

City of Kingsville, Texas

**AGENDA
CITY COMMISSION
TUESDAY, MAY 26, 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.

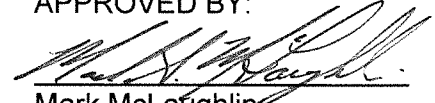
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- May 11, 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).¹

1. None.

III. Reports from Commission & Staff.²

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

IV. **Public Comment on Agenda Items.³

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 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).
2. Motion to approve final passage 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).
3. Motion to approve a resolution authorizing the City Manager to enter into an Engagement Letter between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2019-2020 fiscal year audit. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider accepting the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2018-2019. (Finance Director).
5. Consider a resolution authorizing application to and acceptance of Coronavirus Emergency Supplemental Funding (CESF) Program FY2020, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
6. Consider introduction of an ordinance amending Fiscal Year 2019-2020 budget to accept and expend reimbursements from FEMA and Insurance Recovery Claims. (Finance Director).
7. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 Budget to set up a budget to complete the ADA sidewalk project near El Pastel Bakery (7th Street and Richard Ave). (City Engineer).
8. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).
9. Consider authorizing adjustment conditionally provided for in the City Manager Employment Agreement. (Mayor Fugate).
10. Workshop: Discussion on Goal Setting for City. (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 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 21, 2020 at 1:30 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

Mary Valenzuela

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)

MAY 11, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 11, 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

CITY COMMISSION ABSENT:

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
Uchekukwu Echeozo, Director of Planning & Development Services
Ron Lee, Interim Fire Chief

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Bill Donnell, Public Works Director
Susan Ivy, Director of Parks and Recreation
Rudy Mora, Engineer

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

OR

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

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with four Commission members present. Commissioner Pecos absent.

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 27, 2020

Motion made by Commissioner Lopez to approve the minutes of April 27, 2020 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting “FOR”.

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

II. **Public Hearing - (Required by Law).¹

1. None.

III. Reports from Commission & Staff.²

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

Mr. Mark McLaughlin, City Manager gave his City Manager's Report. An interview committee has been appointed to begin the Fire Chief interviews. The committee will be interviewing six finalist next week on May 14, 2020. Two of the six interviews will be in person, while the other four will be done virtually. When interviews are complete, the committee will be submitting one to three finalist which will then be interviewed by the City Manager. McLaughlin further reported on the second part of his City Manager's Report which pertains to Code Enforcement. In the last two weeks Code Enforcement has performed 260 inspections. These inspections are usually the result of a complaint regarding a potential violation. They have also performed 16 re-inspections and four

abatements. Code Enforcement has another thirty-two properties pending work order completion and assignment to City maintenance crews. There have been four condemnation/demolitions that the Building Official is working on which include the following addresses: 500 W. Santa Gertrudis; 429 E. Mesquite; 315 W. Nettie, and 626 N. 6th Street.

Commissioner Hinojosa asked if we were going to be proactive? Mr. McLaughlin responded yes.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission is scheduled for Tuesday, May 26th. The meeting will be moved to May 26th as Monday, May 25th is Memorial Day Holiday. She further reminded staff that agenda items for the May 26th meeting are due Friday, May 15th.

Commissioner Leubert asked for staff to provide the Commission with an update on city properties that are on the market to sale. She further commented that she would like to recognize two police officers, Omar Garcia and Michael Chavana for their assistance to a gentleman that was trimming his tree and had a large branch that fell onto 6th Street. The police officers stopped to assist in the removal of that branch.

Mayor Fugate read two proclamations, National Police Week/Peace Officer Memorial Day and National Nurse's Month.

Commissioner Lopez read and presented a proclamation to City Secretary, Mary Valenzuela for Municipal Clerks Weeks.

IV. **Public Comment on Agenda Items.³

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

Mrs. Mary Valenzuela, City Secretary stated that she had not received any public comments via email, but it was her understanding that there was an individual that may have commented through the City's Facebook page.

Mayor Fugate asked for the rules that have been in place for public comments during the COVID-19 pandemic which has caused us to close the meetings to the public but can otherwise comment either by email or virtually.

Mrs. Courtney Alvarez, City Attorney explained that rules have been set in place stating how the public can comment during the closed meetings. The Commission has given the City Secretary permission to set rules down for public comments and how they are to be submitted. Comments from Facebook is not one of the types of ways to submit comments. Rules for public comments have been posted on the City's website as well as on the agenda. The rules have also been posted on the city's bulletin board and at the entrance of the Community Room. Mrs. Alvarez further explained the rules that have been in place since the COVID-19 pandemic on how to submit a public comment.

V.

Consent Agenda

Notice to the Public

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after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

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

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

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

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.⁴

- 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).**

Mr. McLaughlin reported that four bids were received and they range from \$599,000 to \$1.3 million dollars. There was an error on the Bid Proposal Form on item D-2 which should have read 16" Dia. Steel Casing. Three of the four bidders caught the error and submitted the correct unit price except for the lowest bidder, Hubert Construction Co. The Engineer stated that he has confirmed with Hubert Construction Co. that the unit price for this item is the same as item B-2. McLaughlin further stated that the financial impact will be \$599,106.50 for the construction costs and \$24,825 for testing with a total project cost of \$623,931.50. TxDOT will reimburse the City approximately 43% on compensable activities. It is staff's recommendation to award the bid to Hubert Construction Co.

Commissioner Hinojosa asked that regarding the payment procurement which states that it will be paid according to the general conditions and asked if this would be done on a percentage completion or will the city be funding money upfront. He further stated that the general conditions were not part of the packet.

Mrs. Alvarez commented that after reviewing the documents, it will be paid as work progresses and a retainage will be held until work is completed. There is a timeframe that has been given in which to complete the project. In the event that the project is not completed on time or there are day overages will be taken into account.

Motion made by Commissioner Leubert to approve the award of 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, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Leubert, Lopez, Hinojosa, Fugate voting "FOR".

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).**

Commissioner Hinojosa asked if \$24,825 that is part of the cost, has this already been spent, which is allocated for the testing?

Mrs. Alvarez responded no. It is her understanding that the testing will be done once the work is completed. This will be done once it is substantially completed then a test will be performed to make sure that the utilities lines that have been relocated are working and flowing properly.

Commissioner Hinojosa further asked that on the memo from staff, it states that it will be 43% of the total cost, but on the financial impact it states 43% of the compensation activities and asked if there was difference or is it the same.

Mrs. Alvarez responded the same.

Introduction item.

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).**

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

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).**

Commissioner Hinojosa commented that he thinks that this will be paid out of forfeiture fund. Chief Torres responded that the cash match needs to come from city funds in order for it to be reimbursed, as if you use Chapter 59 funds, it is not reimbursable.

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

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).

Chief Torres stated that his department has been awarded \$178,191.53 of which \$58,000 is for a new vehicle purchase for the interdiction units. This grant is a reimbursement type but does not require a cash match.

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

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).**

Introduction item.

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).**

Interim Fire Chief Ron Lee stated that this is an opportunity for the Fire Department to recoup costs already incurred as well as increase their stock in anticipation of future needs associated with the COVID-19 pandemic.

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

10. **Discuss and consider potential projects for FY 20-21 in preparation of budget. (City Manager).**

Mr. McLaughlin stated that he has asked Mr. Bill Donnell, Public Works Director and Rudy Mora, City Engineer to go over the Capital Improvement Plan. He further stated that this is an opportunity for the Commission to give their input on some of the projects or things they would like to see done. McLaughlin provided the Commission with a list of items that he has heard the Commission mention during his 5 ½ months with the city. These items include the decorative fence between the farmers market and railroad tracks to match what fronts 6th street; begin grounds improvements around City Hall; City way-finder signs to add to what we have now; set of improved year-round kennels to the animal shelter with guillotine doors to small runs outside; playground feature for a west-side park, splash pad or skate park; and protective fencing as some parks to keep playground ball(s) from rolling into city streets.

Mayor Fugate stated that it's been a while since the Commission has had a workshop on goal setting. Fugate further stated that maybe some time in June would be the time to set a goal setting workshop. This would give staff time to set a format for the

workshop and gather all department heads and supervisors, given that it is safe for all to gather. He further stated that he would like to see this done in the next three to four months.

Commissioner Hinojosa commented that he does not want anyone from the outside to come in and do the workshop for the city. He would like this to be done inhouse.

Mayor Fugate commented that he would like staff to get the JK Northway project back on track.

Commissioner Lopez commented that the project she would like to see is the playground on the westside of town. She stated that she and the Parks Director have attended a meeting with some of the residents from that area and the park located on the westside was discussed. Fencing around the park was also discussed.

Mayor Fugate commented that a skatepark is needed on the westside as some kids travel to the skatepark on the eastside, which is quite a distance. He further stated that there is money for Chamberlain Park which is located next to City Hall, and further commented that money is budgeted for the park every year.

Mr. McLaughlin commented that an irrigation system needs to be put in place around city hall and once the land settles, then a layout can be worked on as to where to place things around Chamberlain Park.

Mayor Fugate commented that there is private money that can be put into Chamberlain Park. The Garden Club offered to assist as well as the King Ranch has offered to assist.

Commissioner Lopez commented that it is time for something to be done around City Hall. It needs to be a priority.

Commissioner Hinojosa commented that money that was budgeted for the landscaping around city hall, some has already been used for something else. He further asked for staff to into this and see where the money was put into.

Mayor Fugate commented that around six months ago, Mr. Donnell presented to the Commission cost for street repairs. He further asked for staff to look into how much money is in the budget for a capital improvement project as he would like to see Corral and Santa Rosa project done.

Mr. McLaughlin stated that he is waiting to hear back from Kleberg County Judge Madrid on a joint project with the County to Corral and Santa Rosa project done. The city can do the project on its own, but by doing the project jointly with the County, it would be completed a lot faster.

Mayor Fugate commented that County Commission David Rossi has assisted the city with some of his equipment in the past, but not sure in what capability they can assist the city now. He further commented that even if the County can help with in-kind services, it would be a great help to the city.

Mr. McLaughlin further reported that the goal is to pave 13th Street then move to E. Miller Ave. between 11th Street and 14th Street. This street had the curbs done a few months ago and now it needs the new road. He further stated that staff will look at other roads that are deteriorating.

Mayor Fugate commented that Corral and Santa Rosa is more of a capital improvement project as it is a big project for city staff to take on.

Mr. McLaughlin commented that the city engineer has brought to him the city's street assessment that was done in January, which the report will be out in two weeks. This is supposed to phase, based on the city's resources and the city's manpower. He stated that the city engineer has mentioned that it is important to see roads that are beginning to deteriorate and take care of them before they fail. He further stated that another road to look into is West Sage Road as it is in very poor condition.

Mayor Fugate commented that the city should have enough money to get a capital project done.

Mrs. Alvarez asked if the goal setting that the commission is wanting to do is going to be tied into to the budget and given that staff will already be working on submitting their budget to the Finance Department within the next two to three weeks.

Mayor Fugate commented that he doesn't feel that it will work.

Mrs. Alvarez asked if the Commission would be interested in doing the workshop on Tuesday, June 9th, day after the regular meeting.

Commissioner Hinojosa asked if the workshop could take place on May 26th?

Mayor Fugate commented that this would give staff two weeks to get ready.

Commissioner Hinojosa commented that everyone on the Commission can agree that streets are the priority.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:46 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, 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: 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 2nd and 9th. 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
Fund 051 – Utility Fund					
<u>Expenditures - 5</u>					
6900	Transfers	Transfer to Fund 054	80054	\$23,932	
Fund 054 – Utility Fund Capital Projects					
<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 26th 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 #2

**City of Kingsville
Police Department**

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

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
Fund 016 – Stonegarden Grant					
<u>Revenues - 4</u>					
2100	Police	Federal Grants	72005	(\$178,191.53)	
Fund 016 – Stonegarden Grant					
<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 26th 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 #3

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah R Balli, Finance Director

DATE: May 19, 2020

SUBJECT: Audit Engagement Letter

Summary:

This item authorizes the acceptance of the audit engagement letter from John Womack and Company for audit services for FY 19-20.

Background:

The Finance/Audit Committee met on Monday, May 11, 2020 to review the audit and found no issues in the audit for FY 18-19 as presented.

Financial Impact:

The estimated fees for services are \$99,500 which will be budgeted in Fund 001 – General Fund and Fund 051 – Utility Fund in equal amounts. The engagement letter breaks down the amount as such: \$67,500-Audit, \$12,500-GASB34 & GFOA Report, \$7,000-Fixed Assets, \$8,000 State & Federal Grants and \$4,500 OPEB disclosures & GASB 68 & GASB 75. Interim work shall begin October 12, 2020 and the Audit Report will be finished by March 31, 2021.

Recommendation:

Staff recommends approval of the audit engagement letter from John Womack and Company.



RESOLUTION NO. 2020-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGAGEMENT LETTER AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND JOHN WOMACK & CO., P.C. FOR THE 2019-2020 FISCAL YEAR AUDIT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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 enter into an Engagement Letter Agreement Between John Womack & Co., P.C. and the City of Kingsville, Texas for the 2019-2020 Fiscal Year audit 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 26th day of May, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

COPY

JOHN WOMACK & CO., P.C.
CERTIFIED PUBLIC ACCOUNTANTS

JOHN L. WOMACK, CPA
MARGARET KELLY, CPA

P. O. BOX 1147
KINGSVILLE, TEXAS 78364
(361) 592-2671
FAX (361) 592-1411

May 01, 2020

Mayor Sam Fugate, City Commissioners and City Manager
City of Kingsville
P. O. Box 1458
Kingsville, Texas 78364

We are pleased to confirm our understanding of the services we are to provide the City of Kingsville for the year ended September 30, 2020. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Kingsville as of and for the year ended September 30, 2020. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Kingsville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Kingsville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Budgetary Comparison Information.
3. Schedule of the City's Proportionate Share of the Net Pension Liability.



PRIVATE COMPANIES PRACTICE SECTION, AICPA DIVISION FOR CPA FIRMS

4. Schedule of City Pension Contributions.
5. Schedule of the City's Proportionate Share of the Net OPEB Liability.
6. Schedule of City OPEB Contributions.

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Kingsville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Schedule of expenditures of federal awards.
2. Combining Statements for the CAFR.
3. Individual Fund Statements and Supporting Schedules.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's

internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our single audit. Our reports will be addressed to management and the City Commission of the City of Kingsville. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance.

If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue reports, or withdrawing from the engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a single audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Kingsville's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Kingsville's major programs. For federal programs that are included in the 2019 Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the 2019 Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on City of Kingsville's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Other Services

We will also assist in preparing the financial statements, depreciation schedules (if needed) using your assigned life and depreciation method, schedule of expenditures of federal awards, and related notes of the City of Kingsville in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing*

Standards and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on October 12, 2020.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you

are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities relating to the financial statements, depreciation schedules (if needed), schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, depreciation schedules (if needed), schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, depreciation schedules (if needed), schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance

of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

Other Matters and Limitation on Liability

In the unlikely event that differences concerning our services or fees should arise that are not resolved by mutual agreement, to facilitate judicial resolution and save time and expense of both parties, the City agrees to participate in mediation, under the Commercial Mediation Rules of the American Arbitration Association, before any claim is asserted.

In the event that John Womack & Co., P.C. is found to be negligent in provision of any services covered by this agreement which result in damage to the City, John Womack & Co., P.C.'s liability to the City will be limited to actual damages or losses incurred by the City. John Womack & Co., P.C. will not be liable to the City for any punitive damages.

Engagement Administration, Fees, and Other

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate. We will not undertake any accounting services (including but not limited to reconciliation of accounts and preparation of requested schedules) without obtaining approval through a written change order or additional engagement letter for such additional work.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit

clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of John Womack & Co., P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a cognizant agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of John Womack & Co., P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately October 12, 2020 and to issue our reports no later than March 31, 2021. John L Womack is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. To ensure that John Womack & Co., P.C.'s independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.


Our fee for these services will be \$67,500 for the audit, \$12,500 for the GASB 34 and GFOA report presentation, \$7,000 for the Fixed Assets, \$8,000 for the state and federal grants and \$4,500 for the Retirement System OPEB disclosure reporting requirements for GASB 68 and 75, plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.). Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected

circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to City of Kingsville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. You have requested that we provide you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2017 peer review report accompanies this letter.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Sincerely,

A handwritten signature in black ink that reads "John Womack & Co., P.C.". The signature is written in a cursive, flowing style.

John Womack & Co., P.C.

RESPONSE:

This letter correctly sets forth the understanding of City of Kingsville.

Management Signature: _____

Title: _____

Governance signature: _____

Title: _____



CPAs • Tax • Audit & Accounting

Report on the Firm's System of Quality Control

To the Owner of John L. Womack & Company, P.C.
And the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of John L. Womack & Company, P.C. (the firm) in effect for the year ended August 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act.

As part of our review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of John L. Womack & Company, P.C. in effect for the year ended August 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. John L. Womack & Company, P.C. has received a peer review rating of *pass*.

Bumgardner, Morrison + Company, LLP

BUMGARDNER, MORRISON & COMPANY, LLP

February 1, 2017

Bumgardner, Morrison & Company, LLP
Certified Public Accountants

Members: American Institute of Certified Public Accountants
Texas Society of Certified Public Accountants
AICPA Private Companies Practice Section
AICPA Employee Benefit Plan Audit Quality Center
AICPA Government Audit Quality Center

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Victoria, Texas 77903-3750
Phone: 361.575.0271
Fax: 361.578.0880
Website: BMCcpa.com

REGULAR AGENDA

AGENDA ITEM #4



MEMORANDUM

TO: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: May 7, 2020
SUBJECT: FY 18-19 Audit Report Acceptance

Summary:

The FY 18-19 audit is complete and requires acceptance by the City Commission.

Background:

The auditors have completed their work on FY 18-19. This year, Finance did not have to request an extension from GFOA because of our ability to complete the audit within the GFOA guidelines. This is the third year in a row that an extension was not required. The audit for FY 18-19 also resulted in no findings, our third year in a row for the City.

Financial Impact:

There are not additional funds required for the audit as all audit fees were included in the adopted budget.

Recommendation:

Staff recommends accepting the FY 18-19 audit report.

AGENDA ITEM #5

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: May 15, 2020

SUBJECT: Emergency Supplemental Funding (CESF) Program, FY2020

Summary:

The Kingsville Police Department is requesting authorization to apply for accept and subsequently purchase equipment as allowed under the CESF program to prevent, prepare for, and respond to the coronavirus.

Background:

Federal Funds are authorized under Division B of H.R. 748, Pub. L. No. 116136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. CESF funds are made available through a Congressional appropriation to the U.S. Department of Justice, Bureau of Justice Assistance. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Texas expects to make approximately \$37.8 million available to local units of government through regionally based allocations using the Regional Councils of Governments boundaries. Please see the Regionally Based Allocations Appendix at the end of this announcement for more information.

Funds must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in local and tribal jails and detention centers.

Examples of allowable costs include:



**City of Kingsville
Police Department**

- Personnel Overtime (Peace Officer, Jailer, Correctional Officer, Medical, and other Essential Staff)
- Personnel Protective Equipment (PPE)
- Supplies (i.e. gloves, masks, sanitizer, disinfectant)
- Temporary Staff
- Medical care for inmates that have tested positive for COVID-19
- Any other costs associated with the implementation of the Centers for Disease Control and Prevention (CDC) COVID-19 Guidance documents, specifically:
 - Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities
 - What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 (COVID-19)
 - Interim Guidance for Emergency Medical Services (EMS) Systems and 911 Public Safety Answering Points (PSAPs) for COVID-19 in the United States
 - Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)

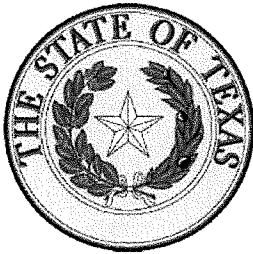
Financial Impact:

The minimum funding level under this grant is \$10,000.00 with no cash match required.

Recommendation:

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





Office of the Governor, Public Safety Office
Criminal Justice Division
Funding Announcement: ***Coronavirus
Emergency Supplemental Funding (CESF)
Program, FY2020***

Purpose

The purpose of this announcement is to solicit applications for projects that seek to prevent, prepare for, and respond to the coronavirus.

Available Funding

Federal Funds are authorized under Division B of H.R. 748, Pub. L. No. 116136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. CESF funds are made available through a Congressional appropriation to the U.S. Department of Justice, Bureau of Justice Assistance. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Texas expects to make approximately \$37.8 million available to local units of government through regionally based allocations using the Regional Councils of Governments boundaries. Please see the Regionally Based Allocations Appendix at the end of this announcement for more information.

Eligible Organizations

Applications may be submitted by Native American tribes and units of local government, which are defined as a non-statewide governmental body with the authority to establish a budget and impose taxes.

Note: Units of local government eligible for a direct award from the U.S. Department of Justice, Bureau of Justice Assistance (BJA) should first seek funds directly through BJA. The list of local allocations for direct BJA awards to Texas jurisdictions can be found [here](#), and the federal solicitation is available [here](#). Applications are due to BJA by May 29, 2020.

Application Process

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *Developing a Good Project Narrative Guide*, available [here](#).

Key Dates

Action	Date
Funding Announcement Release	04/15/2020
Online System Opening Date	04/15/2020
Final Date to Submit and Certify an Application	06/15/2020 at 5:00pm CST
Earliest Project Start Date	02/01/2020

***Applications will be reviewed and processed as they are received. PSO intends to issue awards in an expeditious manner and encourages applicants to submit prior to the deadline in order to receive notification of an award as soon as reasonable. ***

Project Period

Projects must begin on or after 02/01/2020 and may not exceed a 12-month project period.

Funding Levels

Minimum: \$10,000

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the State Uniform Grant Management Standards (UGMS), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funds must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in local and tribal jails and detention centers.

Examples of allowable costs include:

- Personnel Overtime (Peace Officer, Jailer, Correctional Officer, Medical, and other Essential Staff)
- Personnel Protective Equipment (PPE)
- Supplies (i.e. gloves, masks, sanitizer, disinfectant)
- Temporary Staff
- Medical care for inmates that have tested positive for COVID-19
- Any other costs associated with the implementation of the Centers for Disease Control and Prevention (CDC) [COVID-19 Guidance documents](#), specifically:

- o Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities
- o What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 (COVID-19)
- o Interim Guidance for Emergency Medical Services (EMS) Systems and 911 Public Safety Answering Points (PSAPs) for COVID-19 in the United States
- o Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)

Eligibility Requirements

1. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2020, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within seven business days to the Criminal Justice Information System at the Department of Public Safety. By January 1, 2021, such reporting must take place within five business days.

2. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.
3. The Texas Department of Public Safety (DPS) has established a goal set by the Texas Legislature for all local law enforcement agencies to implement and report crime statistics data by using the requirements of the National Incident-Based Reporting System (NIBRS) no later than September 1, 2019. Additionally, the Federal Bureau of Investigations (FBI) will collect required crime statistics solely through the NIBRS starting January 1, 2021. Due to these upcoming state and federal deadlines, grantees are advised that eligibility for future grant funding may be tied to compliance with NIBRS. Financial grant assistance for transitioning to NIBRS may be available for your jurisdiction from the Criminal Justice Division (CJD).
4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all

provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2021 or the end of the grant period, whichever is later.

5. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the Guide to Grants or any of the following unallowable costs:

1. Law enforcement equipment that is standard department issue; and
2. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

Application Screening: PSO will screen all applications to ensure that they meet the requirements included in the funding announcement, to understand the overall demand for the program and to identify significant variations in costs per item. After this review, the Office of the Governor will determine if eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

Final Decisions: The PSO executive director will consider staff recommendations along with other factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, state government priorities and strategies, legislative directives, need, geographic distribution, balance of focuses and approaches, or other relevant factors.

PSO may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, PSO may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

Regionally Based Allocations Appendix

Texas is divided into 24 regions, each served by a voluntary organization of local governmental entities that coordinate programs and services to address needs that cross jurisdictional boundaries. PSO will use the allocations below as a guide when making funding decisions for applications within each region. Funds remaining within a regionally based allocation after all eligible applications have been selected for award from that region may be reallocated to other regions.

Please visit <https://txregionalcouncil.org/regional-councils/> to determine which Council of Governments region your jurisdiction belongs to.

Region ID	Council of Governments Region	Allocation
100	Panhandle Regional Planning Commission	\$667,179
200	South Plains Association of Governments	\$808,781
300	Nortex Regional Planning Commission	\$303,721
400	North Central Texas Council of Governments	\$9,621,787
500	Ark-Tex Council of Governments	\$425,973
600	East Texas Council of Governments	\$1,208,554
700	West Central Texas Council of Governments	\$568,229
800	Rio Grande Council of Governments	\$1,081,360
900	Permian Basin Regional Planning Commission	\$560,201
1000	Concho Valley Council of Governments	\$208,130
1100	Heart of Texas Council of Governments	\$547,493
1200	Capital Area Council of Governments	\$2,787,712
1300	Brazos Valley Council of Governments	\$546,364
1400	Deep East Texas Council of Governments	\$520,349
1500	South East Texas Regional Planning Commission	\$683,216
1600	Houston-Galveston Area Council	\$10,128,457
1700	Golden Crescent Regional Planning Commission	\$346,150
1800	Alamo Area Council of Governments	\$3,053,904
1900	South Texas Development Council	\$497,798
2000	Coastal Bend Council of Governments	\$721,989
2100	Lower Rio Grande Valley Development Council	\$1,351,751
2200	Texoma Council of Governments	\$274,438
2300	Central Texas Council of Governments	\$555,328
2400	Middle Rio Grande Development Council	\$309,421
Total		\$37,778,284

RESOLUTION NO. 2020-_____

A RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) PROGRAM FY2020; 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 the Coronavirus Emergency Supplemental Funding (CESF) Program FY2020, which provides funding to prevent, prepare for, and respond to the coronavirus; and

WHEREAS, the City agrees to provide the applicable matching funds, if any, for the said project, though none are known at this time; and

WHEREAS, the City agrees that in the event of loss or misuse of the Office of the Governor 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 designates 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.

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 Coronavirus Emergency Supplemental Funding (CESF) Program FY2020.

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 26th day of May, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #6



MEMORANDUM

TO: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: May 12, 2020
SUBJECT: FEMA and Insurance Recovery Claim Reimbursements

Summary:

The City is in receipt of FEMA reimbursements of \$215,305.77 and Insurance Claim Recoveries of \$10,063.30 and is in need to transfer the funding over to the funds which generated the initial expenditures.

Background:

- **FEMA Reimbursements**
The city incurred expenditures for the rain and flooding Storm Event of 2016 and we were under the impression that we had received everything that we were eligible to receive. All expenditures that were not reimbursed were moved back into the General Fund and the Street Maintenance Fund as we did not have any acknowledgement that additional expenditures were going to be reimbursed. The General Fund reimbursement of \$160,695.45 was for the Golf Course irrigation and the Street Maintenance Fund reimbursement of \$54,610.32 was for road repair and brush and debris removal. Since we moved the expenditures back into the generating funds, we need to transfer the reimbursements back into the fund where the expenditures were incurred.
- **Insurance Claim Recoveries**
The insurance claim recoveries are for the wind/downburst Storm Event of 2019 which were incurred for various types of expenditures generated in General Fund. The expenditures were never transferred out of General Fund because we did not have any acknowledgement that they would qualify for any type of reimbursement.

Financial Impact:

There is no additional funding required for this request as we are receiving reimbursements for prior year expenditures.

Recommendation:

Staff recommends approving the budget amendment to transfer funding for prior year expenditures.

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO ACCEPT AND EXPEND REIMBURSEMENTS FROM FEMA AND INSURANCE RECOVERY CLAIMS.

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
Fund 071 - FEMA					
<u>Expenditures - 5</u>					
6900	Transfers	Transfer To General Fund 001	80001	\$160,695.45	
6900	Transfers	Transfer to Street Fund 092	80092	\$54,610.32	
Fund 001 – General Fund					
<u>Revenues - 4</u>					
'0000	Transfers	Transfer From FEMA Fund 071	75071	(\$160,695.45)	
Fund 092 – Street Fund					
<u>Revenues - 4</u>					
'0000	Transfers	Transfer From FEMA Fund 071	75071	(\$54,610.32)	
Fund 096 – Insurance Recovery Fund					
<u>Expenditures - 5</u>					
6900	Transfers	Transfer To General Fund 001	80001	\$10,063.30	
Fund 001 – General Fund					
<u>Revenues - 4</u>					
'0000	Transfers	Transfer From Insur Rec Fd 096	75096	(\$10,063.30)	

[To amend the City of Kingsville FY 19-20 Budget to accept and expend received from FEMA for prior year submittals and insurance recovery claims.

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 26th day of May 2020.

PASSED AND APPROVED on this the 8th day of June, 2020.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

**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 26, 2020

SUBJECT: General Fund Budget Amendment for ADA access south of the intersection of 7th Street and Richard Ave.

Summary:

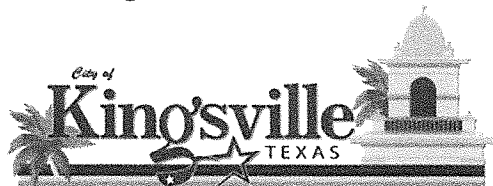
This item authorizes funding for construction services to remediate ADA access south of the intersection of 7th Street and Richard Ave. The preferred location would be at the intersection, but the amount of sidewalk replacement costs would be greater and not service any other businesses in the area. No handrail is required because it doesn't meet the minimum of four risers. It was designed with one riser. No guardrail is required because the drop off is not 48 inches or higher. It has a drop off of less than 2 feet.

A local business does not have proper ADA access. At the request of the City Manager the Engineering Department designed ADA access for the public to have safer access to the business and surrounding area and then requested bids from 4 contractors to remove the existing sidewalk and steps and propose ramps to provide access. One bid from Etech Construction Co. was in the amount of \$9,000.00 and the other was from DIA Utilities in the amount of \$22,600.00.

Etech Construction Co. was recently awarded a downtown improvements project by City Commission. This budget amendment would allow for access which is in the City's 80-foot right of way. The recommendation is to approve the budget amendment, so the staff can award the project to the low bidder Etech Construction Co.

Financial Impact:

The financial impact is \$9,000.00 from Fund 091, the account number is 091-5-1603-59100. Funds are allocated for budget amendments.



**City of Kingsville
Engineering Dept.**

Recommendation:

City Manager recommends approval of agenda item as presented.

Attachments:

Etech bid

DIA bid

Photos (3)

Construction plan- Front Elevation

Budget Amendment



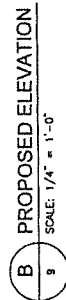
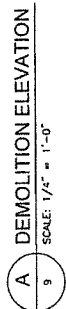




PASTRY
BAKERY
592-7544
BARBACOA SAT. & SUN.

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BAKERY
592-7544
BARBACOA SAT. & SUN.





THIS DOCUMENT IS
RELEASED FOR THE
PURPOSE OF REVIEW
UNDER THE AUTHORITY
OF RUILO P. MORA JR.
P.E. 111588
ON 4/22/20
IT IS NOT TO BE USED
FOR ANY OTHER
PURPOSE.

PRELIMINARY SET

ETECH Construction, Inc.

PO Box 690504
San Antonio, TX 78269
(210) 315-2296

PROPOSAL

To: City of Kingsville, TX Job Name / Location: El Pastel Bakery Date: May 5, 2020
Joseph Ramirez 517 N. 7th St

DESCRIPTION

- Demo/New Concrete Sidewalk & ADA Ramp \$9,000.00

TOTAL: \$9,000.00

We propose hereby to furnish materials as noted and labor-complete in accordance with the above specifications. For the sum of: \$9,000.00

Payment to be made as follows:

All material is guaranteed to be specific. All work to be completed in professional manner according to standard practices. Any alteration or deviation from above specifications including extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Acceptance Of Proposal -The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

D.I.A. Utilities

ESTIMATE

We Do It All!
Marco Jimenez
PO Box 5307
Kingsville, TX 78364
(361) 228-2045



Date: May 11, 2020

Estimate #: 20-162

Customer Name City of Kingsville
Customer Address PO Box 1458
City, State, Zip Kingsville Tx 78364

Project: ADA Handicap ramp @ El Pastel Bakery

Work Description	Cost
Complete demo of existing concrete, installation of ADA compliant handica \$ ramp, parking lot stripping with handicap logo and clean up	22,600.00

\$ 22,600.00

Estimate valid for 30 days

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO SETUP BUDGET TO COMPLETE THE ADA SIDEWALK PROJECT NEAR EL PASTEL BAKERY.

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
Fund 001 – General Fund					
<u>Expenditures - 5</u>					
'6900	Transfers	Transfer To GF Cap Projects	80091	\$9,000	
Fund 091 – GF Capital Projects Fund					
<u>Revenues - 4</u>					
'0000	Transfers	Transfer From GF	75001	(\$9,000)	
1603	Com App	Grounds & Perm Fixtures	59100	\$9,000	

[To amend the City of Kingsville FY 19-20 Budget to setup budget to complete the ADA sidewalk project near the El Pastel Bakery.]

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 26th day of May 2020.

PASSED AND APPROVED on this the 8th day of June, 2020.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

AGENDA ITEM #9

AGENDA ITEM #10