, 2020 IN THE COMMUNITY ROOM AT CITY HALL, 406 W. KING AVENUE AT 4:02 P.M. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN LANCE HANCOCK.

**HOT FUND ADVISORY BOARD MEMBERS PRESENT VIA TELEPHONE OR VIDEO DUE TO CURRENT COVID-19 PANDEMIC:**

Lisa Garza-Munoz, Downtown Merchant

Vic Kassin, Hotel Industry representative, Owner of Holiday Inn Express & Towne Place Suites

Jonathan Plant, Conner Museum representative

Erin McClure, Texas A&M University-Kingsville representative

Kamlesh Bhikha (KB) Hotel Industry representative & owner of Quality Inn

**HOT FUND ADVISORY BOARD MEMBERS NOT PRESENT:**

Leo Garcia, Resident Board member

**CITY STAFF PRESENT:**

Janine Reyes, Director of Tourism Services for the City of Kingsville

Alicia Tijerina, Tourism Department Special Events Coordinator, City of Kingsville

Derek Williams, IT Department, City of Kingsville

**OTHER GUESTS PRESENT EITHER IN PERSON OR TELEPHONE/VIDEO:**

Chris Maher, Director of Visitor Services for King Ranch

Rajendra Bhakta , Owner of Super 8 Motel

Mahavir Bhakta, Owner of Budget Inn

Sunil Patel, Owner of Economy Inn

Mary Valenzuela, Secretary for City of Kingsville

- Hancock asked if there were any corrections to the minutes of the meeting held January 9, 2020. Kassin made a motion to accept the minutes. McClure seconded the motion. Minutes will be filed for the record.
- Public Comments

Raj had submitted a comment via email to City Secretary prior to the meeting. (Copy attached)

Reyes said there had been no other public comments submitted prior to the meeting. Hancock said this issue would be discussed during the Director's Report and other concerns.

- Hancock asked for the Tourism Report. Reyes briefed over her report which was emailed to everyone. She brought the board updated figures for revenue as of today from October to present. The February figure is with one property's figure being estimated rather

conservatively. Due to the current situation we are in, we expect our revenues to decrease considerably. Other tourism revenues were calculated prior to the isolation of this pandemic. All JK Northway revenue is up in the air due to cancellations of events. So, our anticipated difference from last year to this year will be down \$14,226.19 from last year's total revenue should we have no more events at the coliseum, sales, etc. for the year. This total revenue figure is from all rental, merchandise sales and concessions. We are still waiting on a check from the bull riding event in February for alcohol sales.

She informed the board she had requested a pause with SignAd (Billboards) for the billboards since really there is no one to market to right now. An email had been sent requesting this and have been told their will be some sort of discounting, pause for a couple of months so we're incurring these fees. Have been instructed not to pay these invoices for representative of company. The department has also requested a refund from the Naval Air Station for expenses incurred for the Air Show in the amount of \$3,595.75. This includes billboard wraps and clings but not actual billboard rentals as this would be paid for either way by our department. The city will also be refunded the sponsorship amount of \$3,000 from NAS Kingsville. This is a split between our department and the City Manager for \$1,500 each. We also incurred expenses for merchandise for sale and promotional item of hand sanitizers. The hand sanitizers have been passed on to hotel properties for their staff and guest. We had also received sponsorship monies for the caps to be given to the performers of WOST; however, we will begin to process donation refunds to sponsors as well.

The Festival de la Loteria event has been postponed. She would still like to have this event scheduled pending this pandemic crisis.

The department started working on gathering occupancy data from hotels in January. Elsa Helms, Part-Time employee at Train Depot, started making calls to hotel staff in January; however, in February some hotels chose not to continue provide this information with fears this information would be shared. In times like this, the data is much more important and useful for our department to know what is happening. At no time will this information be shared. Recently we've taken hand sanitizers they can give to their staff & guests. Some properties are being sought as possibly being contracted by the City/County for usage during the COVID-19 issue.

Hoteliers have asked for an extension or deferment of some type for relief in paying the local HOT payments to the City. Currently we are trying to gather information to put together a recommendation to the commission. We've been in contact with the Texas Hotel Lodging Association for guidance and the Texas Association of Convention & Visitors Bureau. She had submitted a question to TACVB Think Tank to see what other cities are doing. We're also contacting other cities that are also looking at doing something to help the hotels in their cities. Right now, we are looking at a 60-day extension; however, this is still in the planning stage.

We've been sharing any information the THLA or US Travel Agency sends us to our hotels as best we can. THLA did send a request for hotels who may be interested in leasing to the government during the COVID-19 time period. The County and the City are also looking at possibly using a property in town if needed during this time. The City Attorney, City Manager, Risk Manager and County officials are looking into the requirements and needs in case this occurs.

Reyes briefed over webinar through the THLA information for Small Business assistance that could be helpful for hotel properties.

Every department with the City was asked to cut their budget by 34%. The Tourism Department came within \$78. She reviewed the cuts that had been made in the department. Advertising is a large line item to hit; however, we cannot go below the minimum requirement of 15% of the annual budget. This is a mark we must hit no matter what and when this crisis is over; we will need to advertise again. We have agreements that we're asking the board for recommendations to pause. Of course, these would need to be approved by commission. They are the Façade Grant program and the Conner Museum payments. We're also asking to pause the Art Grant Application Program right now.

KB with Quality Inn asked if the City could possibly work something out as the state is doing with 25% down and balance due in 90 days. He feels the 60 days is too quick for hotels to be able to recover. Reyes said this was something she was looking at; however, the City would still need to have the report turned in to the city as early as possible. These would assist in our department knowing what our financial budget we're looking at.

Kassan recommended the 90 days would be best for most hotels to assist in recovery. He said 60 days could be rather quick and hotels may not have a chance to recover by that time. The states 25% down with balance at the end of said period would be helpful. His hotel, Towne Place, in Kingsville is doing okay since they have the National Guard people staying there.

KB & Kassan both brought up the payment of Property Tax as well to possibly split or delay payment date for this too. Reyes said this was a different tax that would need to be brought to the City Manager to possibly look into.

Munoz asked if the information the hotels have been provided concerning the SBA has been given out to any other local businesses. Reyes said Manny Salazar had sent out an email earlier today; however, she didn't know the content of email. She would pass the information she had gathered to him.

Kassan commented that we need to help each other to recover from this crisis. So any information we can relay to each other would be very helpful.

- Hancock moved to the next item on the agenda. Hancock made a motion to pause the Façade Grant monies for the year. To make it clear, the monies that have been awarded are to stay awarded. Kassan seconded the motion. Roll call of votes was taken by Reyes and was as follows:

KB – YES  
LISA GARZA-MUNOZ – YES  
JONATHAN PLANT – YES  
ERIN MCCLURE – YES  
LANCE HANCOCK – YES  
VIC KASSAN – YES

Motion was passed by a unanimous vote by members that were present. Motion carries.

- Hancock moved to the next item on the agenda. Recommendation to pause the contribution payments to the Conner Museum. Hancock made the motion to pause the contribution payments to the Conner Museum. KB seconded the motion. Roll call of votes was taken by Reyes and was as follows:

KB – YES  
LISA GARZA-MUNOZ – YES  
JONATHAN PLANT – ABSTAINED  
ERIN MCCLURE – YES  
VIC KASSAN – YES  
LANCE HANCOCK – YES

Motion was passed with a vote of 5 for motion, 1 abstained & 1 board member absent. Motion carries.

- Hancock moved on to the next item on the agenda. Being that there is no monies to be awarded for Arts Funding at this time, Reyes felt the board could hold up on finalizing the Application for Arts Funding and Post Event Form for now.

Hancock made a motion to move the Art Funding Agreement Application to the next board meeting for discussion and/or action. McClure seconded the motion. Roll call of votes was taken by Reyes and was as follows:

KB – YES  
LISA GARZA-MUNOZ – YES  
JONATHAN PLANT – YES  
ERIN MCCLURE – YES

VIC KASSAN – YES

LANCE HANCOCK – YES

Motion was passed by a unanimous vote by members that were present. Motion carries.

Hancock asked for any other business before adjourning meeting. Kassan suggested putting more money into advertising after this crisis is over. Reyes assured him this was in the plan and she had just asked the Billboards and other forms of advertising to pause for a couple of months only. Certified Folders has also been put on pause for now. We do partner with King Ranch on some of our advertising and will continue to do so. Some ads are still continuing because we were already committed for, such as, Bird Watchers Digest. We realize people are going to want to come visit after this is over and we will continue our marketing efforts. This is another reason we need to have accurate account of rooms and revenues due to the 15% minimum we must spend on advertising required by the state.

- Hancock asked for updates on the Festivals & Events. Reyes said these had been covered within the Director's Report. The Festival de la Loteria is the one event she would like to reschedule for a later date. She had received a call from the Texas Lottery Commission about their donation of prizes for event. KKB is no longer part of the festival as they wish to cancel the event completely. Reyes feels people will want to come out once this crisis is over and this will be a good opportunity to invite visitors back to town. Plant asked if a date had been set. Reyes said no; however, we would look at scheduling once we are through this virus issue.
- Hancock mentioned he would be stepping down from the board and would like to recommend Chris Maher, Director of Visitor Program for King Ranch, to take over his position on the board. Reyes asked if we could handle this by email or would he want to serve at the next meeting. Hancock said the email process would work for him. The board would be emailed recommendation for his replacement.

Munoz thanked Reyes for her work and getting information to the public.

Kassan wanted to let everyone know to take care of ourselves & our family during this time.

Meeting adjourned at 4:57 p.m.

# **AGENDA ITEM #6**

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

**Date:** April 2, 2020

**To:** City Commission via City Manager Mark McLaughlin

**CC:** Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

**From:** Janine Reyes, Director of Tourism Services

**Summary:** The COVID-19 global pandemic began severely economically impacting the City of Kingsville hotels on or around March 1, 2020 with a significant decline in hotel room rentals. Most of their February revenues were significantly up in FY 19-20 compared to FY 18-19. However, the steep drop in revenue beginning in March has created a financial strain that has led to at least one property holding back February Hotel Occupancy Tax revenue in order to continue to cover current expenses. A second property is also delinquent. The City of Kingsville Tourism Department has not been able to make contact with that property to determine the reason for their failure to remit HOT funds. Hotel Occupancy Tax payments are due on the 20<sup>th</sup> day of the month after taxes are collected. The City of Kingsville Finance Department has researched previous late payments and found neither property currently delinquent has been delinquent before. Pursuant to City of Kingsville Code of Ordinances Section 3-11-21 hotels are required to collect a 7% occupancy tax. Section 3-11-25 assesses a 5% penalty for failure to report and/or pay the tax within 30 days of the due date. Section 3-11-26 assesses a 10% penalty if the tax remains unpaid 61 days after payment is due. Multiple hoteliers have been in contact with the Tourism Services Department requesting assistance in this troubling time.

Staff is recommending a temporary hotel occupancy tax payment deferral plan to assist due to the COVID-19 pandemic. This plan is devised by modeling the State Comptroller's initiatives as many municipalities have indicated they are working on such a plan but have not yet developed one. In consultation with the City's Finance and Legal Departments along with the City Manager, staff is making the following recommendations:

- Waive 5% late fee for February HOT payments so long as delinquent properties become immediately compliant with the temporary HOT deferral plan set out below.
- Initiate a HOT deferral payment plan that allows properties to report taxes due within prescribed deadlines and allows for the establishment of a payment plan with the City's Finance Department requiring a down payment of 25% of the total funds owed at the due date (20<sup>th</sup> of each month) and the deferral of the remaining 75% due that would be paid over a 90-day period.
  - This program would not be automatic, properties would need to make contact with the City's Finance Department to seek application to and approval for the program.
  - Properties wishing to defer payment of taxes would have to show the need. Tourism recommends the need be based on a 50% decrease in revenue from the first quarter of FY 19-20 to the current month.
  - It is recommended that properties wishing to enter into a payment plan must be current in their HOT fund payments to qualify for a deferral plan.



- It is recommended that late fees (on payments approved for deferral) be waived for any property owner in compliance with their payment plan with the City of Kingsville Finance Department.

The financial impact of this program is not known and cannot be accurately forecast due to the uncertainty of Hotel Occupancy Tax revenues and the number of properties who may participate during this time.

Attached for review and background are:

- Public comment by Super 8 owner Raj Bhakta submitted to City Secretary Mary Valenzuela by email on Tuesday, March 24<sup>th</sup> for the purpose of the Hotel Occupancy Tax Advisory Board Meeting.
- Monthly HOT Revenues recorded by City of Kingsville Tourism Services Department.
- THLA and Texas Comptroller information regarding case-by-case postponement of deadlines to remit tax payments.
- City of Kingsville Code of Ordinance Sec. 3-11-21, 3-11-25 and 3-11-26.



## Janine Reyes

---

**From:** Mary Valenzuela  
**Sent:** Thursday, April 2, 2020 5:08 PM  
**To:** Janine Reyes  
**Subject:** FW: Public Comment

-----Original Message-----

**From:** Raj Bhakta <rajbhakta1120@gmail.com>  
**Sent:** Tuesday, March 24, 2020 3:53 PM  
**To:** Mary Valenzuela <mvalenzuela@cityofkingsville.com>  
**Subject:**

To Whom It May Concern:

I'm a hotel owner in this area and since the Government has announced the pandemic, our sales have been really low and we're not getting as much revenue, foot traffic or reservations as we would normally do. This letter is a request of some relief on the occupancy taxes. If there's a way that we can reduce the rate, reduce the percentage, or if there's any discounts during this time it will be greatly appreciated. We are in desperate need to keep our doors open and to pay our staff and continue to keep the regular monthly expenses. A reduction of any form occupancy taxes would help our business tremendously.

Raj Bhakta  
Kingsville Tx

<b>FY 2020</b>	<b>Oct.</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>
America's Best Value	\$ 2,199.10	\$ 2,091.43	\$ 1,838.23	\$ 1,798.86	\$ -
Budget Inn	\$ 660.07	\$ 461.60	\$ 616.80	\$ 665.85	\$ 492.46
Quality Inn	\$ 3,143.32	\$ 3,027.73	\$ 3,673.93	\$ 3,231.66	\$ 3,395.25
Econo Lodge	\$ 2,827.65	\$ 2,409.82	\$ 1,840.80	\$ 2,257.07	\$ 3,017.14
Economy Inn	\$ 904.20	\$ 969.57	\$ 334.04	\$ 332.62	\$ 363.33
Executive Inn	\$ 806.73	\$ 388.68	\$ 595.84	\$ 854.97	\$ 695.53
Hampton Inn	\$ 7,498.96	\$ 6,610.80	\$ 5,493.88	\$ 7,662.67	\$ 8,358.12
Holiday Inn	\$ 11,864.27	\$ 10,555.67	\$ 10,221.38	\$ 9,529.15	\$ 10,378.96
La Quinta	\$ 11,295.45	\$ 9,825.56	\$ 9,023.70	\$ 10,675.16	\$ 9,181.47
Motel 6	\$ 2,639.05	\$ 2,273.65	\$ 1,832.41	\$ 1,796.78	\$ 2,035.28
Knights Inn	\$ 1,014.47	\$ 510.37	\$ 746.88	\$ 961.10	\$ 807.71
Super 8	\$ 2,913.50	\$ 1,836.99	\$ 2,707.76	\$ 2,449.76	\$ 2,580.61
Towne Place	\$ 7,267.93	\$ 7,875.02	\$ 6,823.84	\$ 8,593.05	\$ 8,975.86
	\$ 55,034.70	\$ 48,836.89	\$ 45,749.49	\$ 50,808.70	\$ 50,281.72

\$ 250,711.50

## Janine Reyes

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**From:** Texas Hotel & Lodging Association <news@texaslodging.com>  
**Sent:** Thursday, April 2, 2020 9:22 PM  
**To:** Janine Reyes  
**Subject:** Updated guidance released on loan/tax credit programs; statewide update

Caution! This message was sent from outside your organization.

[View this email in your browser](#)



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April 2, 2020

Good Evening Texas Hoteliers,

Here is the latest news on the COVID-19 crisis for our industry.

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### **PPP loan applications begin on Friday.**

Many of you have been asking questions about applying for the **Paycheck Protection Program (PPP)**, the new forgivable loan program created by last week's CARES Act.

The PPP is perhaps the most valuable program in the federal stimulus CARES Act for businesses with fewer than 500 employees. This SBA loan provides assistance to businesses affected by the COVID-19 crisis to help keep employees working. If the business meets the necessary conditions of the loan, a large portion of it will be forgivable.

[Read more about the PPP here.](#)

And, you can read more of our [general summary of the CARES Act here.](#)

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### **U.S. Department of Labor issues guidance on paid sick leave and emergency leave, law is effective now**

As we previously reported, The Families First Coronavirus Response Act (FFCRA) requires employers to provide paid and protected leave for certain COVID-19 related employee absences.

While the Act applies to all employers with less than 500 employees, the Act empowers the U.S. Department of Labor (DOL) to issue regulations to exempt small businesses with fewer than 50 employees from certain portions of the paid leave requirements. On March 28, 2020, the [DOL issued guidance](#) regarding the exemption for providing child care-related paid sick leave and expanded family and medical leave.

"To elect this small business exemption, you should document why your business with fewer than 50 employees meets the criteria set forth by the Department, which will be addressed in more detail in forthcoming regulations. You should not send any materials to the Department of Labor when seeking a small business exemption for paid sick leave and expanded family and medical leave."

---

### **IRS issues guidance on how to become eligible for tax credits**

The Internal Revenue Service just provided an initial guidance document to

assist small- and medium-sized companies with the process of defraying the costs of paid sick leave required under the Families First Coronavirus Response Act (FFCRA). Of immediate importance to employers, the IRS provided some guidance regarding what information you should receive from an employee in order to substantiate eligibility for the FFCRA tax credits.

[Read more from our partners at Fisher & Phillips.](#)

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### **Statewide Emergency Order Renewed**

On March 31st, Governor Abbott updated the statewide executive order regarding COVID-19 and extended it until April 30th. The executive order limits the number of people who can gather in one place at a time, closes restaurant dining rooms, prohibits drinking in bars, and closes gyms and massage establishments.

[Read our FAQ for details on the Governor's order here.](#)

---

### **Legal challenge pending on property tax exemption for property damaged by disaster**

Our partners at the property tax law firm Popp | Hutcheson have an update and a cautionary note on a challenge to a temporary property tax exemption for property damaged by a disaster. We expect the Texas Attorney General to issue an opinion on this question soon.

[Read more here.](#)

---

THLA is here for you during this COVID-19 crisis. We're taking your calls and answering your questions. Do not hesitate to reach out to us if we can be of assistance.

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Earlier news

### **Hotels are entering into contracts with hospitals, cities, counties as part of COVID-19 response**

THLA is helping hotels connect with hospitals, cities, counties, and other entities to enter into occupancy contracts as part of the COVID-19 response. To-date, about 1,000 hotels have completed [our quick survey](#) to indicate the hotel is interested in potentially contracting in response to COVID-19.

We are beginning to get requests from various groups for this hotel information. When we get a request from a city, county, or hospital system, we provide the relevant list of hotels to the requester. When that requester identifies hotels in the area that meet its needs, THLA helps facilitate the conversation, assists the hotel with supporting documents, and acts as a resource for both parties.

If you haven't done so already, we encourage you to add your hotel property to our list. [Complete our survey here.](#)

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### **Texas Comptroller's office offers assistance to businesses struggling to pay full amount of state hotel tax**

The Texas Comptroller [announced](#) it will work with Texas businesses struggling



to pay state hotel tax and sales taxes. The Comptroller's office asks that you contact their Enforcement Hotline at 800-252-8880 to learn about your options on avoiding interest and late fees on taxes due.

The Comptroller's announcement only references state sales tax, but the assistance is available for state hotel taxes as well.

While every tax situation is different, our conversations with Comptroller staff indicate that they are often willing to postpone payment of state taxes for up to 90 days if the taxpayer makes an initial down payment of 25% of the amount due. And, the Comptroller's office is willing to waive interest and penalties if the full tax is paid within the allotted postponement period. **However, this is not automatic; you must call the Comptroller's office to arrange a work-out with them.**

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**Governor Abbott issues executive order requiring travelers from New York, New Orleans to self-quarantine. Place of quarantine can be a hotel.**

On March 26, Governor Abbott issued an executive order mandating that people arriving at a Texas airport from either a point of origin or a point of last departure in **New York, New Orleans, Connecticut, or New Jersey** are subject to mandatory self-quarantine for 14 days. The place of quarantine can be a hotel or residence, and the traveler is responsible for all costs associated with the quarantine.

Governor Abbott ordered the Texas Department of Public Safety (DPS) to enforce the Order, and DPS will create a form for quarantined travelers to submit to the agency to report their quarantine status.

## Shelter in place orders

Texas cities and counties continue to issue shelter-in-place orders. Shelter-in-place orders prohibit the ability of the general public to travel within the restricted area, except to perform certain essential functions or tasks, such as obtaining food, medical services, working in an essential profession, etc.

[Visit this page for the current list of shelter-in-place orders.](#)

THLA attorneys are here to assist you 24 hours a day—just like your hotel. Our mobile phone numbers are:

Justin Bragiel: 512-417-6185

Nilesh (Neil) Patel: 210-885-1513

We encourage you to visit our [COVID-19 portal](#). We are pushing out updated information and legal guides there on a daily, if not hourly, basis.

Please contact us on how we can further help during this trying time.

Texas Hotel & Lodging Association



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Our mailing address is:

Texas Hotel and Lodging Association, 1701 West Avenue, Austin TX 78701

1.512.474.2996

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State of Emergency

## COVID-19 News

### Help is Available March 24, 2020

These are challenging times for businesses all over the nation. The Texas Comptroller's office knows that during periods of economic hardship, paying or remitting taxes and fees on time can feel like an extra burden when there's so much uncertainty. We're thankful to those businesses that were able to remit state and local sales taxes they collected from customers in February on the March 20, 2020, due date.

We understand that virtually all of our taxpayers are doing their best to remain in compliance and be responsible in submitting the taxes they collected from their customers. With that in mind, our agency is here to offer assistance to those businesses that are struggling to pay the full amount of sales taxes they collected in February.

For businesses that find themselves in this situation, our agency is offering assistance in the form of short-term payment agreements and, in most instances, waivers of penalties and interest.

We ask that you contact our **Enforcement Hotline at 800-252-8880** to learn about your options for remaining in compliance and avoiding interest and late fees on taxes due.

We strongly encourage you to use our online tools, tutorials [[comptroller.texas.gov/taxes/file-pay/about-webfile.php](https://comptroller.texas.gov/taxes/file-pay/about-webfile.php)] and other resources for tax services [[comptroller.texas.gov/taxes/](https://comptroller.texas.gov/taxes/)], and establish 24/7 account access on Webfile.

We're standing by to help Texas businesses during these difficult times.

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## COVID-19 Impact by Business Function

### Tax Filing Relief

- Franchise Tax [[comptroller.texas.gov/taxes/franchise/filing-extensions.php](https://comptroller.texas.gov/taxes/franchise/filing-extensions.php)]
- Independently Procured Insurance Tax [[comptroller.texas.gov/taxes/insurance/independent.php](https://comptroller.texas.gov/taxes/insurance/independent.php)]
- Motor Vehicle Tax [[comptroller.texas.gov/taxes/motor-vehicle/sales-use.php](https://comptroller.texas.gov/taxes/motor-vehicle/sales-use.php)]

### Audit Offices Closed -

Due to the challenges created by COVID-19, our audit field offices are temporarily closed. Our staff will continue to fully operate and serve our taxpayers by working remotely. Our auditors have been working remotely to some extent for several years now due to the availability of electronic records. As such, they are accustomed to being able to serve our taxpayers even when they are not present in one of our offices. Our supervisors and managers will still be able to discuss any of your concerns using phone conferencing and WebEx when needed. Audit Headquarters will remain open at this time with a limited number of staff to continue to receive and process refund requests, Statement of Grounds, Certificates of No Tax Due, etc.

We are temporarily suspending the 60-day deadline for businesses to contest audit results. This applies to both redetermination and refund hearings. We will waive interest accrued during this period, and will notify businesses to reestablish a request deadline at a later date. Click here to Request a hearing. [[comptroller.texas.gov/taxes/audit/refund.php](http://comptroller.texas.gov/taxes/audit/refund.php)]

However, if taxpayers are able to request redetermination during the 60-day deadline, our staff can handle these requests. Please email your requests to [audit.processing@cpa.texas.gov](mailto:audit.processing@cpa.texas.gov) [<mailto:audit.processing@cpa.texas.gov>]. In addition, for payment options please call Randy Pitts at (800) 531-5441, ext. 3-3963.

## **Educational Opportunities and Investments**

For the safety of our customers and staff, we are currently working remotely. We are not anticipating any decline in our service levels and there is no change in the level of security of your account data.

- COVID-19: A Message from the Texas College Savings Plan
- COVID-19: A Message from the LoneStar 529 Plan
- COVID-19: A Message from the Texas Tuition Promise Fund
- COVID-19: A Message from the Texas ABLE Program

## **Existing Payment Plans -**

The Comptroller's office recognizes that many taxpayers face serious hardships because of steps Texans have taken, on their own or at the instruction of state or local governments, to lessen the spread of the coronavirus (COVID-19). To help taxpayers avoid default on existing payment plan agreements, the Comptroller's office will consider, on a case-by-case basis, postponement on the deadlines to remit payments to the Comptroller's office.

**Postponement will only apply to existing payment plan agreements for periods *prior* to the February 2020 tax report.** The potential postponements will not extend or delay a taxpayer's due dates for remitting or reporting tax collected on behalf of state and local governments. It will also not apply to resolution agreements that specify a deadline to make a single lump sum payment of the entire liability.

**The total amount due under the payment plan agreement will not be reduced.** After the expiration of the postponement period, all payment deadlines will resume on the next periodic payment deadline as provided in the payment plan agreement. **Postponed payments will be added to the end of the term of the agreement.**

To learn more about payment postponement and to determine if you qualify, or to learn more about relief for remittance of tax after the February 2020 report, please contact the Comptroller's Enforcement Division at 800-252-8880.

## **Field Offices Closed**

Out of an abundance of caution and in compliance with many county and city recommendations, our Taxpayer Services and Collections field offices are temporarily closed.

Use Webfile to file and pay certain taxes electronically. Watch our tutorials to learn more.

Here are some other online tools we offer:

- Change your on-file mailing address or phone number
- Move or add a business location
- Close a business location
- View Franchise Tax Account Status
- Request Tax Certificates and Tax Clearance Letters
- Find the forms and guidance necessary to solve many other issues

## **Fiscal Management**

### **Payment Scheduling and Advance Payment Policy Update**

The Comptroller's office recognizes unique situations may arise if certain vendors require payment before the standard 30-day period in response to emergencies or disasters declared by the governor. If an agency chooses to process an early payment, the agency should document the business justification in terms of the emergency or disaster event. See Payment Scheduling for more information.

A state agency may make an advance payment to purchase goods and services in response to a disaster when the governor has declared a disaster. The advance payment must be necessary and serve a proper public purpose. The Comptroller's office may request additional information to justify any advance payment, including payments made for disaster-related expenses. See Advance Payments for more information.

Contact Expenditure Assistance with questions.

## **Update on Treasury Operations and Warrant Distribution**

### **Deposits and hours**

The state's treasury is accepting check and cash deposits during the coronavirus outbreak. Teller window hours are Monday–Friday, 8:30 a.m.–2 p.m. All deposits received during business hours will post to USAS effective that day.

### **Warrant distribution**

Payment Services will continue to distribute warrants Monday–Friday, 8–10 a.m. at the Lyndon B. Johnson Building, room G-17.

For more information, see Fiscal Management's Disaster Resources.

## **Property Tax Assistance Division**

### **Appraisal Review Board Training**

Due to the declared state of disaster, we will discontinue holding in-person ARB training at this time. We are working on a viable substitute for in-person ARB training that still meets the legal requirements for completion of the ARB training. We filmed one of the live trainings and are evaluating several virtual training options to deliver that training.

Please be aware that any solution will require ARB training attendees to access the training via the internet. We will provide phone and email assistance to the attendees and the supporting staff. We ask that ARB chairs and ARB coordinators also provide support to their members that may need technical assistance in accessing the training.

### **Binding Arbitration**

To support social distancing, the Property Tax Assistance Division (PTAD) encourages arbitrators to hold all property tax arbitration hearings by telephone, as allowed by Comptroller Rule §9.4261(b). If any party to an arbitration requested an in-person hearing on Form AP-219, the arbitrator should contact both parties and obtain written consent to hold the hearing by telephone.

### **Limited Scope MAP Reviews**

On March 13, 2020, the Governor declared a state of disaster in all counties. Your appraisal district may be entitled to receive a Limited Scope MAP review if certain criteria are met:

- Your appraisal district is required to undergo a MAP review this year.
- Your MAP review has not yet started or is currently underway.
- Your appraisal district is established in a county located wholly or partly in an area declared by the governor to be a disaster area

- The disaster caused:
  - a building used by the appraisal district to conduct business to be destroyed or inaccessible or damaged to the extent that it is unusable for at least 30 days;
  - the appraisal district's records to be destroyed or unusable for at least 30 days;
  - the appraisal district's computer system to be destroyed or unusable for at least 30 days; or
  - the appraisal district not to have the resources to undergo a review under this section unless the review is limited in scope.

Please contact us [mailto:ptad.communications@cpa.texas.gov] to request a limited scope review if you meet the criteria above.

## **Appraisal District Operations Surveys**

We are extending the deadline for responses the Appraisal District Operations Survey for the 2019 Tax Year until **April 30, 2020**.

Unless otherwise noted, all responses deal with information from the 2019 tax year. A non-fillable PDF version of the survey is available upon request for use as a working copy only.

To request the survey PDF or if you have any questions, please contact Alison Gilliam [mailto:Alison.Gilliam@cpa.texas.gov] or call 800-252-9121 (press 1 to access the agency directory and then enter 5-0427).

## **Statewide Procurement**

### **Information for Vendors**

The Texas State Operations Center (SOC) has dedicated a vendor enquiry form for vendors/suppliers who may be able to offer products to the state for COVID-19 incident response. When a vendor submits the online form, Texas Department of Emergency Management (TDEM) staff will automatically receive your detailed information for evaluation.

Vendors should also check their contact information is up-to-date on the Centralized Master Bidders List. Log into your CMBL account [comptroller.texas.gov/purchasing/vendor/cmb/] or contact CMBL Support at 512-463-3459.

### **Statewide HUB Registrations**

The Historically Underutilized Business (HUB) program is processing applications and providing support to Texas HUBs via our toll-free number 888-863-5881 and by the Statewide HUB email [mailto:StatewideHUBProgram@cpa.texas.gov].

Application information can be found on the HUB pages. [comptroller.texas.gov/purchasing/vendor/hub/]



Supporting documents for new HUB applications and recertification may be mailed to:

*Statewide HUB Program*

*PO Box 13186*

*Austin, TX 78711-3186*

No in-person appointments or drop-off applications are being accepted at this time.

### **Training and Certification for Purchasers and Contract Managers**

All in-person classes CTCD/CTCM have been suspended; Limited testing hours are available for the University of Texas-proctored exams for the CTCD/CTCM exams beginning March 23. Additional limited in-person testing times are being scheduled by the SPD training office. CTCD and CTCM renewals are being processed. More information is available at Statewide Procurement Education System.

### **Unclaimed Property -**

In response to the spread of COVID-19, the Texas Comptroller's office has implemented agency-wide teleworking beginning Monday, March 16.

Due to this, our walk-in office is currently closed. ClaimItTexas.org remains online to file claims, submit documentation, request property searches, and file unclaimed property reports. Additionally, our staff is available to answer questions by calling 1-800-321-2274, Monday-Friday 8:00 a.m. – 5:00 p.m.

While our mailroom operations currently remain open, we encourage you to make full use of all our online tools before mailing in documentation. This ensures that our staff members can receive all necessary information in the fastest possible manner.

Due to the decrease in number of bids and overall interest, we are suspending our weekly auction until further notice.

For questions about COVID-19, dial 2-1-1, then choose Option 6 for updates from the Texas Department of State Health Services. Hours: 7:00 a.m. – 8:00 p.m., 7 days per week .

If you experience difficulty when dialing 2-1-1, please email [coronavirus@dshs.texas.gov](mailto:coronavirus@dshs.texas.gov)  
[mailto:coronavirus@dshs.texas.gov].

Sec. 3-11-21. - Levy of tax; rate; exception.

- (A) There is hereby derived a tax upon the occupant of any room or space furnished by any hotel where such cost of occupancy is at the rate of \$2.00 or more per day, such tax to be equal to 7% of the consideration paid by the occupant of such room, space or facility to such hotel, exclusive of other occupancy taxes imposed by any other governmental agencies.
- (B) No tax shall be imposed hereunder upon a permanent resident.
- (C) The revenue derived from the occupancy tax imposed in division (A) hereof may only be used for those purposes set forth in the Tex. Tax Code, §§ 351.001 et seq., as the statute is amended.

(1962 Code, § 5-14-2; Ord. —, passed 3-10-75; Ord. 88013, passed 6-27-88; Ord. 89022, passed 6-12-89)

Sec. 3-11-25. - Delinquency; failure to file.

- (A) If any person shall fail to collect the tax imposed herein, or shall fail to file a report as required herein, or shall fail to pay to the Tax Collector the tax as imposed herein when the report for payment is due, or shall file a false report, then such person shall pay to the city a penalty of 5% of the amount of the tax due.
- (B) If the person who is required to pay the tax to the Tax Collector does not file a report or pay the tax within 30 days after it is due, the person shall pay to the city a penalty of an additional 5% of the tax due.
- (C) The minimum penalty under this section is \$5.00.

(1962 Code, § 5-14-6)

**Cross reference—** Penalty, see § 3-11-99.

Sec. 3-11-26. - Interest.

Any tax imposed by § 3-11-21(A) of this subarticle which remains unpaid 61 days after the day due accrues interest at 10% per annum from that day to the date of payment.

(1962 Code, § 5-14-7)

**Cross reference—** Penalty, see § 3-11-99.

# **AGENDA ITEM #7**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Courtney Alvarez, City Attorney

DATE: April 7, 2020

SUBJECT: Resolution regarding AEP Texas Inc. DCRF Rate Increase

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**Summary:** On April 3, 2020, AEP Texas Inc. (“AEP” or “Company”) filed an Application to Amend its Distribution Cost Recover Factors (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately \$39.87 million (an approximately \$1.83 increase to the average residential customer’s bill from the rates just approved in the Company’s rate case).

The resolution authorizes the City to join with the Cities Served by AEP (“Cities”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

**Background:**

AEP Texas Inc (“AEP Texas” or “Company”) filed an application on May 1, 2019 with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$38.3 million per year (an increase of 4.2%) and decrease system-wide transmission rates by \$3.16 million (a decrease of 0.7%). The Company also asked the City to approve consolidated rates and tariffs for its Central and North Divisions. According to AEP Texas, the impact of this approval on an average residential customer would be an increase of about \$4.75 per month for customers in the Central Division, and a decrease of \$5.01 for customers in the North Division. The City joined with other cities to suspend the effective date of the proposed rate change and worked in conjunction with other Cities served by AEP Texas, to intervene in the Public Utility Commission Docket No. 49494 to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The coalition of cities and AEP negotiated a settlement that the PUC recently approved.

This new matter deals with the filing of an Application to Amend its Distribution Cost Recover Factors (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. The DCRF



## City of Kingsville Legal Department

method to increase rates is separate and apart from the rate case filing done last year, hence the need to act again this year to suspend the increase and review the appropriateness of the requested increase.

### **Purpose of this Resolution:**

### **Explanation of "Be It Resolved" Paragraphs:**

1. This section authorizes the City to participate with Cities as a party in the Company's DCRF filing, PUC Docket No. 50733.

2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. This paragraph finds that the Company's application is unreasonable and should be denied.

4. This section states that the Company's current rates shall not be changed.

5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

7. This section provides that AEP and counsel for Cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

**Financial Impact:** None. As a ratemaking proceeding, cities are entitled to reimbursement of their legal and consulting expenses. Thus, there will be no direct charge to the City as a participant in the rate case.

**Recommendation:** Approve the resolution.



RESOLUTION NO. 2020-\_\_\_\_\_

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

**WHEREAS**, the City of Kingsville, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

**WHEREAS**, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

**WHEREAS**, on or about April 3, 2020 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 50733, seeking to increase electric distribution rates by approximately \$39.87 million (an approximately \$1.83 increase to the average residential customer's bill from the rates just approved in the Company's rate case); and

**WHEREAS**, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

**WHEREAS**, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

**WHEREAS**, Cities members and attorneys recommend that members deny the DCRF.

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

**Section 1.** That the City is authorized to participate with Cities in PUC Docket No. 50733.

**Section 2.** That subject to the right to terminate employment at any time, the City of hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

**Section 3.** That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

**Section 4.** That the Company shall continue to charge its existing rates to customers within the City.

**Section 5.** That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

**Section 6.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**Section 7.** That a copy of this Resolution shall be sent to Melissa Gage, American Electric Power Service Corporation, 400 West 15<sup>th</sup> Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED** this 13th day of April, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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