

# *City of Kingsville, Texas*

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**AGENDA  
CITY COMMISSION  
MONDAY, MAY 11, 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.**

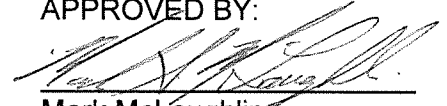
**OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting- April 27, 2020

APPROVED BY:

  
Mark McLaughlin  
City Manager

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

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

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

1. None.

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

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

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

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

## **V.**

### **Consent Agenda**

### **Notice to the Public**

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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8-Traffic Control Devices, providing for the installation of a yield sign on Van Street at its intersection with Helen Marie Lane. (City Engineer).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 5-Historical Districts and Landmarks, Section 15-5-30, providing for Adoption of Design Guidelines for the Historic District. (Downtown Manager).

## **REGULAR AGENDA**

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

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

3. Consider awarding RFP#20-07 for 2020 US77 Utilities Relocation Project to Donald Hubert Construction Co. and approving a resolution authorizing the City Manager to execute a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US77 Overpass Utilities Relocation. (City Engineer).
4. Consider introduction of an ordinance amending the FY2019-2020 Budget to cover the additional costs of the I-69 (US77) TxDOT Utility Line Relocation Project due to the received bids and testing cost. (City Engineer).
5. Consider a resolution authorizing participation in the Bulletproof Vest Partnership Program FY2020 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
6. Consider a resolution authorizing application to, administration of, and acceptance of BJA-2020-17732 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
7. Consider a resolution accepting funds for Operation Stonegarden Grant # 3194305 with the Homeland Security Grants Division of the Governor's Office for border security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).
8. Consider introduction of an ordinance amending the FY2019-2020 Budget to accept and expend funds awarded to the Police Department for the 2019 Operation Stonegarden Grant. (Police Chief).
9. Consider a resolution authorizing the City to submit an application to the 2020 Assistance to Firefighters Grant Program-COVID-19 requesting grant funding for personal protective equipment (PPE) on behalf of the Kingsville Fire Department with an anticipated \$2,568.50 cash match. (Interim Fire Chief).
10. Discuss and consider potential projects for FY 20-21 in preparation of budget. (City Manager).

#### **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:

May 7, 2020 at 10:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, CMC, City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

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

APRIL 27, 2020

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 27, 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  
Derek Williams, IT  
Janine Reyes, Tourism Director  
Ricardo Torres, Police Chief  
Uchechukwu Echeozo, Director of Planning & Development Services

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM**

Bill Donnell, Public Works Director  
Ron Lee, Interim Fire Chief  
Deborah Balli, Finance Director  
Susan Ivy, Director of Parks and Recreation  
Cynthia Martin, Downtown Manager  
Rudy Mora, Engineer  
Charlie Sosa, Purchasing Manager  
Emilio Garcia, Health Director

**Conference Line call: 1 (408) 418-9388 and  
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**OR**

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

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

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

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting- April 13, 2020**

**Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of April 13, 2020 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”.**

**\*\*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 commented that the Commission has received the Quarterly Budget and Investment Reports. He further stated that with regards to the Budget Report, it shows that the budget is solid. In the general fund, its been collected \$12.6 million dollars which is higher than this time last year. In ad valorem we are at about \$5.4 million dollars. Non-property tax revenues is at about \$2.8 million dollars, which is at about the same amount that was collected last year. Sales tax is up at about under \$2.6 million dollars, up \$100,000 from last year. Year to date for all funds is at \$23,630,000.00 and year to date expense at \$17,851,000.00 with a fund balance of \$5.7 million dollars. McLaughlin further stated that close to \$1 million dollars was moved to end of year fund, anticipating revenue loss due to COVID-19. McLaughlin moved forward with reporting on the Investment

Report. He stated that it is up about \$4 million dollars over last quarter. It was at \$23 million dollars with today at being at \$27,892,000.00. He stated that money will be moved from TClass to a different provider which has a better rate for the City. On the second week of May, staff will be proposing to refinance CO 2011. Mr. McLaughlin further announced that Mr. Bill Donnell has provided the Commission with four weeks of Street Department reports.

Mayor Fugate asked for report on demolitions and also for Code Enforcement reports as well.

Commissioner Hinojosa commented that he would like to thank the City Manager for including the revenues and expenses on one page of the budget report. This shows what has come in and what has been spent.

Mrs. Courtney Alvarez, City Attorney reported that the next meeting is scheduled for May 11<sup>th</sup> with deadline to staff to submit agenda items by Friday, May 1<sup>st</sup>.

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

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

City Secretary, Mary Valenzuela read public comment received April 27, 2020 at 7:50 a.m. from Mr. David Thibodeaux.

Public comment read: David Thibodeaux, 502 W. Ave. B, please consider making mask mandatory in all public areas. It has been proven that if all parties are wearing mask, sick or not, the risk of the virus being spread is low. If one party is wearing mask and the other is not the risk remains high. People without mask can easily use material or scarfs to make sure that their faces and noses are covered. This ordinance would be easily enforced by stores. Thank you for your consideration.

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

1. **Motion to approve an amended resolution authorizing participation in Local Border Security Program FY2021 with the Office of the Governor, Texas Public Safety Office for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act on the City's behalf with such program. (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 (if needed based on the Governor's 4/27/20 order). (Mayor Fugate).**

Mayor Fugate commented that this item is probably a mute item due to the Governor's order released this afternoon. He further commented that after listening to the Governor's press conference this afternoon, Governor Abbott stated that his order supersedes any local orders in place.

Mrs. Alvarez commented that Governor Abbott's stay home order will be expiring on April 30<sup>th</sup>. During the conference, Abbott did talk about Phase 1, and see how that goes. On or around May 15<sup>th</sup>, the Governor will evaluate things and see how they are going before implementing Phase 2. Phase 1 is for certain businesses to open on May 1<sup>st</sup> with 25% capacity only. These businesses would include restaurants, movie theatres, malls, places of worship and retail stores. Alvarez further commented that businesses must follow other guidelines put out by CDC. She further gave examples, restaurants can't have a party larger than six people, must have disposable menus, condiments must be served individually size only and no plates, napkins or cutlery set out on the tables. Movie theatres and places of worship, every other row must be empty. Rows that are occupied can have a family sit together with two spaces between one family to another on the same row. Libraries and Museums may open with up to 25% capacity, but all hands-on exhibits must remain closed. It is recommended that everyone continue social distancing and wear masks.

Mayor Fugate asked if the Governor was making it a requirement for everyone to wear a mask. Mrs. Alvarez commented that it is not be required, but only recommended. She further stated that she read on a report that Governor Abbott stated that he will not allow fines for those who don't wear a mask. She further stated that businesses not being able to open on May 1<sup>st</sup> are barber shops, salons, gyms and bars. Outdoor sports could be allowed if they don't involve contact of participants and no more than 4 players at one time.

Commissioner Leubert asked for Mrs. Alvarez to announce where the public could find a copy of the Governor's Open Texas Report. Mrs. Alvarez stated that she googled Reopen Texas.

Mr. McLaughlin commented that the report will also be linked to the City of Kingsville's website.

Mayor Fugate asked if the order limiting the number of persons from one family in an exempted business could be extended.

Mrs. Alvarez stated that it may be difficult if the Governor is saying that a retail can be open and they not capping the number of people that enter that store, other than it having to be 25% of their capacity, she's not sure if the City could limit the number of family members going into a restaurant as they have already stated that it is up to six people at a table at a restaurant which does not have to be of the same family. As for extending the order of one family member per household, it would be impossible to enforce as the Governor's order supersedes all other orders. Establishments can make their own rules when it comes to their businesses. Mayor Fugate commented that Walmart and HEB can make their own rules if they wish to do so.

No action taken.

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 (if needed based on the Governor's 4/27/20 order). (Mayor Fugate).**

No action taken.

4. **Consider award of the City's All-Risk Property Insurance Coverages for the period of May 1, 2020 through April 30, 2021 as per staff recommendation. (Risk Manager).**

**Motion made by Commissioner Leubert to approve the award of the City's All-Risk Property Insurance Coverages for the period of May 1, 2020 through April 30, 2021 as per staff recommendation, seconded by Commissioner Pecos.**

Commissioner Hinojosa commented that he met with the City Manager and asked about the water tower located by MoPac Field that was valued at \$300,000 while the others were valued in the millions. He further asked if this was the correct amount.

Mr. McLaughlin commented that it was checked on after his meeting with Commissioner Hinojosa, and Mr. Soliz, Risk Manager looked at the records and the value is incorrect on the form. It should be valued at \$1.5 million dollars; the correction will be made.

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

5. **Consider a resolution revising the City of Kingsville Administrative Policy No. 881.00 -Emergency Services Policy. (Risk Manager).**

Mr. McLaughlin stated that the wording for Section 881, doesn't align with the type of disasters that can occur here. This document will note the type of disasters that can occur in our area.

**Motion made by Commissioner Leubert and Commissioner Pecos to approve resolution revising the City of Kingsville Administrative Policy No. 881.00 - Emergency Services Policy, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

6. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8-Traffic Control Devices, providing for the installation of a yield sign on Van Street at its intersection with Helen Marie Lane. (City Engineer).**

Mr. McLaughlin stated that due to receiving several calls for this area of town, the Engineering Department setup the traffic counter to determine the average daily traffic counts of the areas concern. A stop sign was not warranted at the locations, but it is being recommended that a Yield sign be installed. Since all this information was put together, the Yield sign had already been installed.

Introduction item.

7. **Consider awarding RFP#20-08 for the downtown improvements project and approving a resolution authorizing the City Manager to execute a Construction Contract for 2019 Downtown Improvements between Etech Construction Inc. and the City of Kingsville for 2019 Downtown Improvements-Kleberg Ave. (TXCDBG CONTRACT #7219012). (City Engineer).**

Mayor Fugate asked if the City has used Etech in the past. Mrs. Alvarez responded that they were used for concrete work. She further commented that staff went out and bid out the project. Two bids were received with Etech being the low bidder.

Mr. McLaughlin commented that he had a conversation with Commissioner Hinojosa regarding this item and its budget for this project. He further explained stated in this project is the calls for thirteen ADA Ramps, although there are only twelve intersections that need ADA Ramps. He further stated that the project will still have to go through a final design review that will nail down, but these are the best estimates coming from the City's Engineering Department who is doing this service in-kind.

Commissioner Hinojosa asked if this is for Alternate 1 and 2 or just Alternate 1? Mr. McLaughlin responded that it is for Alternate 1.

**Motion made by Commissioner Leubert to award RFP#20-08 for the downtown improvements project and approve a resolution authorizing the City Manager to execute a Construction Contract for 2019 Downtown Improvements between Etech Construction Inc. and the City of Kingsville for 2019 Downtown Improvements-Kleberg Ave. (TXCDBG CONTRACT #7219012), seconded by Commissioner Pecos.**

Commissioner Hinojosa asked that for clarification, if the bid showed twelve ADA Ramps but only eight that are out there, then the city would only be paying for eight. Mr. McLaughlin responded that this is correct.

**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 City of Kingsville Code of Ordinances Chapter XV, Article 5-Historical Districts and Landmarks, Section 15-5-30, providing for Adoption of Design Guidelines for the Historic District. (Downtown Manager).**

Mrs. Alvarez stated that in 2018, the City had gone out for a grant and was awarded the grant to hire a consultant to prepare design guidelines for the city's historic district. The guidelines were already approved by the Texas Historical Commission. Not that they have both been done, we need to make sure that they are adopted and implemented in the city's code of ordinances so that when someone goes online to see the permitting process within the historic district, it would need to be consistent with these guidelines.

Introduction item.

**9. Consider a resolution authorizing application to and acceptance of BJA-2020-17028 Strategies for Policing Innovation Grant; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Mr. Ricardo Torres, Chief of Police stated that the police department is requesting a resolution for application and acceptance of BJA-2020-17028 Strategies for Policing Innovation Grant. This will provide funding to enable police agencies to effectively use evidence-based practices, data, and technology. Recipients of funding will test promising crime prevention, response, and reduction practices and build their capacity to analyze and use crime intelligence and data. It will implement and test justice information sharing technology and establish a system for evaluating their

effectiveness. Chief Torres commented that he has reached out to Assistant US Attorney, Michael Hess for a letter of interest in support of Project Guardian which is an initiative to stop gun violence and is also one of the focal points of this grant. A total of ten grants will be awarded in the amount of \$700,000 per award. The grant does not have a cash match and as the submitting entity, it will not have any recurring cost once the programs are implemented.

Commissioner Hinojosa asked if this will require the hiring of one individual or will it be done from within. Chief Torres responded that it does have the element for new personnel, but not for police officers. This would be for individuals that will crunch data. He further stated that he does not want to have personnel doing this, he wants the system to do all that, which is what he is trying to get the vendor.

**Motion made by Commissioner Leubert to approve the resolution authorizing application to and acceptance of BJA-2020-17028 Strategies for Policing Innovation Grant; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

**10. Discuss and consider whether to hold a joint election or a standalone election for the City's General and Special Election that was postponed from May 2, 2020 to November 3, 2020 due to the COVID-19 pandemic. (City Secretary).**

**Motion made by Commissioner Hinojosa to go with a joint election for the City's General and Special Election that was postponed from May 2, 2020 to November 3, 2020 due to the COVID-19 pandemic, seconded by Commissioner Leubert.**

Mayor Fugate asked if discussion on this item is needed.

Mrs. Alvarez commented that the Commission could have some discussion if they chose too.

No discussion took place.

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

**11. Consider a resolution of the City of Kingsville, Texas, adopting TCAP'S Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement for power to be provided on and after January 1, 2023. (City Attorney).**

Mrs. Alvarez stated that we are currently in the ending phase of a five-year fixed rate contract. The city currently has an agreement with TCAP that procures electricity, not only for our city's load but for lots of other governmental entities. She further stated that TCAP is a fifteen-member Board, which she is a member of that oversees this where they make sure that the best interest for citizens is being looked into. The professional services agreement sets out the relationship between the member entity, the city, and TCAP so it lists some of those services that they provided. She further stated that the second thing that the Commission would be authoring is the Consumer Electric Services Agreement which is the basic agreement that entities have with whoever the retail electric provider is. Currently the city has an agreement with Gexa Energy that is supplying the energy to meet the load for all of the entities that are involved in TCAP.

Because the electric rate is set on the natural gas futures market, this can now be very volatile. She further stated that they usually try and procure that far out in advance so that as a governmental entity they will have a way to budget more accurately. She further stated that the fixed rate contract has been beneficial for the city. She further stated that staff has participated in presentation for the Strategic Hedging Program to which staff felt comfortable with the program. Staff recommends approval to execute a professional services agreement with TCAP for the purchase of electricity and participate in the Strategic Hedging Program and to execute the Commercial Electric Services Agreement with Gexa Energy.

Commissioner Hinojosa asked if the city had been receiving any refunds in the last quarters? Mrs. Alvarez responded that there have been no distributions to any members in the last quarter because of what some of the ancillary cost have been. Commissioner Hinojosa further asked if any had been received in the past. Mrs. Alvarez responded yes, but it depends on what different parts of the State the members are located in.

**Motion made by Commissioner Leubert to approve the resolution of the City of Kingsville, Texas, adopting TCAP'S Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement for power to be provided on and after January 1, 2023, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

**12. Consider a resolution authorizing the Mayor to enter into a Third Amendment to Tower Attachment Lease Agreement with GTP II, LLC. (IT Manager/City Attorney).**

**Motion made by Commissioner Hinojosa to approve the resolution authorizing the Mayor to enter into a Third Amendment to Tower Attachment Lease Agreement with GTP II, LLC, seconded by Commissioner Lopez.**

Mrs. Alvarez stated that the city has a tower by the police department where the city leases out space for this. In the past, staff has brought to the Commission some amendments when extras space is needed. GTP is requesting an additional 352 square feet of land be added to the existing lease to accommodate a need for additional equipment in order to provide higher availability of cellular phone and data services to the Kingsville region. GTP will provide the City a one-time payment of \$42,000 within 30 days following the commencement date contained within the agreement.

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

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:51 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMCM, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Rutilio P. Mora Jr, P.E., City Engineer  
DATE: April 27, 2020  
SUBJECT: Consider approving Ordinance to install Yield Sign at the intersection of Helen Marie Ln. and Van St.

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**Summary:**

On March 9, 2020, I received a request to replace the yield signs with stops signs at the intersections of Van St./Jay Vee Ave., Helen Marie Ln./Van Ave., and Chandler St./Jay Vee Ave. I visited the site and discovered the 3-way intersection of Helen Marie Ln./Van St. does not have a yield or stop sign. Using guidelines established in the Texas Manual on Uniform Traffic Control Devices Section 2B.06 STOP Sign Applications would determine if stop signs are needed. A couple of items that would warrant stop signs would be exceeding 6,000 vehicles per day and 3+ crashes in 12 months or 5+ crashes in a 24 months.

Traffic counters were placed to determine the Average Daily Traffic Counts (ADT) of the areas concern. Attached is a Traffic Counter Aerial Map denoting the average vehicle counts per day. The City Police Dept did not have any records of crashes within 24 months.

Stop signs aren't warranted at the locations mentioned above; however, I would recommend placing a yield sign at the intersection of Helen Marie Ln. and Van St.

**Financial Impact:**

The financial impact is approximately \_\_\_\_\_.

**Recommendation:**

Staff recommends approval of agenda item as presented.



**City of Kingsville  
Engineering Dept.**

**Attachments:**

Email Lester Tune

Traffic Counter Aerial

Ordinance

Article 8 – Traffic Control Devices

Yield Sign Cost Estimate.

2011 Texas Manual on Uniform Traffic Control Devices – Section 2B.06 Stop Sign Applications



## Rutilio "Rudy" Mora

---

**From:** Rutilio "Rudy" Mora  
**Sent:** Saturday, March 28, 2020 3:02 PM  
**To:** fireant78  
**Cc:** Bill Donnell; Avelino Valadez; Joseph Coufal; Joseph Ramirez; Ricardo Torres  
**Subject:** RE: Replacing Yield signs  
**Attachments:** Traffic Counter Map Chandiler Acres.pdf

Mr. Tune,

We received and reviewed the data from the traffic counters earlier this week. I have attached a map of the traffic counter locations and their average daily traffic (ADT) counts. The study does not warranty replacing the yield signs with stop signs because the ADT does not exceed 6,000 vehicles per day and no crashes were reported in the areas of concern. I will work on an ordinance item for placing a yield sign at the intersection of Helen Marie Ln./Van St.

Regards,

Rudy Mora

**From:** Rutilio "Rudy" Mora <rmora@cityofkingsville.com>  
**Sent:** Monday, March 9, 2020 11:08 AM  
**To:** fireant78 <fireant78@yahoo.com>  
**Cc:** Bill Donnell <wdonnell@cityofkingsville.com>; Avelino Valadez <avaladez@cityofkingsville.com>; Tanya Colin <TBernal@cityofkingsville.com>; Joseph Ramirez <jramirez@cityofkingsville.com>; Ricardo Torres <ricardo.torres@kingsville.onmicrosoft.com>  
**Subject:** RE: Replacing Yield signs

Mr. Tune,

Thank you for reaching out, I drove the site this morning. I have requested the Public Works Dept. to place a yield sign missing at the intersection of Helen Marie and Vee.

Placing stop signs if warranted would require City Commission action. Next week the Engineering Dept. will place traffic counters to determine if the stop signs are warranted. A couple of items that would warrant stop signs would be exceeding 6,000 vehicles per day and 3+ crashes in 12 months or 5+ crashes in a 24 months.

I have also included the Police Dept. to help monitor any traffic violations.

Regards,

Rutilio "Rudy" P. Mora Jr., P.E., CFM  
City Engineer  
400 W. King Ave./P.O. Box 1458  
Kingsville, Texas 78364  
Office: (361) 595-8004  
Fax: (361) 595-8064



**From:** fireant78 <[fireant78@yahoo.com](mailto:fireant78@yahoo.com)>  
**Sent:** Friday, March 06, 2020 3:53 PM  
**To:** Rutilio "Rudy" Mora <[rmora@cityofkingsville.com](mailto:rmora@cityofkingsville.com)>  
**Subject:** Replacing Yield signs

Caution! This message was sent from outside your organization.

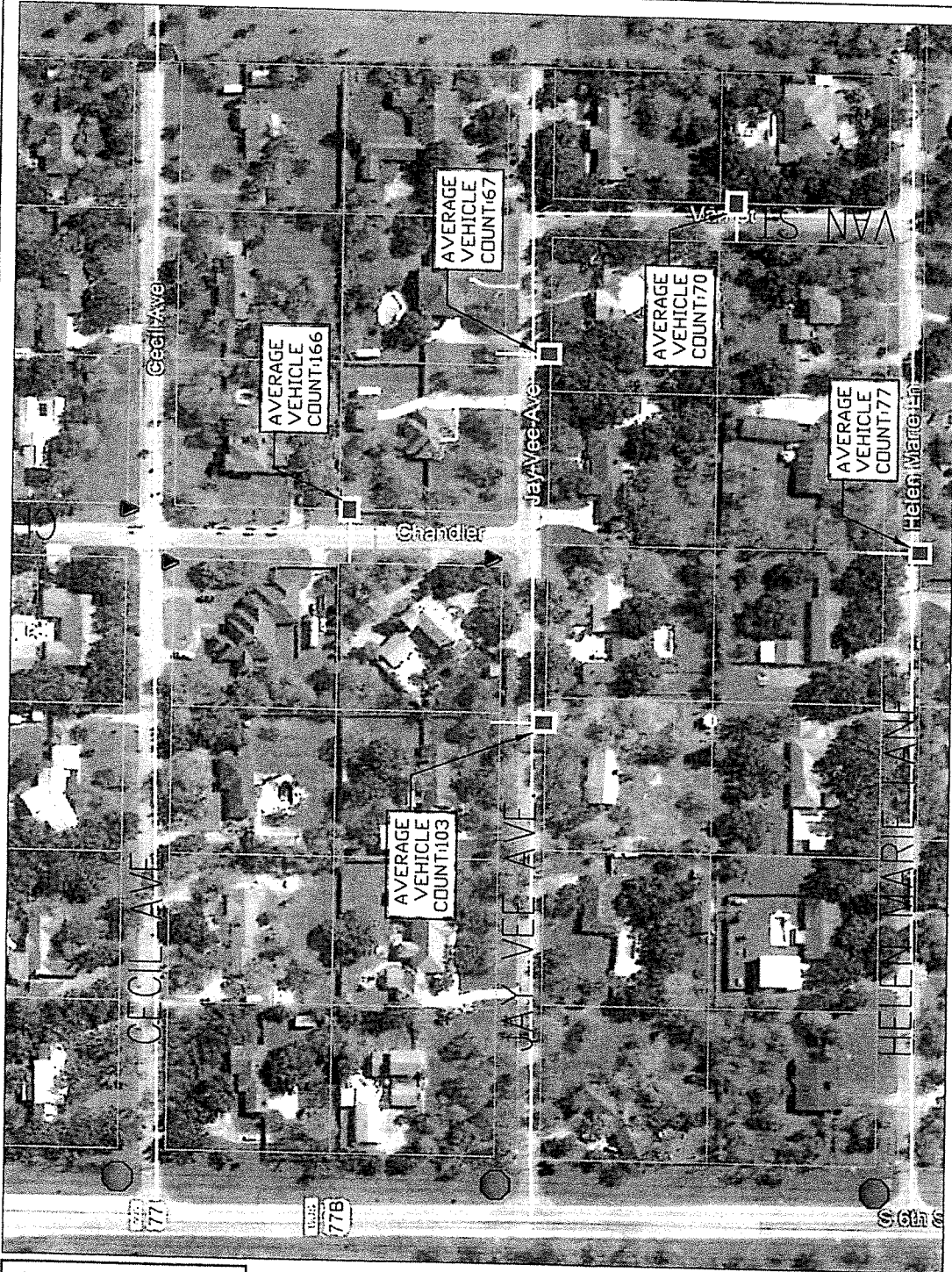
Hello my name is Lester Tune. I am a State Trooper and I live at 501 Jay Vee Lane here in Kingsville Texas. I'm writing to try to get the yield signs at Van and Jay Vee ,Helen Marie and Jay Vee, and Chandler and Jay Vee replaced with Stop signs. My son and other kids in the neighborhood play in the streets and ride their bikes. On several occasions traffic coming through the neighborhood trying to avoid the light at General Cavazos and Business 77 don't even slow down at the yield signs or watch for the kids. I'm afraid if the traffic continues as it is someone will end up hurt or possibly killed by a careless driver.

Sent via the Samsung Galaxy S76 active, an AT&T 4G LTE smartphone

CITY OF KINGSVILLE  
TRAFFIC COUNTER AERIAL

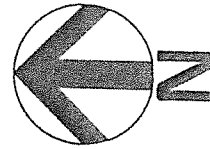
Drawn By: XXX  
Date: XX/XX/XXXX  
Checked By: R. MORA  
Job:

CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT  
400 West King  
Kingsville, Texas 78363  
Office: 361.595.8007  
Fax: 361.595.8035



LEGEND

- YIELD SIGN
- TRAFFIC COUNTER
- STOP SIGN



- **ARTICLE 8. - TRAFFIC CONTROL DEVICES**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[SEMAIL](#)  
[SECTION](#)[COMPARE VERSIONS](#)

- **Sec. 7-8-1. - Authority to install traffic control devices.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[SEMAIL](#)  
[SECTION](#)[COMPARE VERSIONS](#)

The Chief of Police shall place and maintain traffic control signs, signals and devices when and as required under the traffic regulations of the municipality to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as he may deem necessary.

(Ord. 2005-10, passed 3-14-05)

- **Sec. 7-8-2. - Specifications for traffic control devices.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[SEMAIL](#)  
[SECTION](#)[COMPARE VERSIONS](#)

All traffic control signs, signals and devices shall conform to the approved specifications. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the municipality. All traffic control devices so erected and not inconsistent with the provisions of this title shall be official traffic control devices.

(Ord. 2005-10, passed 3-14-05)

- **Sec. 7-8-3. - Traffic control areas.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[SEMAIL](#)  
[SECTION](#)[COMPARE VERSIONS](#)

The City of Kingsville shall be sectioned into the following traffic control areas: (A)

Area A is bounded on the north by the city limits; on the east by the east side of Armstrong; on the south by the south side of Santa Gertrudis Avenue; on the west by the city limits. (1)

Area B is bounded on the north by the city limits; on the east by the west side of Sixth Street; on the south by the south side of Santa Gertrudis Avenue; on the west by east side of Armstrong. (2)

(3)

Area C is bounded on the north by the city limits; on the east by the east side of Fourteenth Street; on the south by the south side of Santa Gertrudis Avenue; on the west by the west side of Sixth Street.

(4)  
Area D is bounded on the north by the city limits; on the east by the city limits; on the south by the south side of Santa Gertrudis Avenue; on the west by the east side of Fourteenth Street.

(5)  
Area E is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the east side of Armstrong Avenue; on the south by the south side of King Avenue; on the west by the southwest side of King Avenue.

(6)  
Area F is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the west side of Sixth Street; on the south by south side of King Avenue; on the west by the east side of Armstrong Avenue.

(7)  
Area G is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of King Avenue; on the west by the west side of Sixth Street.

(8)  
Area H is bounded on the north by the south side of Santa Gertrudis Avenue; on the east by the city limits; on the south by the south side of King Avenue; on the west by the east side of Fourteenth Street.

(9)  
Area I is bounded on the north by the south and southwest side of King Avenue; on the east by the east side of Armstrong Avenue; on the south by the city limits; on the west by the city limits.

(10)  
Area J is bounded on the north by the south side of King Avenue; on the east by the west side of Sixth Street; on the south by the south side of Caesar Avenue; on the west by the east side of Armstrong Avenue.

(11)  
Area K is bounded on the north by the south side of King Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of Caesar Avenue; on the west by the west side of Sixth Street.

(12)  
Area L is bounded on the north by the south side of King Avenue; on the east by the city limits; on the south by the south side of Caesar Avenue; on the west by the east side of Fourteenth Street.

(13)  
Area M is bounded on the north by the south side of Caesar Avenue; on the east by the west side of Sixth Street; on the south by the city limits; on the west by the city limits and east side of Armstrong Avenue.

(14)

AREA P		
Intersection	Direction	Device
1. Escondido Dr. at Allen Dr.	Southbound	Install stop sign
2. Nelda Dr. at Allen Dr.	Eastbound	Install stop sign
3. Kleberg Park Road (west entrance)	Northbound	Install yield sign
4. Billy Evans Ave. and Chandler St.	Eastbound - Westbound	Install yield sign
5. Cecil Ave. and Chandler St.	Eastbound - Westbound	Install yield sign
6. Jay Vee Ave. and Chandler St.	Southbound	Install yield sign

(Ord. 2005-10, passed 3-14-05; Ord. 2006-01, passed 1-9-06; Ord. 2006-23, passed 5-10-06; Ord. 2007-13, § I, passed 6-11-07; Ord. No. 2009-25, § I, passed 8-31-09; Ord. No. 2009-31, § I, passed 10-12-09; Ord. 2013-22, § I, passed 5-28-13; Ord. 2014-19, § I, passed 4-14-14; Ord. 2016-02, § I, passed 1-11-16; Ord. 2016-13, § I, passed 3-14-16; Ord. 2016-54, § I, passed 10-31-16; Ord. 2018-09, § I, passed 2-26-18; Ord. 2019-28, passed 7-22-19)

Area N is bounded on the north by the south side of Caesar Avenue; on the east by the east side of Fourteenth Street; on the south by the south side of Military Highway; on the west by the west side of Armstrong Avenue.

(15)

Area O is bounded on the north by the south side of Caesar Avenue; on the east by the city limits; on the south by the south side of Military Highway; on the west by the east side of Fourteenth Street.

(16)

Area P is bounded on the north by the south side of Military Highway; on the east by the city limits; on the south by the city limits; and on the west by the city limits.

(B)

Furthermore, recognizing the importance and need for safe and effective traffic control, and implementing the recommendation of the April 1976 Traffic Engineering Study for the City of Kingsville, prepared by Traffic Engineers, Inc., the Commission of the City of Kingsville does hereby enact the following ordinance for the safe and effective management of automobile traffic within the City of Kingsville.

- 04 At intersections where all approaches are controlled by STOP signs (see Section 2B.07), an ALL WAY supplemental plaque (R1-3P) shall be mounted below each STOP sign. The ALL WAY plaque (see Figure 2B-1) shall have a white legend and border on a red background.
- 05 The ALL WAY plaque shall only be used if all intersection approaches are controlled by STOP signs.
- 06 Supplemental plaques with legends such as 2-WAY, 3-WAY, 4-WAY, or other numbers of ways shall not be used with STOP signs.
- Support:
- 07 The use of the CROSS TRAFFIC DOES NOT STOP (W4-4P) plaque (and other plaques with variations of this word message) is described in Section 2C.59.
- Guidance:
- 08 Plaques with the appropriate alternative messages of TRAFFIC FROM LEFT (RIGHT) DOES NOT STOP (W4-4aP) or ONCOMING TRAFFIC DOES NOT STOP (W4-4bP) should be used at intersections where STOP signs control all but one approach to the intersection, unless the only non-stopped approach is from a one-way street.
- Option:
- 09 An EXCEPT RIGHT TURN (R1-10P) plaque (see Figure 2B-1) may be mounted below the STOP sign if an engineering study determines that a special combination of geometry and traffic volumes is present that makes it possible for right-turning traffic on the approach to be permitted to enter the intersection without stopping.
- Support:
- 10 The design and application of Stop Beacons are described in Section 4L.05.

### Section 2B.06 STOP Sign Applications

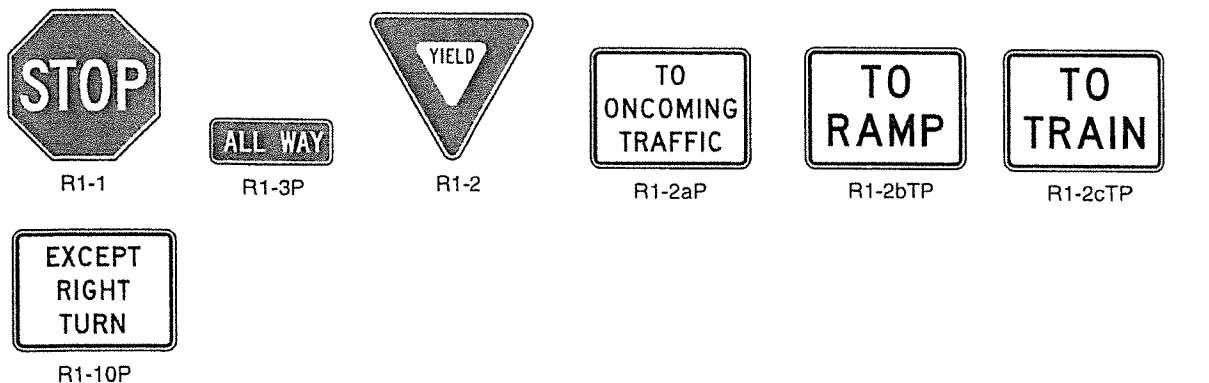
#### Guidance:

- 01 At intersections where a full stop is not necessary at all times, consideration should first be given to using less restrictive measures such as YIELD signs (see Sections 2B.08 and 2B.09).
- 02 The use of STOP signs on the minor-street approaches should be considered if engineering judgment indicates that a stop is always required because of one or more of the following conditions:
- A. The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day;
  - B. A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway; and/or
  - C. Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway.

#### Support:

- 03 The use of STOP signs at grade crossings is described in Sections 8B.04 and 8B.05.

Figure 2B-1. STOP and YIELD Signs and Plaques



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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 8-TRAFFIC CONTROL DEVICES; PROVIDING FOR THE INSTALLATION OF A YIELD SIGN ON VAN STREET AT ITS INTERSECTION WITH HELEN MARIE LANE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

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

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

I.

**THAT** Section 7-8-3 of Article 8: Traffic Control Devices of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 7-8-3 TRAFFIC CONTROL AREAS.**

...

(B)

...

AREA P		
Intersection	Direction	Device
1. Escondido Dr. at Allen Dr.	Southbound	Install stop sign
2. Nelda Dr. at Allen Dr.	Eastbound	Install stop sign
3. Kleberg Park Road (west entrance)	Northbound	Install yield sign

4. Billy Evans Ave. and Chandler St.	Eastbound - Westbound	Install yield sign
5.Cecil Ave. and Chandler St.	Eastbound - Westbound	Install yield sign
6.Jay Vee Ave. and Chandler St.	Southbound	Install yield sign
7. <u>Helen Marie Ln. and Van St.</u>	<u>Southbound</u>	<u>Install yield sign</u>

...

## II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

## III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

## IV.

**THAT** this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of April, 2020.

**PASSED AND APPROVED** on this the 11th day of May, 2020.

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #2**

**City of Kingsville  
Planning Dept.**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Downtown Manager/Historic Preservation Officer

DATE: April 16, 2020

SUBJECT: Adoption of Design Guidelines for Kingsville's Historic Districts

---

**Summary:** The City of Kingsville was awarded a Certified Local Government grant to hire a consultant to prepare design guidelines for the city's historic districts. This item requests that the City adopt the Design Guidelines which were so prepared.

**Background:** As growth and development take place in the historic areas of Kingsville, it is desirable to maintain the integrity of existing neighborhoods, to develop more housing options in traditional neighborhoods and to enhance the city's historic downtown center. Design guidelines provide guidance for property owners when they are planning or undertaking a project to make alterations to their house, building or property. These design guidelines may be viewed as best practices to follow in the interest of their individual property, the community and the City

The design guidelines were prepared in accordance with the Secretary of the Interior's Standards for Rehabilitation, the same standards by which projects are evaluated for compliance with the City's historic preservation ordinance and were reviewed and approved by the Texas Historical Commission. They were written with the unique character of Kingsville's local historic district and Downtown National Register District in mind. The guidelines are available in both English and Spanish and can be found on the City's website under Planning & Development Services.

**Financial Impact:** None

**Recommendation:** It is recommended that the Design Guidelines so prepared be adopted by the City of Kingsville.



## PERMIT PROCEDURES

### Sec. 15-5-30. - Permit Applications; Duties and Responsibilities of Board and Staff of Planning and Development Services.

#### (A) Construction, reconstruction, alteration, restoration, demolition, or relocation procedure.

- (1) It is recommended that the applicant review in its entirety, the application packet that is given to them by the Planning Department staff. This packet (City of Kingsville Historical Development Board Application for permit review) provides the applicant the information that they should need in deciding to move forward with their project.
- (2) Upon receipt of an application for a permit in a historic district or historic landmark, a staff member from the City Planning Department shall evaluate if the desired construction, reconstruction, alteration, restoration, demolition, or relocation of a building, structure, or appurtenance will destroy the historical or architectural integrity of the site per the Secretary of the Interior's "Standards for Rehabilitation" No. 1—No. 10.
- (3) Applications for signage, certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic preservation officer without review by the historic development board. If an application for a permit is denied or modified by the historic preservation officer, then the applicant shall have five days after receiving notice of the requested modification or denial to submit in writing a request for appeal to the historic development board. The request for appeal shall be submitted to the director of planning and development services.

For purposes of this article, those activities which constitute signage, minor alterations, additions, repairs or maintenance include but are not limited to:

- (a) Replacement of deteriorated features, materials, or finishes with the same
- (b) Foundation, driveway, patio and sidewalk repair using the same type and color of materials
- (c) HVAC out of public site
- (d) Replacement of synthetic sidings with original wood siding
- (e) Paint colors consistent with district
- (f) Demolition of non-historic accessory structures or additions
- (g) New signage, sign replacement or temporary banners
- (h) New or replacement fencing out of public sign
- (i) Minor landscaping or pool construction
- (j) Removal of burglar bars and doors
- (k) Reroofing, using the same type and color of material
- (l) Minor changes to the existing certificates of approval

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work and samples of replacement materials or paint for comparison with the existing building, object or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.

- (4) Applications that do not meet the criteria in § 15-5-30(3) shall be considered by the Board. The Board shall at the next regularly scheduled meeting consider the application for approval, approval with recommended changes, or disapproval. The person applying for the permit shall

be advised of the time and place of the meeting and invited to appear to his/her reasons therefor. The Board may invite such other persons or groups as it desires to attend its meetings. The Board may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this article.

- (5) The staff of the City Planning Department shall not take action upon a permit that destroys the historical integrity of a site unless such work has been approved by majority vote of the Historical Development Board as provided in § 15-5-19 of this article.
- (6) City staff shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:
  - (a) They shall forward to the office of the Board a copy of application for a building permit together with a copy of a plot plan and the building plans and specifications filed by the applicant.
  - (b) They shall maintain in the Planning Department Office a record of all such applications, actions, and final disposition of the same, which shall be in addition to and appropriately cross-referenced to his other records.
  - (c) They shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit in compliance with the foregoing.

- (7) **Renewal of Permit, Administratively or Historical Development Board.**

The applicant has 12 months, to start construction from the approved date on the permit. If the applicant has not started in the 12 month time period, the applicant may request an extension before the 12 month time limit expires. The extension time period will be determined by the authorizing personnel. Depending upon who approved the permit will determine who approves the extension. Example, if the permit was approved administratively the staff will decide on the extension. If the permit was approved by the Historical Development Board then they will make that decision. In either case, the decision on the extension request will be done in writing and given to the applicant. Only one extension will be granted by either approving entity.

- (B) *Standards to be applied.* The same criteria considered by staff members of the City Planning Department as set forth in § 15-5-31 of this article shall be applied by the staff member in arriving at his determination as to issuance or denial of the permit.
- (C) *Historic sites.* Property tax relief for historic structure revitalization.
- (D) *Application for historic designation as a subject, site, landmark, structure, district or area.*
  - (1) Application process will entail a completed "city historical site register" form.
  - (2) The Texas Historical Commission rules will apply for designation as an historic site, area, district.
  - (3) The Historic Development Board will review each application and make a recommendation to the City Commission within 60 days of the application.

(1962 Code, § 2-10-10; Ord. 91034, passed 10-28-91; Ord. 97013, passed 5-28-97; Ord. 97044, passed 12-8-97; Ord. 2016-32, passed 6-13-16; Ord. 2018-74, § I, passed 12-10-2018)

**Editor's note**— Ord. 2018-74, § I, passed Dec. 10, 2018, amended § 15-5-30 and in so doing changed the title of said section from "Permit applications; duties and responsibilities of board and staff of planning and urban development department" to "Permit applications; duties and responsibilities of board and staff of planning and development services," as set out herein.

Sec. 15-5-31. - Criteria to be Used by Board and Historic Preservation Officer in Determining its Decisions on Permits.

(A) Historic districts.

- (1) The effect of the proposed change upon the general historic, cultural and architectural nature of the district.
- (2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.
- (3) The general design, arrangement, texture, material and color of the building, structure or appurtenances and the relation of such factors to similar features of buildings, structures or appurtenances in the district. The criterion shall not be the aesthetic appeal to the Board of the structure or the proposed remodeling, but rather its conformity to the general character of the particular historic area involved.
- (4) Signs which are out of keeping with the character of the historic district in question shall not be permitted.
- (5) The value of the historic district as an area of unique interest and character shall not be impaired.

(B) Historic landmark.

- (1) The effect of the proposed change upon the historic, architectural, or cultural nature of the landmark.
- (2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.
- (3) The general design, arrangement, texture, material and color of the building or structure site and the similarity, contrast, or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical, and cultural values.
- (4) Signs which are out of keeping with the character of the historic landmark shall not be permitted.
- (5) The value of the historic landmark as a place of unique interest or character shall not be impaired.

(1962 Code, § 2-10-12; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97; Ord. 2016-32, passed 6-13-16; Ord. 2018-74, § I, passed 12-10-2018)

**Editor's note**— Ord. 2018-74, § I, passed Dec. 10, 2018, amended § 15-5-31 and in so doing changed the title of said section from "Criteria to be used by board in determining its decisions on permits" to "Criteria to be used by board and historic preservation officer in determining its decisions on permits," as set out herein.

Sec. 15-5-32. - Findings of the board concerning permit applications.

- (A) If the Board decides to recommend against the granting of a permit, it shall indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board, would protect the distinctive historical character of the historic district or historic landmark. If the applicant determines that he will make the suggested changes, he shall so advise the Board within 5 days of receipt of Board's decision.

- (B) An applicant who is dissatisfied with a decision of the Board shall have the right within 30 days of receipt of notification of the Board's decision to appeal said decision to the City Commission, by giving written notice of appeal to the Director of Planning & Development Services.

(1962 Code, § 2-10-13; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-33. - Action by city commission.

Upon receipt of the report from the Director of Planning & Development Services, the City Commission shall receive the appeal at the next available regularly scheduled meeting.

(1962 Code, § 2-10-14; Ord. 91034, passed 10-28-91; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-34. - Reapplication for permit.

In the case of disapproval of an application by the City Commission, the application shall not be resubmitted for consideration until at least one year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions for protection the district or landmark have been incorporated into the reapplication.

(1962 Code, § 2-10-15; Ord. 91034, passed 10-28-91)

Secs. 15-5-35—15-5-97. - Reserved.

Sec. 15-5-98. - Violations.

It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, relocated, restore, demolish, raze or maintain any building, structure, accessory building, fence or other appurtenance in an historic district or historic landmark in violation of the provisions of this article; and proper city officials, or their duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, demolition, razing, or maintenance, to restrain, correct or abate such violations, to prevent any illegal act, conduct business or maintenance in and about such premises. Each day such violation continues shall constitute a separate violation.

(1962 Code, § 2-10-17(A); Ord. 91034, passed 10-28-91)

**Cross reference**— Penalty, see § 15-5-99.

Sec. 15-5-99. - Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate offense for each day or portion thereof during which any violation hereof is committed, continued or permitted, and upon conviction any such violation shall be punishable by a fine not to exceed \$200.00.

(1962 Code, § 2-10-17(B); Ord. 91034, passed 10-28-91)

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 5-HISTORICAL DISTRICTS AND LANDMARKS, SECTION 15-5-30, PROVIDING FOR ADOPTION OF DESIGN GUIDELINES FOR THE HISTORIC DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City was awarded a Certified Local Government grant to hire a consultant to prepare design guidelines for the city's historic districts and has completed the grant project; and

**WHEREAS**, design guidelines provide guidance for property owners when they are planning or undertaking a project in the historic district; and

**WHEREAS**, the design guidelines were prepared in accordance with the Secretary of the Interior's Standards for Rehabilitation and were approved by the Texas Historical Commission and are hereby adopted by the City of Kingsville; and

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

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

I.

**THAT** Sections 15-5-30 of Article 5: Historical Districts and Landmarks of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas shall be amended to read as follows:

...

**PERMIT PROCEDURES**

**Sec. 15-5-30. - Permit Applications; Duties and Responsibilities of Board and Staff of Planning and Development Services.**

(A) Construction, reconstruction, alteration, restoration, demolition, or relocation procedure.

(1) It is recommended that the applicant review in its entirety, the application packet that is given to them by the Planning Department staff. This packet (City

of Kingsville Historical Development Board Application for permit review) provides the applicant the information that they should need in deciding to move forward with their project.

(2) Upon receipt of an application for a permit in a historic district or historic landmark, a staff member from the City Planning Department shall evaluate if the desired construction, reconstruction, alteration, restoration, demolition, or relocation of a building, structure, or appurtenance will destroy the historical or architectural integrity of the site per the Secretary of the Interior's "Standards for Rehabilitation" No. 1—No. 10 and are consistent with the City of Kingsville Historic District Design Guidelines and any amendments thereto.

(3) Applications for signage, certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic preservation officer without review by the historic development board. If an application for a permit is denied or modified by the historic preservation officer, then the applicant shall have five days after receiving notice of the requested modification or denial to submit in writing a request for appeal to the historic development board. The request for appeal shall be submitted to the director of planning and development services.

For purposes of this article, those activities which constitute signage, minor alterations, additions, repairs or maintenance include but are not limited to:

- (a) Replacement of deteriorated features, materials, or finishes with the same
- (b) Foundation, driveway, patio and sidewalk repair using the same type and color of materials
- (c) HVAC out of public site
- (d) Replacement of synthetic sidings with original wood siding
- (e) Paint colors consistent with district
- (f) Demolition of non-historic accessory structures or additions
- (g) New signage, sign replacement or temporary banners
- (h) New or replacement fencing out of public sign
- (i) Minor landscaping or pool construction
- (j) Removal of burglar bars and doors
- (k) Reroofing, using the same type and color of material
- (l) Minor changes to the existing certificates of approval

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work and samples of replacement materials or paint for comparison with the existing building, object or structure must be furnished

with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.

...

I.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 27th day of April, 2020.

**PASSED AND APPROVED** on this the 11th day of May, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **REGULAR AGENDA**

# **AGENDA ITEM #3**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: May 11, 2020

SUBJECT: Consider awarding RFP#20-07 for 2020 US Hwy 77 Overpass Utilities Relocation Project and authorizing execution of the contract for the same.

---

**Summary:**

The project is to relocate 1.4 miles of existing utilities consisting of water and wastewater lines. TXDOT will reimburse the City approximately 43% of the total project cost which includes construction costs, testing and Engineering fees. The project was designed by the City's Engineering Dept and saved approximately \$91,000.00 in engineering fees.

The project was advertised in the local newspaper and the City's website on April 2<sup>nd</sup> and 9<sup>th</sup>. On April 29, 2020, the City publicly opened RFP#20-07 and received four bids on the 2020 US Hwy 77 Overpass Utilities Relocation Project. Bidder 1 was Hubert Construction Co. located in Kingsville, Texas. Bidder 2 was Bridges Specialties located in Robstown, Texas. Bidder 3 was LML Services LLC, located in San Antonio, Texas. Bidder 4 was the 5125 Company located in Edinburg, Texas. The bids ranged from \$599,106.50 to \$1,053,340.00. The Engineer's Estimated Cost for utility construction cost was \$650,000.00. We are pleased to announce the project had a successful bid was under the engineer's estimated cost.

There was an error in the Bid Proposal Form on item D-2 it should have read 16" Dia. Steel Casing. 3 of the 4 bidders caught the error and submitted the correct unit price except for the lowest bidder Hubert Construction Co. I have confirmed with Hubert Construction Co. that the unit price for this item is the same as item B-2. The Bid Tabulation provided reflects the corrections.



**City of Kingsville  
Engineering Dept.**

References were verified for all Contractors. Hubert Construction has completed several projects for the City. We recommend awarding the project to Hubert Construction Co. in the amount of \$599,106.50.

**Financial Impact:**

The financial impact will be \$599,106.50 for the construction costs and \$24,825.00 for testing with a total project cost of \$623,931.50 TxDOT will reimburse the City approximately 43% on compensable activities. The City has allocated in the Budget \$600,000.00 under Fund 054-Utility Fund Capital Projects. The line item in that Fund is named I-69 TxDOT Utility Line Relocation Project. The Account No. is 054-5-6001-71700. A budget amendment will need to be approved to cover the total costs of the project.

**Recommendation:**

Staff recommends: 1) award of the bid RFP#20-07 for 2020 US Hwy 77 Overpass Utilities Relocation Project to Hubert Construction Co., and 2) approval of a resolution giving the City Manager the authority to sign the Standard Form Agreement between the City and Hubert Construction Co.

**Attachments:**

Bid Tabulation  
Resolution  
Standard Form of Agreement



# BID TABULATION

City of Kingsville

Project Name: 2020 US 77 Relocation Project

Date: April 29, 2020



Hubert Construction PO Box 84 Kingsville, Tx 78364															Bridges Specialties Robstown, TX 78411				LMI Services 8610 Broadway Ste 211 San Antonio, TX 78217				5125 Company 3914 Rio Grande Care Rd. Edinburg, TX 78541											
ITEM	QTY	UNIT	DESCRIPTION												UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE														
BASE BID - 12" Wastewater Main Gravity Relocation (East Side) - Line A																																		
A-1	640	LF	12" DIA. WASTEWATER LINE SDR 26 PVC < 10' DEPTH												\$47.60	\$30,464.00	\$68.00	\$43,520.00	\$65.00	\$41,600.00	\$116.00	\$74,240.00												
A-2	3	EA	4" DIA. FIBERGLASS MANHOLE < 10' DEPTH												\$8,500.00	\$25,500.00	\$8,000.00	\$24,000.00	\$7,500.00	\$22,500.00	\$13,300.00	\$39,900.00												
A-3	40	SY	ASPHALT REPAIR												\$100.00	\$4,000.00	\$200.00	\$8,000.00	\$61.00	\$2,440.00	\$170.00	\$6,800.00												
A-4	1340	LF	TRENCH SAFETY												\$5.00	\$6,700.00	\$5.00	\$6,700.00	\$3.00	\$4,020.00	\$3.00	\$4,020.00												
A-5	700	LF	REMOVE/DISEPOSE EXISTINGLINE, MANHOLES & BACKFILL												\$26.00	\$18,200.00	\$35.00	\$24,500.00	\$21.00	\$14,700.00	\$22.00	\$15,400.00												
A-6	1	LS	BYPASS PUMPING												\$1,000.00	\$1,000.00	\$7,500.00	\$7,500.00	\$4,000.00	\$4,000.00	\$20,000.00	\$20,000.00												
BASE BID LINE "A"															\$85,864.00		\$114,220.00				\$89,260.00		\$160,360.00											
BASE BID - 8" Wastewater Force Main Relocation (West Side) - Line B																																		
B-1	290	LF	8" DIA. WASTEWATER FORCE MAIN C900 PVC PC 150												\$64.50	\$18,705.00	\$88.00	\$25,520.00	\$127.00	\$36,830.00	\$160.00	\$46,400.00												
B-2	120	LF	16" DIA. STEEL CASING												\$160.00	\$19,200.00	\$135.00	\$16,200.00	\$178.00	\$21,360.00	\$225.00	\$27,000.00												
B-3	580	LF	TRENCH SAFETY												\$2.50	\$1,450.00	\$15.00	\$8,700.00	\$3.00	\$1,740.00	\$3.00	\$1,740.00												
B-4	1	LS	EROSION CONTROL												\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00	\$662.00	\$662.00	\$3,500.00	\$3,500.00												
B-5	290	LF	REMOVE/DISEPOSE EXISTING UTILITY LINE & BACKFILL												\$22.00	\$6,380.00	\$30.00	\$8,700.00	\$32.00	\$9,280.00	\$40.00	\$11,600.00												
BASE BID LINE "B"															\$50,735.00		\$62,120.00				\$69,872.00		\$90,240.00											
BASE BID- 12" Water Line Relocation (West Side) - Line C																																		
C-1	3200	LF	12" DIA. PVC C-900 WATER LINE												\$60.70	\$194,240.00	\$55.00	\$176,000.00	\$62.00	\$198,400.00	\$95.00	\$304,000.00												
C-2	60	LF	20" STEEL CASING												\$220.00	\$13,200.00	\$220.00	\$13,200.00	\$344.00	\$20,640.00	\$300.00	\$18,000.00												
C-3	1	EA	COMBO AIR RELEASE VALVE												\$11,000.00	\$11,000.00	\$7,500.00	\$7,500.00	\$10,135.00	\$10,135.00	\$10,000.00	\$10,000.00												
C-4	5	EA	12" GATE												\$3,517.50	\$17,587.50	\$4,000.00	\$20,000.00	\$5,320.00	\$26,600.00	\$3,900.00	\$19,500.00												
C-5	3200	LF	TRENCH SAFETY												\$1.00	\$3,200.00	\$2.50	\$8,000.00	\$3.00	\$9,600.00	\$1.00	\$3,200.00												
C-6	3355	LF	REMOVE/DISEPOSE EXISTING UTILITY LINE & BACKFILL												\$15.00	\$50,325.00	\$30.00	\$100,650.00	\$23.00	\$77,165.00	\$22.00	\$73,810.00												
BASE BID LINE "C"															\$289,552.50		\$325,350.00				\$342,510.00		\$428,510.00											
BASE BID- 6" Wastewater Force Main Relocation -Line D																																		
D-1	3490	LF	6" DIA. WASTEWATER FORCE MAIN C-900 PVC												\$25.50	\$88,995.00	\$42.00	\$146,580.00	\$48.00	\$167,520.00	\$80.00	\$279,200.00												
D-2	60	LF	16" STEEL CASING												\$160.00	\$9,600.00	\$135.00	\$8,100.00	\$278.00	\$16,680.00	\$180.00	\$10,800.00												
D-3	15	SY	ASPHALT REPAIR												\$100.00	\$1,500.00	\$400.00	\$6,000.00	\$61.00	\$915.00	\$270.00	\$4,050.00												
D-4	3490	LF	TRENCH SAFETY												\$2.00	\$6,980.00	\$2.50	\$8,725.00	\$3.00	\$10,470.00	\$2.00	\$6,980.00												
D-5	3660	LF	REMOVE/DISEPOSE EXISTING UTILITY LINE & BACKFILL												\$18.00	\$65,880.00	\$20.00	\$73,200.00	\$22.00	\$80,520.00	\$20.00	\$73,200.00												
BASE BID LINE "D"															\$172,955.00		\$242,605.00				\$276,105.00		\$374,230.00											
TOTAL BASE BID A-D															\$599,106.50					\$744,295.00					\$777,777.00					\$1,053,340.00				

\* DENOTES ERROR IN BID

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TO A STANDARD FORM OF AGREEMENT BETWEEN THE CONTRACTOR ON THE BASIS OF A STIPULATED PRICE FOR US\$77 OVERPASS UTILITIES RELOCATION; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville needs to have certain utility lines relocated for the TxDOT US77 expansion project on the south side of town that is starting this year; and

**WHEREAS**, the City advertised for bids on April 2 & 9, 2020 and opened RFP#20-07 on April 29, 2020 for 2020 US Hwy 77 Overpass Utilities Relocation Project; and

**WHEREAS**, the City Commission on May 11, 2020 awarded RFP#20-07 to the apparent low bidder, Donald Hubert Construction Co. ("Contractor");

**WHEREAS**, the City and Contractor have worked to prepare a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US Hwy 77 Overpass Utilities Relocation Project.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US Hwy 77 Overpass Utilities Relocation Project with Donald Hubert Construction Co. 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  
\_\_\_\_\_ 11th day of Mayr, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**STANDARD FORM OF AGREEMENT  
BETWEEN CITY AND CONTRACTOR  
ON THE BASIS OF A STIPULATED PRICE**

---

THIS AGREEMENT is dated as of the day of in the year by and between City of Kingsville, Texas (hereinafter called OWNER) and Hubert Construction Co. (hereinafter called CONTRACTOR).

CITY and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**Article 1. WORK:**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

**"City of Kingsville – BID 20-07 2020 US 77 Overpass Utilities Relocation"**

**Article 2. ENGINEER:**

The Project has been designed by:



City of Kingsville- Engineering Department  
400 W. King Avenue  
Kingsville, Texas 78363  
(361) 595-8007

Who is hereinafter called ENGINEER and who is to act as OWNERS representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

**Article 3. CONTRACT TIME:**

- 3.1 The Work will be completed and ready for final payment in accordance with the General Conditions within 150 calendar days from the date when the Contract Time commences to run.
- 3.2 Liquidated Damages. OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions.

They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but

not as a penalty) CONTRACTOR shall pay OWNER two hundred & 00/100 dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for Substantial Completion until the Work is substantially complete. After Substantial Completion if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by OWNER, CONTRACTOR shall pay OWNER two hundred dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for completion and readiness for final payment.

#### **Article 4. CONTRACT PRICE:**

- 4.1 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents in current funds as follows: Per Contractors Proposal dated April 29, 2020 in the Total Base Bid in the amount of \$599,106.50, as attached and a part of this contract document.

#### **Article 5. PAYMENT PROCEDURES:**

CONTRACTOR shall submit Applications for Payment in accordance with the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

#### **Article 6. INTEREST:**

All moneys not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

#### **Article 7. CONTRACTORS REPRESENTATIONS:**

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1. CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- 7.2 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance of furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the General Conditions; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by CONTRACTOR for such purposes.
- 7.3 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in

respect of said Underground Facilities are or will be required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the General and Special Conditions.

- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- 7.5 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

#### **Article 8. CONTRACT DOCUMENTS:**

The Contract Documents which comprise the entire agreement between CITY and CONTRACTOR concerning the Work consists of the following:

- 8.1 A bound set of executed documents and specifications titled:

**CONTRACT DOCUMENTS  
TECHNICAL SPECIFICATIONS  
FOR**

---

**BID 20-07  
2020 US 77 OVERPASS UTILITIES RELOCATION  
FOR  
CITY OF KINGSVILLE, TEXAS**

---

City Manager  
Mark McLaughlin

Mayor  
Sam Fugate

Commissioner(s)  
Hector Hinojosa  
Dianne Leubert  
Arturo Pecos  
Edna Lopez

JANUARY 2020

Prepared by:



Engineering Department  
400 W King Avenue  
Kingsville, Texas 78363  
(361) 595-8004

Together with all of the items or sections listed in the Table of Contents thereof.

- 8.2 A Notice of Award consisting of one page.
- 8.3 A Notice to Proceed with Construction consisting of one page which shall be executed at a later date.

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in the General Conditions.

- 8.4 A set of drawings consisting of FIVE (5) sheets titled:

Description

- 1. COVER SHEET
- 2. GENERAL NOTES
- 3. STA. 341+00 TO STA. 352+00
- 4. STA. 407+00 TO STA. 418+00
- 5. STA. 429+00 TO 440+00
- 6. STA. 440+00 TO STA. 451+00
- 7. STA. 451+00 TO STA. 462+00
- 8. STA. 462+00 TO STA. 473+00
- 9. STA. 12+00 TO STA. END
- 10. SECTIONS & DETAILS I
- 11. SECTIONS & DETAILS II
- 12. EC – SEDIMENT AND WATER POLLUTION CONTROL MEASURES I
- 13. EC – SEDIMENT AND WATER POLLUTION CONTROL MEASURES II
- 14. EC – SEDIMENT AND WATER POLLUTION CONTROL MEASURES III
- 15. BC – GENERAL NOTES & REQUIREMENTS
- 16. BC – PROJECT LIMIT
- 17. BC – WORK ZONE SPEED LIMIT
- 18. BC – TEMPORARY SIGN NOTES
- 19. BC – TYPICAL SIGN SUPPORT
- 20. BC – ARROW PANEL, REFLECTORS, WARNING LIGHTS & ATTENUATOR
- 21. BC – CHANNELING DEVICES I
- 22. BC – CHANNELING DEVICES II
- 23. BC – CHANNELING DEVICES III
- 24. TCP – CONVENTIONAL ROAD SHOULDER WORK
- 25. TCP – ONE-LANE TWO-WAY TRAFFIC CONTROL
- 26. TCP – TRAFFIC SHIFTS ON TWO-LANE ROADS
- 27. TCP – LANE CLOSURES FOR DIVIDED HIGHWAYS

**Article 9. MISCELLANEOUS:**

- 9.1. Terms used in this Agreement which are defined in the General Conditions will have the meanings indicated in the General Conditions.

- 9.2. No assignment by a party hereto of any rights or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 9.3. CITY and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

**Article 10. OTHER PROVISIONS:**

- 10.1 The successful bidder who is awarded this bid will be required to complete and return a Conflict of Interest Disclosure Form and a Form 1295- Certificate of Interested Parties.
- 10.2 This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR.
- 10.3 CONTRACTOR agrees to abide by all local, state and federal nondiscrimination and fair wages, and all other laws applicable to this contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in five counterparts. Two counterparts each have been delivered to OWNER and CONTRACTOR and one counterpart to ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on \_\_\_\_\_, 20\_\_\_\_.

OWNER:  
City of Kingsville, Texas

CONTRACTOR:  
Hubert Construction Co.

By: \_\_\_\_\_  
Mark McLaughlin, City Manager

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
Mary Valenzuela, City Secretary

Attest: \_\_\_\_\_

Address for giving notices:

City of Kingsville  
400 W. King Avenue  
Kingsville, Texas 78363  
or  
P.O. Box 1458  
Kingsville, Texas 78364

Address for giving notices:

Donald Hubert Construction Co.  
P.O. Box 84  
Kingsville, Texas 78364

## **AGENDA ITEM #4**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: May 11, 2020

SUBJECT: Consider awarding RFP#20-07 for 2020 US Hwy 77 Overpass Utilities Relocation Project and authorizing execution of the contract for the same.

---

**Summary:**

The project is to relocate 1.4 miles of existing utilities consisting of water and wastewater lines. TXDOT will reimburse the City approximately 43% of the total project cost which includes construction costs, testing and Engineering fees. The project was designed by the City's Engineering Dept and saved approximately \$91,000.00 in engineering fees.

The project was advertised in the local newspaper and the City's website on April 2<sup>nd</sup> and 9<sup>th</sup>. On April 29, 2020, the City publicly opened RFP#20-07 and received four bids on the 2020 US Hwy 77 Overpass Utilities Relocation Project. Bidder 1 was Hubert Construction Co. located in Kingsville, Texas. Bidder 2 was Bridges Specialties located in Robstown, Texas. Bidder 3 was LML Services LLC, located in San Antonio, Texas. Bidder 4 was the 5125 Company located in Edinburg, Texas. The bids ranged from \$599,106.50 to \$1,053,340.00. The Engineer's Estimated Cost for utility construction cost was \$650,000.00. We are pleased to announce the project had a successful bid was under the engineer's estimated cost.

There was an error in the Bid Proposal Form on item D-2 it should have read 16" Dia. Steel Casing. 3 of the 4 bidders caught the error and submitted the correct unit price except for the lowest bidder Hubert Construction Co. I have confirmed with Hubert Construction Co. that the unit price for this item is the same as item B-2. The Bid Tabulation provided reflects the corrections.



**City of Kingsville  
Engineering Dept.**

References were verified for all Contractors. Hubert Construction has completed several projects for the City. We recommend awarding the project to Hubert Construction Co. in the amount of \$599,106.50.

**Financial Impact:**

The financial impact will be \$599,106.50 for the construction costs and \$24,825.00 for testing with a total project cost of \$623,931.50. TxDOT will reimburse the City approximately 43% on compensable activities. The City has allocated in the Budget \$600,000.00 under Fund 054-Utility Fund Capital Projects. The line item in that Fund is named I-69 TxDOT Utility Line Relocation Project. The Account No. is 054-5-6001-71700. A budget amendment will need to be approved to cover the total costs of the project.

**Recommendation:**

Staff recommends: 1) award of the bid RFP#20-07 for 2020 US Hwy 77 Overpass Utilities Relocation Project to Hubert Construction Co., and 2) approval of a resolution giving the City Manager the authority to sign the Standard Form Agreement between the City and Hubert Construction Co.

**Attachments:**

Bid Tabulation  
Resolution  
Standard Form of Agreement



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO COVER THE ADDITIONAL COSTS OF THE I-69 TXDOT UTILITY LINE RELOCATION PROJECT DUE TO THE RECEIVED BIDS & TESTING COST.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2019-2020 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 – Utility Fund</b>					
<u>Expenditures - 5</u>					
6900	Transfers	Transfer to Fund 054	80054	\$23,932	
<b>Fund 054 – Utility Fund Capital Projects</b>					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer From Fund 051	75010	(\$23,932)	
<u>Expenditures - 5</u>					
6001	Water Constr	I-69 TXDOT Util Line Replace	71700	\$23,932	

[To amend the City of Kingsville FY 19-20 Budget to cover the additional costs of the I-69 TXDOT Utility Line Replacement Project due to the bids received & testing cost. Funds will come from the Utility Fund fund balance through a transfer into Fund 054.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 11th day of May 2020.

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of May, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #5**

**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: April 24, 2020

SUBJECT: FY2020 Patrick Leahy Bulletproof Vest Partnership Grant

---

**Summary:**

The Kingsville Police Department applied for the FY2020 Patrick Leahy Bulletproof Vest Partnership Grant funds.

**Background:**

Justice Assistance Grant (JAG) funds or other federal funding sources may not be used to pay for that portion of the bullet proof vest (50%) that is not covered by BVP funds. JAG or other federal funds may be used to purchase vests for an agency, but they may not be used as the 50% match for BVP purposes.

**Uniquely Fitted Armor Vest Requirement-** Jurisdictions receiving funding for reimbursement of body armor purchases must have in place a uniquely fitted vest requirement when the FY 2020 BVP applications are submitted.

In the BVP Program, "uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor (Active Standard ASTM E3003)* available at no cost. The Personal Armor Fit Assessment checklist, is excerpted from ASTM E3003.



## **City of Kingsville Police Department**

In addition, a certification section has been added to the 2020 application (in the BVP system) stating the jurisdictions and law enforcement agency are aware of and will comply with this requirement.

### **Financial Impact:**

The Kingsville Police Department currently outfits our officers with Second Chance SUMMIT Level IIIA body armor, with a 5X8 Soft Trauma Plate, and interior carrier and an exterior uniform carrier at a total cost of \$907.00 per unit with \$100.00 for shipping and handling

We have applied to replace 10 units in FY2020 due to address turnover in staffing as well as perhaps some older vests that need to be replaced. The maximum allowable funding from BVP is 50% of the cost or \$4,585.00.

### **Recommendation:**

We request a resolution to allow for the acceptance, administration and expenditure of this grant by the Chief of Police.



# SUBMIT APPLICATION



Application Profile



Application



NIJ Approved Vests



Submit Application

You have successfully submitted your application for funding for BVP approval.

The approval process may take several weeks from the application closing date. A confirmation email has been sent to [chief@kingsvillepd.us](mailto:chief@kingsvillepd.us). An email approval advisory will also be sent to [chief@kingsvillepd.us](mailto:chief@kingsvillepd.us) when the program approvals are completed. Additionally, you may check the status of your application by selecting option , 'Application History', in the Jurisdiction's Handbook. Thank you for your continued patience.

For your reference, the summary data for your Application for Funding is listed below.

## SUCCESSFUL SUBMISSION

**Jurisdiction:** KINGSVILLE CITY

**Application Id:** 20019992

**Status/Submission Date:** Sent for BVP Approval : 04/30/20

## APPLICATION FOR FUNDING

Quantity	Extended Cost	Tax, S&H	Total Cost
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Quantity	Extended Cost	Tax, S&H	Total Cost
10	\$9,070.00	\$100.00	\$9,170.00
<b>Maximum Allowable Funding from BVP:</b>			<b>\$4,585.00</b>

\* Important: You can click on the 'Print Screen' button below to keep a copy for your records.

PRINT SCREEN



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

**A RESOLUTION AUTHORIZING PARTICIPATION IN BULLETPROOF VEST PARTNERSHIP PROGRAM FY2020 WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUSTICE ASSISTANCE GRANT (JAG) FOR BULLETPROOF VESTS FOR THE KINGSVILLE POLICE DEPARTMENT; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for the Bulletproof Vest Partnership (BVP) Grant Program for grant monies for equipment for law enforcement personnel; and

**WHEREAS**, the BVP Program FY2019 has funding to provide for 50% of the cost of bulletproof vests for law enforcement personnel via a grant to local law enforcement agencies; and

**WHEREAS**, the JAG is providing grants through funding from BVP Program FY2020; and

**WHEREAS**, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the BVP Grant Program grant application; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full; and

**WHEREAS**, the City of Kingsville has previously applied for similar grants that assist with improved officer safety; and

**WHEREAS**, the City of Kingsville and the Kingsville Police Department are aware of and will comply with uniquely fitted armor vest requirement; and

**WHEREAS**, the City Commission of the City of Kingsville designates the City Manager as the grantee's authorized official and the Kingsville Police Chief as his/her designee, who has the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

I.

**THAT** the City authorize the Kingsville Police Department through the Chief of Police to participate in Bulletproof Vest Partnership Program FY2020 and to seek funding for law

enforcement personnel bulletproof vests to assist with improved security for our law enforcement personnel in conformance with this program.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Bulletproof Vest Partnership Program FY2020 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11th day of May, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #6**

**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: April 24, 2020

SUBJECT: FY2020 CFDA #16.835 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies

---

**Summary:**

The Kingsville Police Department is requesting authorization to apply for accept and subsequently purchase body worn cameras "BWC's."

**Background:**

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for funding law enforcement agencies seeking to purchase body-worn cameras (BWCs) to establish or expand comprehensive body-worn camera programs with a specific and demonstrated plan to implement this technology to maximize the benefits of BWCs. This program furthers the Department's mission by promoting the safety of law enforcement officers and citizens and improving justice outcomes by leveraging digital media evidence.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. It provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

FY 2020 funding caps for individual agencies are determined by the total number of BWCs proposed to be acquired by the agency (including those purchased through federal funds or matching funds). In order to ensure broad and equitable distribution of funds, no agency may request more than \$2,000 per BWC purchased as part of the submitted grant application.

**Financial Impact:**

We are making application for 54 FOCUS X1 BODY WORN CAMERA PACKAGE that includes:

- FOCUS X1 Body Worn Camera



**City of Kingsville  
Police Department**

- Single Office Dock & Power Supply
- USB Cable
- Magnetic Uniform Mount
- Software license w/First Year Technical Support
- Shipping

Cost per unit is \$765.00

Grand Total for 54 Coban Focus X1 Body Worn Camera Package \$41,310.00.

Funds must be used to purchase body-worn cameras and require a 1:1 match by the grantee. Federal funds shall not be used to pay for data storage costs associated with body-worn camera footage.

We will be using Chapter 59 forfeiture funds to pay for 27 body cameras should this grant be awarded. The other 27 BWC's will be reimbursed by the grant.

**Recommendation:**

We request a resolution to allow for the acceptance, administration and expenditure of this grant by the Chief of Police.



U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance



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## **Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies FY 2020 Competitive Grant Solicitation**

CFDA #16.835

**Grants.gov Solicitation Number:** BJA-2020-17732

**Solicitation Release Date:** March 6, 2020

**Application Deadline:** 11:59 p.m. eastern time on May 5, 2020

---

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for funding law enforcement agencies seeking to purchase body-worn cameras (BWCs) to establish or expand comprehensive body-worn camera programs with a specific and demonstrated plan to implement this technology to maximize the benefits of BWCs. This program furthers the Department's mission by promoting the safety of law enforcement officers and citizens and improving justice outcomes by leveraging digital media evidence.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. It provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

### **Eligibility (Who may apply):**

The following entities are eligible to apply:

- States
- Units of local government
- Federally recognized Indian tribes
- Public agencies as defined in 34 U.S.C. 10251(a)(6))

Applicants for the Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (BWCPIP-LEA) may apply on their own behalf or in partnership with one or more agencies that meet the eligibility criteria.

In addition, for the purposes of this solicitation, correctional agencies are eligible to apply, provided they perform law enforcement functions as part of regular duties that are supported by public funding.

FY 2020 funding caps for individual agencies are determined by the total number of BWCs proposed to be acquired by the agency (including those purchased through federal funds or matching funds). In order to ensure broad and equitable distribution of funds, no agency may request more than \$2,000 per BWC purchased as part of the submitted grant application. This is referenced as the **\$2,000 per BWC funding cap**, which is explained in more detail under Program-specific Information on page 8.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

### **Contact information**

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726 or 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at [support@grants.gov](mailto:support@grants.gov). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under "Experiencing Unforeseen Grants.gov Technical Issues" in the How To Apply (Grants.gov) section in the [OJP Grant Application Resource Guide](#).

For assistance with any unforeseen Grants.gov technical issues beyond an applicant's control that prevent it from submitting its application by the deadline, or any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [grants@ncjrs.gov](mailto:grants@ncjrs.gov); fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date.

### **Deadline Details**

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on May 5, 2020.

To be considered timely, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date, to allow time for the applicant to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

An applicant must use the **Add Attachment** button to attach a file to its application. Do not click the paperclip icon to attach files. This action will not attach the files to the application. After adding an attachment, select the **View Attachment** button to confirm you attached the correct file. To remove the file, select the **Delete Attachment** button.

OJP encourages all applicants to read this [Important Notice: Applying for Grants in Grants.gov](#).

For additional information, see the How to Apply (Grants.gov) section in the OJP Grant Application Resource Guide.

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# Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies CFDA # 16.835

## A. Program Description

### Overview

The purpose of the FY 2020 BWCP-LEA is to fund the purchase of body-worn cameras that are implemented as part of comprehensive BWC programs. Funding can be used to support pilot BWC programs, establish new BWC implementations, or expand existing programs.

**Statutory Authority:** FY 20 (BJA - Body-Worn Camera Program) Pub. L. No. 116-93, 133 Stat 2317, 2408

### Program-specific Information

Funding under this program supports agencies seeking to establish or expand comprehensive BWC programs and have specified plans to implement this technology in a manner that maximizes the benefits of BWCs. As part of their submission, applicants must describe a deliberate and phased plan to deploy this technology, as well as specific ways it will be used to enhance the applicant agency's mission.

Funds must be used to purchase body-worn cameras and require a 1:1 match by the grantee. Federal funds shall not be used to pay for data storage costs associated with body-worn camera footage.

No award under this solicitation may exceed \$2,000,000. However, no individual applicant may exceed the **\$2,000 per BWC funding cap**. This applies to all applicants, including those who request funding for pilot programs, for full or broad-scale implementations (e.g., funding for cameras for all officers that have regular contact with the public), or for expansion programs (e.g., rolling out BWC to additional districts in an agency that has partially deployed BWCs). Note that this represents the cap on the federal award and does mean that applicants should expect to spend \$2,000 on each BWC. This is a cap on the full program implementation, which may include funding for related equipment, office training, or BWCP administrative personnel. Applicants may request less than the **\$2,000 per BWC funding cap** maximum consistent with project scope and as an illustration of cost efficiencies.

Additional information about current developments in BWC practice and policies, existing research on the effects of BWC programs, and technological advances can be found in BJA's BWC Toolkit. Information about the training and technical assistance (TTA) provided to past BWCP law enforcement grantees can be found on the TTA website. Information on existing and pending state laws that affect BWC deployment can be found

on the [Police Body-Worn Cameras Legislation Tracker](#). A list of BWCs on the market and their technological feature specifications can be found in [A Market Survey on Body Worn Camera Technologies](#).

**NOTE: BWCP-LEA authorizing language requires that the funds be used expressly for purchase of BWCs for law enforcement. Applicants that are seeking to fund BWC program development activities but have no plans to purchase BWCs will not be considered for funding.**

In addition, while BWCP-LEA is intended for the purchase of BWCs, this solicitation requires the grantee to commit to developing a comprehensive BWC implementation program as described below in the Program-specific Information section. Applications will be reviewed on the basis of their comprehensive implementation plans. Applicants that are seeking only to fund the purchase of BWCs without consideration of the broader program goals discussed below will be adversely affected in the review process.

The following examples illustrate the **\$2,000 per BWC funding cap** under different scenarios.

**Implementation of a broad-scale program:** A municipal law enforcement agency with 100 full-time sworn officers proposes to acquire BWCs for 80 officers (70 patrol officers and 10 first-line supervisors). Under the **\$2,000 per BWC funding cap**, this applicant may apply for no more than \$160,000 in federal funding (80 BWCs \* \$2,000).

**Implementation of a pilot program:** A county sheriff's department with 200 sworn deputies that intends to run a pilot BWC program before moving to full scale implementation may request 25 BWCs to be deployed to a select group of offices. **Under the \$2,000 per BWC funding cap, this applicant may apply for no more than \$50,000 in BWCP federal funding (25 BWCs \* \$2,000).** As noted above, the applicant may opt not to request the maximum amount based on program scope or cost efficiencies.

**Program Expansion:** A state police agency with 1,000 sworn officers has already deployed 600 BWCs to three of its five geographic areas. Using BWCP funding, the agency now wishes to move to full implementation by adding 400 BWCs. **Under the \$2,000 per BWC funding cap, this applicant may apply for no more than \$800,000 in BWCP federal funding (400 BWCs \* \$2,000).** As noted above, the applicant may opt not to request the maximum amount based on program scope or cost efficiencies.

**Partnership Example:** A sheriff's office in an urban county intends to deploy 50 BWCs for deputies that patrol unincorporated areas of the county. Based on its working relationship with smaller municipal police agencies within the county, the sheriff's office proposes the three municipal agencies as subrecipients, purposing 10 BWCs for Department A, 6 for Department B, and 4 for Department C, totaling 70 BWC across all four agencies. **Under the \$2,000 per BWC funding cap, this applicant may apply for no more than \$140,000 in BWCP federal funding (70 BWCs \* \$2,000).** As noted above, the applicant may opt not to request the maximum amount based on program scope or cost efficiencies.

BJA recognizes that smaller law enforcement agencies and those not experienced in federal grant programs may not have the resources to develop competitive grant proposals relative to large agencies. Should such be awarded funds, they may also find that fiscal, reporting, and other compliance requirements are beyond their resources. Such agencies are encouraged to

engage in partnerships with larger agencies as illustrated in the preceding **Partnership Example**.

### **Objectives and Deliverables**

Applicants should describe the technology they intend to deploy, and they should also illustrate how they will deploy the technology using evidence-based and problem-solving approaches. They should describe how the BWC program would be integrated within the agency's operational framework, enhance the ability of officers to perform their duties, and promote organizational efficiency.

The proposed BWC programs are expected to include the following programmatic elements:

1. **Development of a planned and phased approach** that achieves broad support from prosecutors and other criminal justice stakeholders, and leverages partnership input to address policy, training, deployment, and procurement of BWCs
2. **Implementation of operational procedures and tracking mechanisms** that address the use, review, access, storage, retention, redaction, and deletion of digital evidence media (DEM)
3. **Demonstration of commitment to incorporating the evidentiary value of BWCs and DEM** into daily administrative and field operations in a manner that promotes improvements in criminal justice outcomes, including improvements in officer and citizen safety
4. **Establishing training protocols** for officers, supervisors, and administrators on BWC use and policy
5. **Addressing access to and sharing of BWC footage** by agency personnel, prosecutors, other criminal justice stakeholders, and the community

If applicable, applicants should demonstrate how they will use funds to plan and implement BWC policies that are consistent with state law. They should also demonstrate their commitment to consider current professional standards as espoused by police organizations such as Commission on Accreditation for Law Enforcement Agencies, the International Association of Chiefs of Police, the Police Foundation, or Police Executive Research Forum, as well as local considerations.

The Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under What an Application Should Include.

### **Evidence-based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policymaking and program development in criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the OJP Grant Application Resource Guide.

### **Information Regarding Potential Evaluation of Programs and Activities**

Applicants should note that OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the OJP Grant

Application Resource Guide section titled Information Regarding Potential Evaluation of Programs and Activities.

### **Special Withholding Conditions for BWC Policy Development**

All award recipients will be required to successfully demonstrate that they have developed BWC policies that are purposeful, comprehensive, and deliberately designed. Applicants will only have access to 10 percent of their total funds to support planning and implementation efforts until this policy condition is cleared.

Holds on funding for policy development may be lifted by one of two means: (1) Agencies that have already developed BWC policies will be required to have their executive officers certify that their policy was developed in a comprehensive, deliberate, and planned manner, and is consistent with relevant state laws. They will also have to certify that the local prosecutor, or an equivalent party, has reviewed and was allowed to provide input to the policy before it was finalized. Such agencies will be required to provide a copy of their BWC policy to the TTA provider and will be encouraged to share that policy for the benefit of other agencies; or (2) Agencies that have not yet developed BWC policies will be required to do so as a condition of the award. Such agencies must work with the designated TTA provider to ensure that policy development is comprehensive and deliberate. The level of assistance will be calibrated to the level of experience and need demonstrated by such agencies.

The primary tool for policy development review is the BWC Policy Review Scorecard. Examples of the scorecard used with previous grantees can be found on BJA's website at <https://www.bja.gov/bwc/pdfs/BWC-Scorecard-Instructions-and-Template.pdf>. This scorecard may be updated for FY 2020 to better reflect current BWC practice and technology.

All agencies will have access to the TTA provider to review, update, or revisit their BWC policies.

### **Other Special Considerations**

**Data Storage Costs:** To ensure agencies establish program continuity, the BWCPIP-LEA program does not allow for federal reimbursement of data storage costs. However, BJA recognizes that BWC systems are often bundled or sold as software-as-a-service (SaaS) with no line-item distinction of data storage costs; therefore, procurements with bundled costs (specifically no line-item storage costs) are permissible for reimbursement, and the agency will not be asked to break out the costs.

**Reimbursement for Previously Purchased Cameras, Other Equipment, and Contracts:** As described above, awards to subrecipients must support new or expanding BWC programs that include the purchase of BWCs during the grant period. No funds under this program may be used for the reimbursement of equipment or related costs procured prior to the subaward.

### **\$2,000 per BWC Funding Cap**

Subrecipients shall receive no more than \$2,000 in federal funds for each body-worn camera to be deployed in their proposed BWC program. Though total funding is correlated to the number of cameras that will be deployed, awarded funds may also be used for any

part of the BWC program (other than line-item data storage costs.) Note that BWC systems that are bundled or sold as SaaS with no line-item distinction for data storage costs are permissible to support with federal funding.

## B. Federal Award Information

Maximum number of awards BJA expects to make	Depends on application of the <u>BWC Funding Cap</u>
Estimated maximum dollar amount for each award	\$2,000,000
Total amount estimated to be awarded under this solicitation	\$9,000,000
Period of performance start date	October 1, 2020
Period of performance duration	36 months

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. OJP will consider, among other factors, OJP's strategic priorities, a recipient's overall management of the award, and progress of award-funded work, when making continuation-award decisions.

Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (subgrantee) in more than one application.

### Type of Award

BJA expects to make awards under this solicitation as grants. See the Administrative, National Policy, and Other Legal Requirements section of the OJP Grant Application Resource Guide for additional information.

### Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements<sup>1</sup> as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the OJP Grant Application Resource Guide for additional information.

### Budget Information

#### Cost Sharing or Match Requirement

This solicitation requires a 50 percent **cash or in-kind match**. See the OJP Grant Application Resource Guide for additional information on this match requirement.

Please see the OJP Grant Application Resource Guide for information on the following:

- Pre-agreement Costs (also known as Pre-award Costs)
- Limitation on Use of Award Funds for Employee Compensation; Waiver
- Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs
- Costs Associated with Language Assistance (if applicable)

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<sup>1</sup> The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R. Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

## C. Eligibility Information

For eligibility information, see title page.

For information on cost sharing or match requirements, see Section B. Federal Award Information.

## D. Application and Submission Information

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the "Disclosure of Process Related to Executive Compensation" provisions in the "Application Attachments" section of the OJP Grant Application Resource Guide.

### What an Application Should Include

The following application elements **MUST** be included in the application submission for an application to meet the basic minimum requirements (BMR) to advance to peer review and receive consideration for funding: Program Narrative, Budget Detail Worksheet and Budget Narrative, and, if submitting on behalf of subrecipient agencies, a document affirming subrecipient commitment to program participation from each subrecipient.

See the Application Elements and Formatting Instructions section of the OJP Grant Application Resource Guide for information on what happens to an application that does not contain all of the specified elements or that is nonresponsive to the scope of the solicitation.

### 1. Application for Federal Assistance (Standard Form (SF)-424)

The SF-424 is a required standard form used as a cover sheet for submission of preapplications, applications, and related information. See the OJP Grant Application Resource Guide for additional information on completing the SF-424.

**Intergovernmental Review:** This solicitation ("funding opportunity") is subject to Executive Order 12372. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: [https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental\\_-Review-\\_SPOC\\_01\\_2018\\_OFFM.pdf](https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-Review-_SPOC_01_2018_OFFM.pdf). If the applicant's State appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the State's process under E.O. 12372. In completing the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19, once the applicant has complied with its State E.O. 12372 process. (An applicant whose State does not appear on the SPOC list should answer question 19 by selecting the response that the: "Program is subject to E.O. 12372 but has not been selected by the State for review.").

### 2. Project Abstract

Include a project abstract that summarizes the proposed project in 400 words or fewer. Project abstracts should:

- Specify the size of the agency in total sworn officers currently employed by the jurisdiction. If part-time officers are employed express this in terms of full-time equivalents
- Specify the number of cameras the agency is proposing to procure with BWCP-IP-LEA funds and/or matching funds
- Be written for a general public audience

- Be submitted as a separate attachment with "Project Abstract" as part of its file name
- Single-spaced, using a standard 12-point Times New Roman font with 1-inch margins

As a separate attachment, the project abstract will not count against the page limit for the program narrative.

### 3. Program Narrative

The Program Narrative must respond to the objectives and deliverables stated in this solicitation and the Review Criteria (described below) in the order given. The Program Narrative should be double-spaced, using a standard 12-point Times New Roman font with 1-inch margins, and should not exceed 15 pages. Number pages "1 of 15," "2 of 15," etc.

If the program narrative fails to comply with these length restrictions, BJA may negatively consider such noncompliance in peer review and in final award decisions.

**If the Program Narrative is not submitted as part of the application, the application will not be considered for funding.**

The following sections should be included as part of the Program Narrative:

- a) Description of the Issue(s)
- b) Project Design and Implementation
- c) Capabilities and Competencies
- d) Plans for Continuity of the Program after Federal Funds Have Been Expended
- e) Plan for Collecting the Data Required for this Solicitation's Performance Measures

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award. The performance data directly relate to the objectives and deliverables identified under "Objectives and Deliverables" in Section A. Program Description.

Applicants should visit OJP's performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP.

The application should demonstrate the applicant's understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA's online Performance Measurement Tool (PMT) located at [bjapmt.ojp.gov](https://bjapmt.ojp.gov). Applicants should examine the complete list of performance indicators at <https://bjapmt.ojp.gov/help/BWCPPerformanceMeasures.pdf>.

#### **Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should follow the guidance under Note on Project Evaluations in the OJP Grant Application Resource Guide. For the purposes of BWCP program evaluation refers only to formal evaluations of project outcomes or impacts by an external or internal researcher. Regular reporting of performance data as part of the grant reporting process is not considered a formal evaluation.

**Please see the OJP Grant Application Resource Guide for information on the following:**

4. **Budget Information and Associated Documentation** in the Budget Preparation and Submission Information section.
5. **Indirect Cost Rate Agreement**
6. **Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)**
7. **Disclosure of Lobbying Activities**
8. **Applicant Disclosure of Pending Applications**
9. **Applicant Disclosure and Justification – DOJ High Risk Grantees<sup>2</sup>** (if applicable)
10. **Research and Evaluation Independence and Integrity**
11. **Additional Attachments**
  - a. **BWCP-LEA Program Summary Template** – This form serves as a checklist for program eligibility and collects basic information regarding the applicant's agency and any proposed subrecipient grantees. Two forms are available: One is for a Single Agency Screening Sheet for Any Agency Applying for Federal Funding of Its Own Body-Worn Camera Program. The other is the Partnership Application Screening Sheet for Any Agency Applying as Primary Grant Applicant on Behalf of Two or More Law Enforcement Agencies. These forms and additional information on body-worn cameras are available on the Body-Worn Camera Toolkit website.
  - b. **Commitment to Participation by Subrecipient Agencies** – If applicable, the primary application should provide documentation from each subrecipient

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<sup>2</sup> A "DOJ High Risk Grantee" is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

(proposed subgrantee) that expressly states the subgrantee agrees to actively participate in the BWC program should BWCP-LEA funding be made available to the primary applicant. This documentation may be on the official letterhead of the subgrantee agency or in the form of a memorandum of understanding (MOU).

### **How To Apply (Grants.gov)**

Applicants must register in and submit applications through [Grants.gov](https://www.grants.gov), a primary source to find federal funding opportunities and apply for funding. Find information on how to apply in response to this solicitation in the [OJP Grant Application Resource Guide](#).

### **Registration and Submission Steps**

Applicants will need the following identifying information when searching for the funding opportunity on Grants.gov.

- 1. CFDA #16.835, BWCP for LEA**
- 2. Funding Opportunity# BJA-2020-17732**

For information on each registration and submission step, see the [OJP Grant Application Resource Guide](#).

## **E. Application Review Information**

### **Review Criteria**

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria.

- 1. Description of the Issue (15 percent)**
  - a. State clearly whether this request is to support a new BWC implementation, a pilot implementation, or an expansion of existing efforts.
  - b. Provide justification and data to support the need to implement a BWC program or expand an existing program.
  - c. Briefly describe the demographics of the affected jurisdiction or jurisdictions.
  - d. Demonstrate agency plans to leverage digital evidence multimedia to help inform and improve adjudication of cases.
  - e. Briefly describe the demographics of the affected jurisdiction or jurisdictions.
  - f. Demonstrate agency plans to leverage digital evidence multimedia to help inform and improve adjudication of cases.
  - g. Demonstrate understanding of how BWCs can be used to enhance officer safety, support evidentiary effectiveness, and promote transparency and accountability in your agency.
  - h. Provide metrics on sworn agency personnel with respect to planned BWC use, including:
    - i. Total number of sworn officers in the agency (or agencies)
    - ii. The number of sworn officers with patrol activities or daily citizen interactions in the field

- iii. The number of officers, including sworn and nonsworn, for whom the project expects to provide BWCs as a result of this grant
- i. Identify the expected number of BWCs to be purchased with the requested funds.
- j. Identify and provide the status of any other BWC grant program for which the applicant has pending applications.

**2. Project Design and Implementation (35 percent)**

- a. Describe the implementation plan for achieving the objectives of the BWCPIP-LEA.
- b. Describe specifically how the project will accomplish expected outcomes by providing the objectives and performance measures for the project.
- c. Demonstrate partnerships with allied criminal justice agencies likely to be impacted by BWC use and DEM.
- d. Demonstrate plans to work with the local community to provide education and seek feedback on community needs and concerns regarding BWC implementation.
- e. Address the travel attendance commitment and expenditures for a mandatory national meeting and an optional regional peer-to-peer information exchange opportunity.
- f. Identify methods to develop policies and tracking mechanisms that include the legal responsibilities pertaining to the Freedom of Information Act (FOIA) such as state or local statutes and regulations pertaining to storage; retention, redaction, and deletion of DEM; as well as privacy policies addressing BWC issues involving civil rights and domestic violence, juvenile, and other victim groups' rights.

**3. Capabilities and Competencies (15 percent)**

- a. Fully describe the applicant's capabilities to implement the project and the competencies of the staff assigned to the project.
- b. Describe and demonstrate effective policy development and implementation plans for the program and describe the program's communication plans.
- c. Describe the agency's technology capabilities, including the implementation of previous systems.
- d. Describe previous mobile technology deployments and the results of those efforts (e.g., use of mobile, records management systems (RMS), computer-aided dispatch (CAD), electronic citations and other reports, mobile computers and devices, in-car video, and mobile applications).
- e. Provide evidence of broad stakeholder and community collaboration and a high level of commitment from participating agencies and entities via MOUs or other appropriate mechanisms.

**4. Program Continuity (5 percent)**

- a. Describe specifically how the jurisdiction will support the BWC program after the end of the grant period.
- b. Address budgetary, policy, and administrative management continuity.

**5. Plan for Collecting the Required Performance Measures Data (10 percent)**

- a. Describe the process for measuring project performance.

- b. Identify the specific personnel who will collect the data and who will be responsible for performance measurement, and how the information will be used to guide and evaluate the impact of the program.
- c. Describe the applicant's commitment to working with the BJA TTA provider to document policy development processes, address other TTA issues, and provide accurate and timely updates regarding progress in training, BWC implementation, and program development.

#### **6. Budget (20 percent)**

- a. Provide a budget and budget narrative that are complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).
- b. Identify the number of cameras to be purchased with federal and match-funding sources.
- c. The budget narrative should demonstrate generally how the applicant will maximize cost effectiveness of grant expenditures.
- d. The budget narrative should enhance the information provided in the budget detail worksheet, providing details about how the line items impact the overall project.
- e. The budget narrative should demonstrate cost effectiveness in relation to potential alternatives and the objectives of the project<sup>3</sup>.
- f. Travel expenditures, to include airfare, lodging, *per diem*, and other allowable incidental costs for attending one national meeting and one regional peer-to-peer information exchange opportunity, should be specified using applicable U.S. General Services Administration (GSA) federal *per diem* rates. Please use Washington, DC, as the destination when calculating the estimated costs for required travel for the national meeting.

#### **Review Process**

BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation requirements. See the [OJP Grant Application Resource Guide](#) for information on the application review process for this solicitation.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the nonpublic segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, (FAPIIS)).

**Important note on FAPIIS:** An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may take into

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<sup>3</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

## **F. Federal Award Administration Information**

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

- **Federal Award Notices**

- **Administrative, National Policy, and Other Legal Requirements**

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance).

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

- **Information Technology (IT) Security Clauses**

- **General Information About Post-Federal Award Reporting Requirements**

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit certain reports and data.

Required reports. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measures data.

## **G. Federal Awarding Agency Contact(s)**

For OJP contact(s), see page 2.

For contact information for Grants.gov, see page 2.

## **H. Other Information**

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

- **Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)**

- **Provide Feedback to OJP**

**Appendix A: Application Checklist**  
**Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies**

This application checklist has been created as an aid in developing an application.

**What an Applicant Should Do:**

*Prior to Registering in Grants.gov:*

- ☐ Acquire a DUNS Number (see [OJP Grant Application Resource Guide](#))
- ☐ Acquire or renew registration with SAM (see [OJP Grant Application Resource Guide](#))

*To Register with Grants.gov:*

- ☐ Acquire AOR and Grants.gov username/password (see [OJP Grant Application Resource Guide](#))
- ☐ Acquire AOR confirmation from the E-Biz POC (see [OJP Grant Application Resource Guide](#))

*To Find Funding Opportunity:*

- ☐ Search for the Funding Opportunity on Grants.gov (see [OJP Grant Application Resource Guide](#))
- ☐ Access Funding Opportunity and Application Package (see [OJP Grant Application Resource Guide](#))
- ☐ Sign up for Grants.gov email notifications (optional) (see [OJP Grant Application Resource Guide](#))
- ☐ Read Important Notice: Applying for Grants in Grants.gov
- ☐ Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm) (see [OJP Grant Application Resource Guide](#))

*After Application Submission, Receive Grants.gov Email Notifications That:*

- ☐ (1) application has been received,
- ☐ (2) application has either been successfully validated or rejected with errors (see [OJP Grant Application Resource Guide](#))

*If No Grants.gov Receipt, and Validation or Error Notifications are Received:*

- ☐ Contact BJA regarding technical difficulties (see [OJP Grant Application Resource Guide](#))

**Overview of Post-Award Legal Requirements:**

- ☐ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2020 Awards](#)" in the [OJP Funding Resource Center](#).

**Scope Requirement:**

- ☐ The federal amount requested is within the allowable limits:
  - No more than \$2,000,000
  - Consistent with the \$2,000 per BWC funding cap

**Eligibility Requirement:**

- ☐ Applicants are limited to
  - States, units of local government, and Indian tribal governments (as determined by the Secretary of the Interior)
  - This includes publicly funded correctional agencies, publically funded law enforcement agencies serving educational institutions, and publically funded special jurisdictional police (e.g. park police or transit police).

**What an Application Should Include:**

The following items are critical application elements required to pass Basic Minimum Requirements review. An application that OJP determines does not include the application elements that must be included in the application submission in order for the application to meet the basic minimum requirements, will neither proceed to peer review, nor receive further consideration.

- ☐ Program Narrative (see page 11)
- ☐ Budget Detail Worksheet (including Narrative) (see OJP Grant Application Resource Guide)

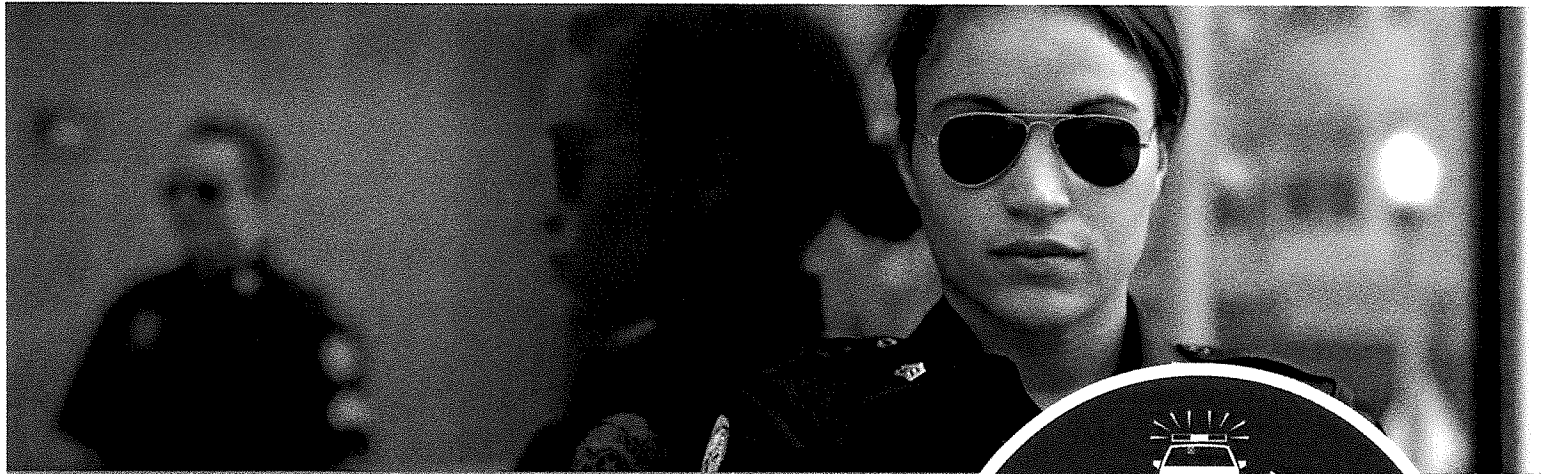
- ☐ Application for Federal Assistance (SF-424) (see OJP Grant Application Resource Guide)
- ☐ Intergovernmental Review (see page 10)
- ☐ Project Abstract (see page 10)
- ☐ Indirect Cost Rate Agreement (if applicable) (see OJP Grant Application Resource Guide)
- ☐ Financial Management and System of Internal Controls Questionnaire (see OJP Grant Application Resource Guide)
- ☐ Disclosure of Lobbying Activities (SF-LLL) (see OJP Grant Application Resource Guide)
- ☐ Applicant Disclosure of Pending Applications (see OJP Grant Application Resource Guide)
- ☐ Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see OJP Grant Application Resource Guide)
- ☐ Research and Evaluation Independence and Integrity (if applicable) (see OJP Grant Application Resource Guide)

**Additional Attachments:**

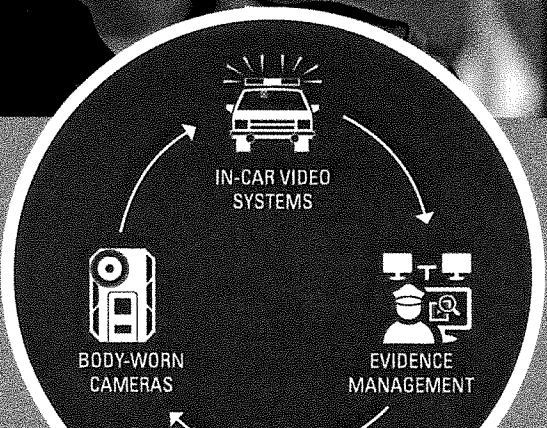
- ☐ Request and Justification for Employee Compensation; Waiver (if applicable)  
(see OJP Grant Application Resource Guide)
- ☐ BWCP-LEA Program Summary Template (see page 12)
- ☐ MOUs or Letters of Support from Subrecipients (if applicable) (see page 12)

# First Responder Appreciation Program

Safe Fleet will donate back to your agency, up to **10% of the total purchase price** of any Safe Fleet Law Enforcement evidence capture device.



COBAN and Mobile-Vision appreciate your loyalty and service during these difficult times. In honor of the critical services and extra miles you go during the COVID-19 Pandemic, Safe Fleet would be honored to donate towards your efforts to keep first responders protected and prepared.



Our In-Car Video and Body-Worn Camera systems have proven their effectiveness with their longevity and durability in the field. Our systems are engineered to hold up to the rigors put on them by law enforcement officers. As we move forward, let's team together to make sure that all of our first responders are equipped with our latest technology to keep them safe and provide them with Safe Fleet's most current solutions to capture, store, and analyze data.

Our newest video capture technologies are engineered to be compatible with your existing Safe Fleet back-office digital evidence management system. This will allow you to start transitioning your fleet to the newest technology on your own agency's schedule and budget

**Rules/Limitations:** This First Responder Appreciation Program is limited to purchase orders exercised before June 30, 2020. The program's donation offer is specific to the purchase of only hardware capture devices including: in-car video, body-worn camera, interview room and ALPR systems. This program may not apply when purchasing equipment using certain cooperative purchasing contracts, as limited by the cooperative contract's guidelines. Safe Fleet reserves the right to cancel this program at any time. This program collateral must be provided along with the purchase order to receive the benefits of this donation.

**Learn More:** [cobantech.com/en/first-responder-appreciation-program](http://cobantech.com/en/first-responder-appreciation-program)



1.866.812.6226  
[safefleet.net](http://safefleet.net)





Quote:

Q-13010-1

Date:

4/27/2020, 11:47 AM

Expires On:

6/26/2020

COBAN Technologies, Inc.  
SF Mobile-Vision, Inc.  
11375 W. Sam Houston Pkwy S., Suite 800  
Houston, Texas 77031-2348  
United States

Phone: (281) 925-0488  
Fax: (281) 925-0535  
Email: SFLE-Sales@safefleet.net

Ship To  
Noe Sosa  
Kingsville Police Department (Kingsville, Texas)  
1700 East King Avenue  
Kingsville, Texas 78363  
United States  
(361) 593-8888  
noesosa@kingsvillepd.us

Bill To  
Kingsville Police Department (Kingsville, Texas)  
1700 E King Ave  
Kingsville, Texas 78363  
United States

SALESPERSON	EXT	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Richard Alley	x	richarda@cobantech.com		Net 30

Group1

Line No	PART #	DESCRIPTION	UNIT PRICE	QTY	EXTENDED
QL-0064296	FOCUS-01-00	FOCUS X1 BODY WORN CAMERA PACKAGE Includes: • FOCUS X1 Body Worn Camera • Single Office Dock & Power Supply • USB Cable • Magnetic Uniform Mount • 24 months Hardware Warranty & Software Maintenance	USD 660.00	54	USD 35,640.00
QL-0064297	WLIC-26-01	COBAN COMMAND CENTER BWC SOLUTION • Per Active Device • Software License with First Year Technical Support  Continued license and support for subsequent years require annual purchase of WMAIN-125	USD 90.00	54	USD 4,860.00
QL-0064298	WMAIN-125	COBAN COMMAND CENTER BWC SOLUTION ANNUAL RENEWAL • Per Active Device • Software Maintenance and Technical Support  Continued license and support year 2	USD 0.00	54	USD 0.00
QL-0064299	WARR-X1-24ESP	FOCUS X1 24-MONTH EXTENDED SERVICE PLAN  Extended hardware warranty for 2nd year coverage	USD 0.00	54	USD 0.00
QL-0064300	LFEE-054	SHIPPING - Body Worn Camera / Office, Vehicle, or Partner Dock for BWC / Misc. equipment	USD 15.00	54	USD 810.00
Group1 TOTAL:					USD 41,310.00

TOTAL: USD 41,310.00

Terms & Conditions

Applicable sales taxes are not reflected on this proposal and will be included in the invoice. Any purchases that are exempt from sales taxes must be accompanied by a tax exemption and/or re-sellers' certificate.

This quote is presented to the customer under the condition that it remains a valid quote for only 60 days after the stated Quote Date, after which the quote becomes null and void.

Please email or fax a signed copy of this quotation and other referenced documents to PMO@cobantech.com or (281) 925-0535 and mail two sets of originals to:

COBAN Technologies, Inc.  
11375 W. Sam Houston Pkwy S., Suite 800  
Houston, Texas 77031-2348

IN WITNESS WHEREOF, the Parties have caused this Agreement to Purchase to be executed and delivered by their respective authorized representatives whose signatures appear below.

COBAN Technologies, Inc.

Kingsville Police Department (Kingsville, Texas)

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_

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

**A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF BJA-2020-17732 BODY-WORN CAMERA POLICY & IMPLEMENTATION PROGRAM TO SUPPORT LAW ENFORCEMENT AGENCIES; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept and administer the BJA-2020-17732 FY2020 CFDA #16.835 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies, which provides funding to enable police agencies to purchase body-worn cameras, data, and technology; and

**WHEREAS**, the City agrees to provide the applicable matching funds, if any, for the said project, which are expected to be 50% and will likely be funded through Chapter 59 Forfeiture Funds; and

**WHEREAS**, to support the safety of officers and citizens through the use of body-worn cameras the City would like to use grant funds to purchase body-worn cameras for its law enforcement personnel; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the BJA in full;

**WHEREAS**, the City of Kingsville has previously applied for similar grants that assist with improved officer and citizen safety; and

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, alter or terminate the grant on behalf of the applicant agency.

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

I.

**THAT** the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the BJA-2020-17732 FY2020 CFDA #16.835 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the BJA-2020-17732 FY2020 CFDA #16.835 Body-Worn Camera Policy & Implementation Program to Support Law Enforcement Agencies including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11th day of May, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #7**

**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: May 1, 2020

SUBJECT: 2019 Operation Stonegarden Grant #3194305 Acceptance and Budget Amendment

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**Summary:**

The Kingsville Police Department has been invited to participate in the 2019 OPSG and has been approved for participation during performance period.

**Background:**

Kleberg County and identified Friendly Forces will participate in Operation Stonegarden (OPSG) for Funding Year 2019. The participating agencies will utilize OPSG funding to enhance enforcement efforts along ingress/egress routes leading from the U.S./Mexico border and into the interior of the United States. OPSG funding will be used for the essential capability enhancement of participating agencies to coordinate operations with the U.S. Border Patrol to support border security efforts within the Rio Grande Valley Border Patrol Sector.

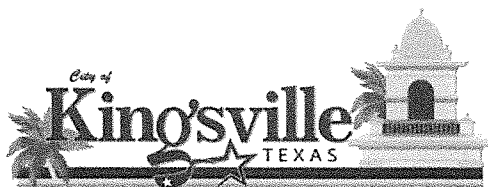
**Financial Impact:**

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been approved \$88,380.00 in overtime, \$14,440.48 in fringe benefits, \$58,346.34.00 for vehicles, \$13,000.00 to cover mileage costs and \$4,024.71 for administrative costs.

**Our total allotment is \$178,191.53.**

**Recommendation:**

We would request a resolution for acceptance of funds by the grantee's authorized official as designated by the City Manager, Chief Ricardo Torres. We also request a budget amendment to begin using these funds as soon as practical. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



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

**A RESOLUTION ACCEPTING FUNDS FOR OPERATION STONEGARDEN GRANT# 3194305 WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE KINGSVILLE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Homeland Security Grants Division of the Governor's Office had previously invited the City of Kingsville Police Department to participate in a grant for Border Security in an effort to deter and facilitate directed actions to interdict criminal activity; and

**WHEREAS**, the City of Kingsville has previously been allowed to apply for reimbursement of overtime for law enforcement personnel and dispatchers, and other allowed costs associated with this project (including but not limited to things like overtime, fringe benefits, vehicles, mileage, and administrative costs) that will assist with the deterrence of illegal activity in our area;

**WHEREAS**, the City Commission of the City of Kingsville finds that it is in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to and accept funds from the Office of the Governor's Homeland Security Grant Division for Operation Stonegarden for grant monies for reimbursement for personnel costs, fuel and maintenance and other allowable grant expenses for law enforcement purposes for Grant Period FY2019 OPSG; and

**WHEREAS**, the City agreed to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Operation Stonegarden Grant Program grant application; and

**WHEREAS**, the City agreed that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

**WHEREAS**, the City Commission of the City of Kingsville designated the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

**WHEREAS**, the City Kingsville Police Department was recently was notified that its total grant allotment is \$178,191.53 in funds to cover personnel costs, fuel, maintenance, and equipment (which includes but may not be not limited to things like overtime, fringe benefits, vehicles, mileage, and administrative costs) through Operation Stonegarden, which is a reimbursement type grant that does not require any cash match.

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

I.

**THAT** the City Commission of the City of Kingsville accepts the Operation Stonegarden grant funds for Grant Period FY19 and participation in the Operation Stonegarden Grant Program for reimbursement or personnel costs, fuel, maintenance, and equipment (which includes but may not be not limited to things like overtime, fringe benefits, vehicles, mileage, and administrative costs) for law enforcement purposes to the Office of the Governor and designates the Kingsville Chief of Police or his designee as the grantee's authorized official.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 11th day of May, 2020.

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Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

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Courtney Alvarez, City Attorney

## **AGENDA ITEM #8**

**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: May 1, 2020

SUBJECT: 2019 Operation Stonegarden Grant #3194305 Acceptance and Budget Amendment

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**Summary:**

The Kingsville Police Department has been invited to participate in the 2019 OPSG and has been approved for participation during performance period.

**Background:**

Kleberg County and identified Friendly Forces will participate in Operation Stonegarden (OPSG) for Funding Year 2019. The participating agencies will utilize OPSG funding to enhance enforcement efforts along ingress/egress routes leading from the U.S./Mexico border and into the interior of the United States. OPSG funding will be used for the essential capability enhancement of participating agencies to coordinate operations with the U.S. Border Patrol to support border security efforts within the Rio Grande Valley Border Patrol Sector.

**Financial Impact:**

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been approved \$88,380.00 in overtime, \$14,440.48 in fringe benefits, \$58,346.34.00 for vehicles, \$13,000.00 to cover mileage costs and \$4,024.71 for administrative costs.

**Our total allotment is \$178,191.53.**

**Recommendation:**

We would request a resolution for acceptance of funds by the grantee's authorized official as designated by the City Manager, Chief Ricardo Torres. We also request a budget amendment to begin using these funds as soon as practical. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO ACCEPT AND EXPEND FUNDS AWARDED TO THE POLICE DEPARTMENT FOR THE 2019 OPERATION STONEGARDEN GRANT.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2019-2020 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 016 – Stonegarden Grant</b>					
<u>Revenues - 4</u>					
2100	Police	Federal Grants	72005	(\$178,191.53)	
<b>Fund 016 – Stonegarden Grant</b>					
<u>Expenditures - 5</u>					
2100	Police	Overtime-2019 Stonegarden	11223	\$92,404.71	
2100	Police	FICA-2019 Stonegarden	11524	\$6,761.07	
2100	Police	TMRS-2019 Stonegarden	11424	\$7,679.41	
2100	Police	Mileage-2019 Stonegarden	21518	\$13,000.00	
2100	Police	Vehicles-2019 Stonegarden	71116	\$58,346.34	

[To amend the City of Kingsville FY 19-20 Budget to accept and expend funds awarded to the Police Department for the 2019 Stonegarden Grant. Funds will come from the grant funds awarded with no cash match.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 11th day of May 2020.

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of May, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

## **AGENDA ITEM #9**

## City of Kingsville Fire Department

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Ronald Lee, Interim Fire Chief  
DATE: April 30, 2020  
SUBJECT: Assistance to Firefighters Grant Program – COVID 19

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### **Summary:**

The Kingsville Fire Department is requesting approval to apply for the 2020 Assistance to Firefighters Grants (AFG) Program – COVID-19, which if awarded, would allow us to recover expenses incurred and pay for future purchases of Personal Protective Equipment (PPE) needed for operations related to COVID -19.

### **Background:**

The COVID 19 pandemic has brought many new challenges to the Fire Department and how we respond to emergencies involving communicable diseases. Among these challenges, we have identified the need to maintain a higher level of reserve equipment in order to meet the demands when an unexpected outbreak occurs. In the past, less emphasis was placed on this strategy because the purchased inventory often remained on the shelves until they expired and were ultimately thrown away. We now know we must accept the risk of PPE going to waste in order to prevent a situation where it is not available when we need it most. As soon as the COVID -19 outbreak hit the headlines, suppliers of PPE were out of stock, in some cases, in a matter of hours.

### **Financial Impact and Details:**

We are requesting to apply for funding in the amount of \$25,685 in order to recoup costs already incurred as well as increase our stocks in anticipation of future needs associated with this pandemic. This grant has a cost match of 10% (\$2,568.50). This is a competitive grant in which \$100 million are available. The expected number of awards are only 1000 nationwide. Highest priority is given to departments based on call volume, the size of the population served and highest immediate needs for PPE. Deadline for submittal is May 15, 2020.

### **Recommendation:**

Shortfalls in revenues are causing budget reductions. We are attempting to secure alternate funding to offset costs associated with this current crisis. This grant funding opportunity is a potential avenue for us to accomplish that.



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

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE 2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM-COVID-19 REQUESTING GRANT FUNDING FOR PERSONAL PROTECTIVE EQUIPMENT (PPE) ON BEHALF OF THE KINGSVILLE FIRE DEPARTMENT WITH AN ANTICIPATED \$2,568.50 CASH MATCH.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the Kingsville Fire Department participate in an application for grant monies from the 2020 FEMA Assistance to Firefighters Grant Program-COVID-19 for a personal protective equipment (PPE) needed for operations related to the COVID-19 pandemic; and

**WHEREAS**, the new PPE will assist the fire personnel with responses to safeguard the personnel and citizens they assist and will allow the department to have a higher level of reserve equipment to deal with future needs associated with the COVID-19 pandemic; and

**WHEREAS**, the 2020 FEMA Assistance to Firefighters Grant-COVID-19 Program has a 10% cash match and the City's anticipated portion of the cash match is estimated to be \$2,568.50, which will come from the City's FY19-20 General Fund budget if approved; and

**WHEREAS**, the City Commission of the City of Kingsville through this resolution has authorized the Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

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

I.

**THAT** the City Commission approves the submission of a grant application to the 2020 FEMA Assistance to Firefighters Grant-COVID-19 Program for Personal Protective Equipment on behalf of the City of Kingsville Fire Department, with a total anticipated cash match of \$2,568.50 from the City if the items are awarded.

II.

**THAT** the City Commission authorizes the Fire Chief to submit the grant and administer the grant and necessary paperwork.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 11th  
day of May, 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

# **AGENDA ITEM #10**