

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, NOVEMBER 9, 2020 REGULAR MEETING

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

Conference Line call: 1 (415) 655-0001 and
when prompted type access code: 126 210 9951 #

OR

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

I. Preliminary Proceedings.

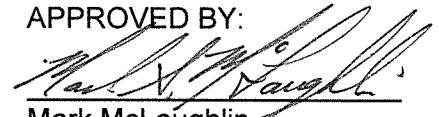
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting-October 26, 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

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 Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over purchase orders that were ordered or started last fiscal year and will be received or completed this fiscal year. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and Thunderbird Real Estate II, Ltd. (care of Henry Sames). (City Manager).
3. Consider a resolution authorizing the Fire Chief to enter into an Agreement for Training of Emergency Medical Services Students between the City of Kingsville and the Annaville Fire Department. (Fire Chief).
4. Consider a resolution adopting the City of Kingsville Hazard Duty Interim Pay Policy. (Human Resources Director).
5. Consider a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).
6. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to accept and expend grant funding from the Patrick Leahy Bulletproof Vest for Police Body Armor, the Coronavirus Emergency Supplemental Funding Program for overtime, the Local Border Security Program for operational overtime, and the Enhancement Body Worn Camera Policy and Implementation Program for replacement cameras. (Police Chief).
7. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the purchase of a narcotics detection K9. (Police Chief).
8. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over purchase orders that were for projects started last fiscal year and will be completed in this fiscal year. (Finance Director).

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 or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

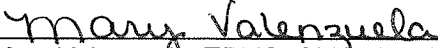
NOTICE

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:

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November 5, 2020 at 10:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



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

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

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

OCTOBER 26, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 26, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Janine Reyes, Tourism Director
Kyle Benson, IT Manager
Derek Williams, IT
Deborah Balli, Finance Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting - October 13, 2020

Motion made by Commissioner Lopez to approve the minutes of October 13, 2020 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting “FOR”.

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

To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary’s instructions, which shall be posted on the City Secretary’s outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written

testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

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

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 reported that telework for staff will end Friday, October 30, 2020. All staff will report to their offices on Monday, November 2nd.

Mrs. Courtney Alvarez, City Attorney reported that the next scheduled meeting will be on November 9th with a deadline to staff to submit agenda items by Thursday, October 29th.

Mayor Fugate asked when election results for the November 3rd election would be canvassed? Mrs. Alvarez responded that she would need to get with the City Secretary for scheduling the canvass.

IV. Public Comment on Agenda Items.³

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

No public comments made or received.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence

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

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

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

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

- 1. Motion to approve final passage of an ordinance amending the City of Kingsville Drainage Master Plan. (City Engineer).**
- 2. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to accept and expend donation from Texas Community Federal Credit Union for the Police Department Halloween for Trunk or Treat Event. (Police Chief).**
- 3. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for a carry-over project for the replacement of an effluent line and isolation valves. (Public Works Director).**
- 4. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over Texas CDBG Grant Project #7219012 for sidewalk improvements. (Finance Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 5. Consider awarding bid for South 1.0 MGD Wastewater Treatment Plant Improvements Project as per recommendation of contract engineer. (City Engineer).**

Mr. Rudy Mora, Engineer stated that on September 24, 2020, the City received and publicly opened two bids on the project. Bidder 1 was Etech Construction Inc, from San Antonio and bidder 2 was Donald Hubert Construction from Kingsville. The bids were \$99,300 and \$115,428. Due to Etech Construction Inc., not listing any Wastewater Treatment Plant experience, it is being recommended that the bid be awarded to Donald Hubert Construction.

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

- 6. Consider a resolution adopting the Wastewater Capital Improvements Plan for the City of Kingsville. (City Engineer).**

Mr. Mora stated that a capital improvement plan (CIP), is a 5-year plan and it identifies capital projects and/or equipment purchases, provides a planning schedule and identifies options for financing the plan. A list of projects included in the CIP are as follows: Replace 18" wastewater main between Corral and Santa Gertrudis to the North 3-MGD WWTP; Replace 15" wastewater main along Lott Ave. between 7th and 10th Street; City-wide Lift Station Mitigation; Replace 8" wastewater collection line in alley between Johnston and Fordyce St. from 17th to 18th Street; Replace 12" wastewater

main along 10th Street between Ragland and Santa Gertrudis Ave; City-wide Manhole Rehabilitation, 78 manholes within the City; Proposed Lift Station Re-route south wastewater basin transfer to north wastewater basin. Including 18" wastewater main rehabilitation, approximately 200,000 gallons to the North Plant.

Motion made by Commissioner Leubert to approve this resolution adopting the Wastewater Capital Improvements Plant for the City of Kingsville, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

7. **Consider a resolution authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant (DEAAG) Program for the purpose of requesting grant funding for a wastewater re-route. (City Engineer).**

Mr. Mora stated that currently the Navy transfers its wastewater for treatment to the City's North Wastewater Treatment Plant. The Navy would benefit from this project because it would provide a secondary option to treating the Navy's wastewater. The City has allocated \$200,000 towards a cash match for Fiscal Year 2020-2021 and will also allocate \$200,000 for the next 2 fiscal years, FY 21-22 and FY 22-23.

Motion made by Commissioner Leubert to approve the authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant (DEAAG) Program for the purpose of requesting grant funding for a wastewater re-route, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

8. **Consider a resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for drainage system improvements. (City Engineer).**

Mr. Mora stated that on July 13, 2020, the City Commission approved hiring GrantWorks, Inc. to prepare and submit a Community Development Block Grant Mitigation grant application to the General Land Office (GLO). This application is due by October 28, 2020. Improvement to the drainage infrastructure in the City is needed to prevent flooding during heavy rain events. The proposed project for this application includes the demolition and removal of undersized sewer components, replacement of over 9,000 feet of reinforced concrete pipe and more than 23,000 feet of box culverts in 14 locations around the city, repair of 65 storm manholes, and all associated repaving. Some curb and gutter and sidewalk work are also included. Once complete, these improvements will benefit the entire City of Kingsville. He further stated that there is no commitment to apply. This grant is estimated at \$3 million dollars with a 1% match which is around \$366,000.

Motion made by Commissioner Leubert to approve the resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for drainage system improvements, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

9. **Consider a resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for sewer drainage system improvements. (City Engineer).**

Improvements are needed to the City's sanitary sewer system to more efficiently manage inflow of rainwater and reduce its impact on the North and South Wastewater Treatment Plants. This includes the addition of new lines to add capacity to both plants, replacement of damaged lines, rehabilitation of 78 manholes, repair and rehabilitation of 9 lift stations, and the construction of a new lift station. The contract amount of \$583,449, 8% of the total project cost will only be paid if the grant is awarded.

Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for sewer drainage system improvements, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez, Fugate voting "FOR".

10. Consider a resolution authorizing the Mayor to execute an Engineering Services Agreement with International Consulting Engineers for the Community Development Block Grant-Mitigation (CDBG-MIT) Program for drainage and sewer system improvements. (City Engineer).

Mr. Mora stated that on August 24, 2020, the City Commission approved hiring International Consulting Engineers to provide engineering services in connection with Commission Development Block Grant Mitigation grant application to the General Land Office.

Motion made by Commissioner Leubert to approve the authorizing the Mayor to execute a Grant Administration Services Agreement with GrantWorks for CDBG-MIT Program for sewer drainage system improvement, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert voting "FOR".

11. Consider a resolution of the City Commission of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *drainage system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program. (City Engineer).

Mr. Mora stated that this is part of the stipulation from the grant.

Motion made by Commissioner Leubert to approve the resolution of the City Commission of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *drainage system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

12. Consider a resolution of the City Commission of the City of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *sewer system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program. (City Engineer).

Motion made by Commissioner Pecos to approve the resolution of the City Commission of the City of Kingsville, Texas, authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office for *sewer system* improvements and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

- 13. Consider approving Citizen Participation Plan to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office. (City Engineer).**

Motion made by Commissioner Pecos to approve the Citizen Participation Plan to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

- 14. Consider approving Procurement Policies and Procedures to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office. (City Engineer).**

Mr. Mora asked that the Commission adopt the Procurement Policies and Procedures in the event of the award.

Motion made by Commissioner Leubert to approve the Procurement Policies and Procedures to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

- 15. Consider approving Financial and Grant Funding Policies to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office. (City Engineer).**

Motion made by Commissioner Leubert to approve the Financial and Grant Funding Policies to be included with the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) application to the Texas General Land Office, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

- 16. Consider a resolution authorizing the Mayor to enter into a Standard Form of Agreement TxCDBG Contract No. 7218269 between Owner and Contractor on the Basis of a Stipulated Price (for sewer system improvements; manhole rehabilitation project Phase II). (City Engineer).**

Mr. Mora stated that the City was previously awarded a grant by the State for Manhole Rehabilitation work. Funding was leftover at the end of the initial scope of work, therefore a second scope of work was developed and bid out pending approval of a grant extension from the State. The City received word this week that the grant extension was approved so now the contract with the company selected to do Phase 2 of the grant project needs to be approved.

Commissioner Leubert asked if this was for the 78 manholes. Mr. Mora responded that this would be for eight to ten manholes that will be paid from money that was leftover.

Commissioner Hinojosa asked if the money needed to be returned. Mr. Mora responded no.

Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to enter into a Standard Form of Agreement TxCDBG Contract No. 7218269 between Owner and Contractor on the Basis of a Stipulated Price (for sewer system improvements; manhole rehabilitation project Phase II), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

17. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and New Urban Development Corporation, LLC. (for a Chick-Fil-A). (City Attorney).

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and New Urban Development Corporation, LLC. (for a Chick-Fil-A), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

18. Consider a resolution authorizing the Mayor to execute an Estoppel and Attornment Agreement between the City of Kingsville, Texas; New Urban Development, LLC; New Urban Development Kingsville, Texas, LLC; and Ameris Bank. (for a Chick-Fil-A). (City Attorney).

Mayor Fugate asked how this was coming along. Mr. McLaughlin responded that all parties agree with this. It is expected that they will start turning dirt on November 2nd.

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Estoppel and Attornment Agreement between the City of Kingsville, Texas; New Urban Development, LLC; New Urban Development Kingsville, Texas, LLC; and Ameris Bank. (for a Chick-Fil-A), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

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

Introduction item.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:35 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: October 16, 2020

SUBJECT: Request to roll end of year purchase orders for items ordered in FY 19-20 that are expected to be received in FY 20-21 and for projects that have been started in FY 19-20 and completed in FY 20-21 that were not included in the FY 20-21 budget due to the unknown status during the budget process.

Summary:

At the end of each fiscal year, there are outstanding purchase orders that have been created and sent to vendors and due to various reasons, they remain outstanding.

Background:

All purchase orders that remain outstanding at the end of the fiscal year, are reviewed to determine if the products are on order but have not been received or the project has been started, but not yet completed. If there are purchase orders in that state, the purchase order must be rolled, and the associated budget must be rolled to cover the expenditure. During the budget process, it is not always known if items or projects are going to be received or completed by September 30, 2020. If allowances have not been made for this expenditure in the following fiscal year budget, a budget amendment must be submitted to cover the expenditure.

Financial Impact:

Rolled purchase orders will decrease the unappropriated fund balance of the corresponding fund by the following amounts:

- General Fund 001 - \$37,160.44
- Police Seizure Fund 005 - \$7,652.90
- Utility Fund 051 - \$51,289.10
- Utility Capital Projects Fund 054 - \$16,000.00
- Park Maintenance Fund 093 - \$2,000.00



**City of Kingsville
Finance Department**

Failure to roll the budgets for the rolled purchase orders will require current FY 20-21 budget appropriations to cover these costs and may result in shortages in current needs. The prior fiscal year's appropriations included these amounts and dropped to fund balance at the end of FY 19-20.

Recommendation:

Staff recommends the approval of the budget amendment for the rolled purchase orders.



ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO APPROPRIATE FUNDING FOR THE CARRY-OVER PURCHASE ORDERS THAT WERE ORDERED OR STARTED LAST FISCAL YEAR AND WILL BE RECEIVED OR COMPLETED THIS FISCAL YEAR.

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 2020-2021 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					
Expenditures - 5					
1601	Planning Adm	Professional Services	31400	\$1,760.88	
1703	Landfill	Vehicle Maintenance	41100	\$1,646.54	
2102	Patrol	Vehicle	71100	\$1,324.28	
2102	Patrol	Vehicle	71100	\$1,401.40	
2103	Comm	Supplies	21100	\$584.00	
2104	CID	Supplies	21100	\$39.83	
3050	Street	Professional Services	31400	\$1,500.00	
4503	Park Maint	Minor Equipment	21700	\$4,600.00	
4503	Park Maint	Professional Services	31400	\$1,295.00	
4503	Park Maint	Grounds & Perm Fixtures	59100	\$18,397.78	
4503	Park Maint	Dog Park	71309	\$2,614.27	
4513	Recreation	Recreational Programs	31499	\$1,996.46	
Fund 005 – PD Seizure Fund					
2100	Police	Drug Prevention Educ Mat	22501	\$7,652.90	
Fund 051 – Utility Fund					
6202	Meter Read	Water Meters	22800	\$25,439.10	
6202	Meter Read	Water Meter Parts	54200	\$10,700.00	
6202	Meter Read	Water Meters	22800	\$15,150.00	
Fund 054 – Utility Fund Capital Projects					

7002	Waste Water	Utility Plant	72100	\$16,000.00	
Fund 093 – Park Maintenance Fund					
4503	Park Maint	Minor Equipment	21700	\$2,000.00	

[To amend the City of Kingsville FY 20-21 Budget to appropriate funding for carry-over purchase orders which include the following:

- 190952 – Carahsoft Technology Corp – Remote Lead Training - \$1,760.88
- 202335 – Nueces Power Equipment – Replacement Sprocket & Equip - \$1,646.54
- 202017 – CDW Government – Vehicle Outfitting - \$1,324.28
- 202018 – Dana Safety – Vehicle Outfitting - \$1,401.40
- 202358 – Foremost Promotions – Jr. Officer Sticker Badges - \$623.83
- 202235 – LNV Engineering – Sta Rosa/Corral Easement - \$1,500
- 202316 – Global Industrial Equip – Urinals for Field Restrooms - \$6,600
- 202266 – Macareno Brothers – Wildlife Outlook & Hummingbird Signs - \$1,295
- 202344 – Lowes Home Centers Inc – Concrete for Picnic Table Pads - \$8,397.78
- 202265 – Hebert Irrigation – Flores Park Irrigation - \$10,000
- 202322 – S&J Fence Co – Dog Park Fencing - \$2,614.27
- 202320 – 4imprint Inc – Jump Ropes for Rec Programs - \$1,996.46
- 202278 – Positive Promotions – Drug Prevention Educ Materials - \$7,652.90
- 202247 – Badger Meters – Water Meters - \$14,727.60
- 202250 – Badger Meters – Water Meters - \$10,711.50
- 202272 – Ferguson Enterprises – Water Meter Parts - \$10,700
- 202233 – LNV – Prof Svcs – Isolation Gates & Effluent Line Project - \$16,000

Funds will come the unappropriated fund balance in the associated funds.]

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 October 2020.

PASSED AND APPROVED on this the 9th day of November, 2020.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #2

RESOLUTION #2020-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND THUNDERBIRD REAL ESTATE II, LTD; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville, Texas ("City") desires to implement economic development programs authorized by Texas law and approved by the Kingsville City Commission, including those authorized by Chapter 380 of the Texas Local Government Code, to promote State and local economic development and to stimulate business and commercial activity in the City of Kingsville, Texas; and

WHEREAS, Thunderbird Real Estate II, Ltd. ("Company") is requesting an economic incentive of having access to an easement owned by the City located in Kingsville, Texas, along the northwest side of the southern right-of-way of eastbound General Cavazos Blvd. near the intersection of US Hwy 77 and E. General Cavazos Blvd, ("Property") being more particularly described in Exhibit "A" of the Agreement for the purpose of placing a monument sign thereon; and

WHEREAS, the Company is selling some property in the Northwest Corner of US Hwy 77 and E. General Cavazos Blvd for the development of a Chick-fil-a and now needs signage to notify customers of the new entrance point to its existing car dealership which remains on the north side of the property being sold for other development which would promote local economic development and stimulate business and commercial activity within the municipality and thereby directly establish a public purpose; and

WHEREAS, the Company desires to erect a monument sign on the easement owned by the City; and

WHEREAS, the City will allow, based on certain conditions noted below, for the placement of a monument sign compliant with city ordinances at a mutually agreeable location within the City's easement for the economic development purpose of retaining an existing business in order to provide wayfinding to the entrance of the Company and of adding a new business in that same area; and

WHEREAS, as a condition to allow the signage in the easement, Company agrees to pay for the permitting, construction, and maintenance of the sign and acknowledges and agrees that the City may require at some point in the future for the movement, relocation, removal, and or reconstruction of the sign at the business owner's expense in order for the City to access the Property to access, inspect, maintain, repair, and or replace the utilities located within the City's easement; and;

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Economic Development Agreement between the City of Kingsville, Texas and Thunderbird Real Estate II, Ltd. 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 9th day of November, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

STATE OF TEXAS §
CITY OF KINGSVILLE § **Economic Development Agreement**
COUNTY OF KLEBERG §

This Economic Development Agreement (this “Agreement”) is made by and between the City of Kingsville (the “City”), and Thunderbird Real Estate II, Ltd. of Laredo, Texas, its successors and/or assigns (the “Company”), acting by and through their respective authorized officers.

WITNESSETH:

WHEREAS, the Company is requesting access to an easement owned by the City of Kingsville located in Kingsville, Texas, along the northwest side of the southern right-of-way of eastbound General Cavazos Blvd. near the intersection of US Hwy 77 and E. General Cavazos Blvd, being more particularly described in Exhibit “A” (the “Property”) for the purpose of placing a monument sign thereon; and

WHEREAS, the Company is selling some property in the Northwest Corner of US Hwy 77 and E. General Cavazos Blvd for the development of a Chick-fil-a and now needs signage to notify customers of the new entrance point to its existing car dealership remaining on the north side of the property being sold for other development; and

WHEREAS, the Company desires to erect a monument sign on the easement owned by the City of Kingsville on the Property; and

WHEREAS, the City will allow, based on certain conditions noted below, for the placement of a monument sign compliant with city ordinances at a mutually agreeable location within the City’s easement for the economic development purpose of retaining an existing business in order to provide wayfinding to the entrance of the Company and of adding a new business in that location; and

WHEREAS, as a condition to allow the signage in the easement, Company agrees to pay for the permitting, construction, and maintenance of the sign and acknowledges and agrees that the City may require at some point in the future for the movement, relocation, removal, and or reconstruction of the sign at the business owner’s expense in order for the City to access the Property to access, inspect, maintain, repair, and or replace the utilities located within the City’s easement; and

WHEREAS, the Company will comply with the City sign permitting process and submit plans to the City for approval prior to the construction of the sign with the City having final say on the signage; and

WHEREAS, the City is authorized to take whatever action necessary, including but not limited to the alteration, demolition, or removal of the monument sign to access, inspect, maintain, repair, and or replace the utilities located within the easement; and

WHEREAS, the City will not be liable for any expenses related to the monument sign should it need to be altered, removed, damaged, or destroyed in the process of accessing, inspecting, maintaining, repairing, and or replacing the utilities located on the Property.

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged the parties agree as follows;

Article I - Responsibilities

1.1 **City's Responsibilities.** The City will, once all conditions have been met, allow for the placement of Company's monument sign that is approved by the City and is compliant with city ordinances to be located at a mutually agreeable location within the City's easement.

1.2 **Company's Responsibilities.** The Company will comply with and pay for the permitting, construction, and maintenance of the sign and acknowledges and agrees that the City may require at some point in the future for the movement, relocation, removal, and or reconstruction of the sign at the Company's expense in order for the City to access the Property to access, inspect, maintain, repair, and or replace the utilities located within the City's easement.

Article II - Termination

- 2.1 This Agreement shall terminate upon any one of the following:
- (a) by written agreement of the parties;
 - (b) on the Expiration Date; or
 - (c) by City, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable.

Article III - Miscellaneous

3.1 **Binding Agreement.** The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the parties hereto.

3.2 **Limitation on Liability.** It is understood and agreed between the parties that the Company and the City, in satisfying the conditions of this Agreement, have acted independently, and assume no responsibilities or liabilities to third parties in connection with these actions.

3.3 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties.

3.4 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement and to legally bind the entity for which each party executes this Agreement.

3.5 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received (i) three (3) days after deposit into the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below or (ii) on the day actually received if sent by courier or otherwise hand delivered.

If intended for City, to:

Attn: Mark McLaughlin, City Manager
City of Kingsville
400 W. King Ave.
Kingsville, Texas 78363

If intended for the Company, to:

Attn: Mr. Harry E. Sames
Thunderbird Real Estate II, Ltd
P.O. Box 879
Laredo, Texas 78402

3.6 **Entire Agreement.** This Agreement is the entire agreement between the parties with respect to the subject matter covered in this Agreement. No oral or written statements,

conversations or understandings between the parties which are not contained in this written Agreement shall in any way alter the agreement of the parties as set forth herein.

3.7 **Governing Law.** The Agreement shall be governed by the laws of the State of Texas; and, venue for any action concerning this Agreement shall be in the State District Court of Kleberg County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

3.8 **Amendment.** This Agreement may only be amended by a written agreement executed by both parties.

3.9 **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the validity and enforceability of other provisions, and the remaining provisions shall remain in full force and in effect as if the offending provision had not been included.

3.10 **Recitals.** The recitals to this Agreement are incorporated herein.

3.11 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

3.12 **Exhibits.** All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

3.13 **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

3.14 **Successors and Assigns.** This Agreement may be assigned without the City's prior consent upon written notice by the Company to the City of such assignment.

3.15 **Notice of Default and Opportunity to Cure.** If either party shall default in its obligations hereunder, the non-defaulting party shall declare an occurrence of an event of default and shall notify the defaulting party in writing of same, informing the defaulting party of its right to cure such default within thirty (30) business days after the receipt of such notice from the non-defaulting party. The defaulting party must provide the other party, within twenty (20) business days after receipt of the non-defaulting party's notice of its right to cure, a written explanation summarizing all actions the defaulting party shall have taken to cure the default in question, together with a summary of the additional acts the defaulting party will take in the future to prevent further default. The parties agree to submit any matters not resolved to

mediation with a mutually agreed upon mediator in Nueces or Kleberg County prior to seeking other action.

3.16 **Attorney's Fees.** In the event either party retains the services of an attorney to enforce its rights under this Agreement, the prevailing party shall collect its attorney's fees and all costs of litigation from the non-prevailing party.

[signature pages to follow]

EXECUTED on this _____ day of _____, 2020

CITY OF KINGSVILLE, TEXAS

By: _____
Sam R. Fugate, Mayor

ATTEST:

By: _____
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

By: _____
Courtney Alvarez, City Attorney

City's Acknowledgement

STATE OF TEXAS §

CITY OF KINGSVILLE §

COUNTY OF KLEBERG §

This instrument was acknowledged before me on the _____ day of _____, 2020, by _____, being _____ of the City of Kingsville, Texas, a Texas municipality, on behalf of said municipality.

Notary Public, State of Texas

My Commission expires: _____

EXECUTED the _____ day of _____, 2020

By: _____,

Name: Harry E. Sames, on behalf of

Thunderbird Real Estate II, Ltd.

Title: _____

Company's Acknowledgement


STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by _____, being the _____ of Thunderbird Real Estate II, Ltd.

Notary Public, State of _____

My Commission expires: _____

	3200 Sullivan Rd. Kingsville, TX 78349-2998	
	Revision: _____ By _____ Date: 09/25/2020	
& UPDATED TITLE COMMENT		
Mark Date By _____ 10/13/2020 COMMENTS		
& UPDATED TITLE COMMENT		
Mark Date By _____ 10/23/2020 COMMENTS		
Mark Date By _____		
1.296 ACRE PARCEL		
EDDIE YAKLIN DEVELOPMENT CITY OF KINGSVILLE, KLEBERG COUNTY, TEXAS		
STORE PLS LC- MEDIUM		
SHEET TITLE ALTA/NSPS SURVEY		
For Permit Offer Bid For Construction		
Job No. : 015-336 Store : 04755 Date : 09/23/2020 Drawn By : JMK Checked By : JMK		
Sheet C-1A		

AGENDA ITEM #3

City of Kingsville Fire Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Juan J. Adame, Fire Chief

DATE: November 12, 2020

SUBJECT: Annville Fire Department Agreement with Kingsville FD

Summary:

The Kingsville Fire Department is requesting to enter into a Ride-Out Agreement between Annville Fire Department and the City of Kingsville Fire Department (KFD) for the purposes of allowing Emergency Medical Services (EMS) Students to ride out with KFD personnel during their clinical ride-outs.

Background:

The agreement will allow Annville Fire Department Students to conduct their required clinical ride-outs during their EMS training. The KFD will provide and accept EMS Students for experience, training, and instruction in emergency medical practice and treatment aboard a Mobile Intensive Care Unit (MICU) and/or Advance Life Support (ALS) while responding to actual emergencies.

Financial Impact:

No financial impact, Texas EMS Academy shall provide and maintain Student Blanket Liability Insurance with liability limits of \$1,000,000.00 per occurrence and \$3,000,000.00 in aggregate and will keep such coverage during the life of this agreement.

Recommendation:

Our recommendation is that the Commission enter into a Ride-Out Agreement with Annville Fire Department.



RESOLUTION #2020-_____

A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ENTER INTO AN AGREEMENT FOR TRAINING OF EMERGENCY MEDICAL SERVICES STUDENTS BETWEEN THE KINGSVILLE FIRE DEPARTMENT AND ANNAVILLE FIRE DEPARTMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville Fire Department was recently approached by the Annville Fire Department to ("AFD") conduct a program of clinical education or field work experience at the Fire Department to help train the AFD's Emergency Medical Technology students through its state-approved courses;

WHEREAS, the City of Kingsville approved Memorandums of Understanding (MOU) between the Kingsville Fire Department and U.S. Customs and Border Protection and other entities in the past for the training of various Emergency Medical Technician students;

WHEREAS, the parties desire to enter an Agreement for Training of Emergency Medical Services Students as per the attached agreement;

WHEREAS, the City of Kingsville Fire Department is agreeable to conduct the training under the guidelines stated in the attached agreement.

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

I.

THAT the Fire Chief is authorized and directed as an act of the City of Kingsville, Texas to enter into an Agreement for Training of Emergency Medical Services Students between the Kingsville Fire Department and Annville Fire Department, 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
____ 9th day of ____ November ____, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGREEMENT FOR TRAINING OF EMERGENCY MEDICAL SERVICES STUDENTS

THE STATE OF TEXAS}

KNOW ALL MEN BY THESE PRESENTS:

COUNTIES OF NUECES}

This agreement is between Annaville Fire Department (AFD) operating under the laws of the State of Texas, and City of Kingsville Fire Department herein referred to as "Kingsville Fire Department", an emergency medical service under the laws of the State of Texas.

WHEREAS, Annaville Fire Department, through its education department, provides state-approved courses to the public in Emergency Medical Technology as an Emergency Medical Responder, Emergency Medical Technician, and Advanced Emergency Medical Technician levels (collectively called EMS students); and

WHEREAS, AFD and Kingsville Fire Department are authorized to enter into this agreement under the Interlocal Cooperation Act; and

WHEREAS, Kingsville Fire Department is a major EMS provider outside the service district of AFD that is capable of providing the required ambulance experience.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Kingsville Fire Department will accept EMS students for experience, training, and instruction in emergency medical practice and treatment aboard a Mobile Intensive Care Unit and/or Advanced Life Support Vehicles responding to actual emergency calls. The number of EMS students aboard any given vehicle shall be determined by the Kingsville Fire Department Chief or his/her delegated representative at his/her discretion.
2. Kingsville Fire Department will provide a Certified Paramedic on each vehicle, who will directly supervise any emergency care rendered, and any procedures performed by the EMS students. EMS students will be permitted hands-on training during their rotations

at the sole discretion of the Medic-in-Command of the vehicle. Kingsville Fire Department will instruct EMS students that they are under the strict and direct supervision of the Certified Paramedic and must strictly obey that agent's instructions at all times.

3. AFD will provide a staff EMS Coordinator to set up scheduling for EMS students and to assure adherence to Kingsville Fire Department policy. The Coordinator will provide supervision, rotation scheduling, and record keeping for all EMS students involved in internship rotations.
4. AFD will provide a month advanced notice of the dates on which the EMS students require rotation, including a roster of personnel and a suggested schedule with the times and dates of rotations.
5. AFD shall provide and maintain Student Blanket Liability Insurance with liability limits of \$1,000,000.00 per occurrence and \$3,000,000.00 in aggregate, and will keep such coverage during the life of this agreement. Proof of Insurance shall be submitted to Kingsville Fire Department upon request. Kingsville Fire Department shall receive thirty (30) days written notification of any proposed changes/cancellations of said insurance. AFD warrants that all EMS students scheduled will have successfully completed all required didactic and skills course work required by the Texas Department of State Health Services and shall have met all skill competencies and assessments required to begin EMS Internship at the prospective levels of training.
6. As consideration for allowing EMS students to receive a hands-on training by Kingsville Fire Department, and prior to his/her first rotation, each EMS student will sign a release/waiver agreeing to indemnify and forever hold harmless Kingsville Fire Department -, its officers, agents, and employees, for any and all lawsuits, claims, damages, liabilities, losses, and expenses (including court costs, attorneys fees, and expert witness fees) from, for, or on account of any injury to any person or death at any time resulting from such injury, damages to any property which may arise or which may be alleged to have arisen out of or in connection with any activity by an EMS student pursuant to this agreement. It is agreed by and the intention of the EMS students to indemnify Kingsville Fire Department regardless of whether the claims, demands, or suits rise from the sole or joint negligence of the party indemnified herein. Kingsville Fire Department and AFD agree that all EMS students shall execute the release/waiver, and that no EMS student may participate until and unless such release/waiver is executed and delivered to the EMS Director of AFD.

7. As to all activities connected with this agreement, neither AFD nor Kingsville Fire Department shall be responsible to the other for personal injuries caused by the acts or omissions, if any, of either party or their contractors. Stated otherwise, neither party agrees to indemnify or hold harmless the other party as to personal injuries arising out of this agreement. The liability, if any, of either party shall be that prescribed by the laws of the State of Texas.
8. This agreement shall be effective on Kingsville Fire Department, or on such date as it becomes active by signature of all officials of the parties to the agreement and shall be for an indefinite period. It shall be subject to annual review and renewal by either party by written notice by both parties thirty (30) days prior to expiration. Either party may terminate this Agreement at any time upon thirty (30) days notice to the other party.
9. This Agreement is entered into under the authority of the Interlocal Cooperation Act, Chapter 791, Government Code. The EMS students of AFD training program under the Agreement are not employees of Kingsville Fire Department and no employer/employee or master/servant relationship is established by this agreement.

ANNAVILLE FIRE DEPARTMENT



Kevin Ramón, EMS Lieutenant

10-12-2020

Date

City of Kingsville Fire Department Representative
Printed Name

City of Kingsville Fire Department Representative
Signature

Date

AGENDA ITEM #4

City of Kingsville
Human Resource Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: November 3, 2020

SUBJECT: Hazard Duty Interim Pay Policy

Summary: In recognition of the importance of our employee's health and safety while performing their duties during this coronavirus public health crisis, it is recommended to institute an interim policy to provide Hazard Duty Pay for employees for their hours worked at maintaining City services to the citizens of the City of Kingsville.

Full-time and Part-time employees active as of the City Commission approved resolution are eligible for hazard duty pay. Hazard duty pay categories are as follows:

	Full-time Employee	Part-time Employee
Police Officers & Firefighters	\$ 200 per month	
Essential Public Works & Other Select Personnel	\$ 100 per month	\$ 50 per month
Other Essential Functions	\$ 50 per month	\$ 25 per month

Background: The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) allows for the use of federal funds for payment of Coronavirus related expenses. The monies to pay first responders and essential personnel is a qualified expense under the CARES Act.

Financial Impact: For the City, the total cost of Hazard Duty Interim Pay is approximately \$345,000 including applicable fringe. This is up to ten (10) months of pay for each eligible employee. Hazard Duty is retro-active to March 2020. Employees hired after March 2020 shall have Hazard Duty pay pro-rated as to month of hire.

For the Employee, required deductions for FICA, federal taxes and TMRS apply to Hazard Duty Interim Pay.

Recommendation: To consider the proposed Hazard Duty Interim Pay policy. The City of Kingsville would provide hazard duty pay during the declared state of disaster due to public health reasons currently in effect with stated hazard duty pay expiring on December 30, 2020.



RESOLUTION NO. 2020-_____

A RESOLUTION ADOPTING THE CITY OF KINGSVILLE HAZARD DUTY INTERIM PAY POLICY.

WHEREAS, the City Commission desires to adopt a Hazard Duty Interim Pay Policy to be effective March 17, 2020 through December 30, 2020 for eligible employees due to the coronavirus public health crisis; and

WHEREAS, the requested change does not significantly impact the City financially as the hazard duty interim pay is covered as a qualified expense under the CARES Act and any such funds paid out to employees should be reimbursed to the City under the Act;

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

I.

THAT the Hazard Duty Interim Pay Policy, attached as Exhibit A, is hereby approved;

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 9th day of November, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

DRAFT

Coronavirus Hazard Duty Pay Interim Policy

In recognition of the importance of our employee's health and safety while performing their duties during this coronavirus public health crisis, the City of Kingsville is instituting an interim policy to provide Hazard Pay for employees for their hours worked at maintaining City services to the citizens of the City of Kingsville.

1. Hazard Duty Pay – Eligibility
 - Active Full-Time and Part-Time Employees as of City Commission action to approve Coronavirus Hazard Pay Interim Policy

2. Hazard Duty Pay – Additional Amount

All staff who meet the following criteria will receive additional pay as indicated below:

	Full-time Employees	Part-time Employees
Police Officers & Firefighters	\$ 200 per month	
Essential Public Works & Other Select Personnel	\$ 100 per month	\$ 50 per month

Hazard pay is a temporary supplement to the employee's base pay. Hazard pay is pro-rated from month of hire for employees hired after March 17, 2020.

3. Hazard Duty Pay - Differential for Essential Office Employees

In addition, employees who must go into the office to maintain essential functions for the operations, including handling mail, server back-up, managing employee functions, managing financial duties, such as paying invoices and making deposits will receive a pay differential of \$50 per month for Full-time Employees and \$25 for Part-time Employees. The Human Resource Department will designate the essential office employees with City Manager approval.

4. Applicable Time Period for Hazard Duty Pay

The City of Kingsville will provide additional pay during the Kingsville City Mayor's declaration of a state of disaster for public health reasons currently in effect. Hazard Duty Interim Pay shall expire on December 30, 2020.

This additional Hazard Duty Pay is retroactive to Tuesday, March 17, 2020, the date the City of Kingsville Mayor issued the declaration of emergency.

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: October 26, 2020

SUBJECT: Donation to Kingsville Boxing Club from Chapter 59 Funds

Summary:

The police department is in receipt of a request for a donation to Kingsville Boxing Club.

Background:

I am in receipt of a letter from the Kingsville Boxing Club soliciting a donation for the Kingsville, Texas program. The Kingsville Boxing Club of Kingsville is a non-profit organization that provides anti-drug programs to the youths of the city and the area by providing educational studies opportunities, athletic programs, field trips and other activities with a drug-free message that have a positive impact on the children of Kingsville. This donation will assist them in implementing their program to assist in the prevention of Alcohol, tobacco, and other drugs for our youth.

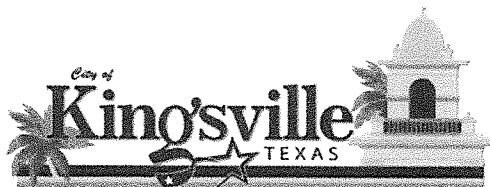
We here at the City of Kingsville Police Department have a longstanding relationship with the Kingsville Boxing Club and would like to assist them in our goal.

Financial Impact:

Donation in the amount of **\$5,000.00** to assist Kingsville Boxing Club with our mission to help young people to stay drug free and succeed.

Recommendation:

We request that our request be granted for our donation in the amount of \$5,000.00



City of Kingsville Police Department
APPLICATION FOR CHAPTER 59 DONATION
26 October 2020

1. APPLICANT'S

NAME: Jaime Cantu

ADDRESS: 627 E. Miller Ave. Kingsville, Texas 78363

PHONE: 361-728-3955

2. ORGANIZATION'S

NAME: Kingsville Amateur Boxing Club Inc.

ADDRESS: 525 S. 12th St. Kingsville, Texas 78363

PHONE: Same

3. The Kingsville Boxing Club (a federally recognized 501(c) (3) Non Profit Organization) is applying for a grant to help and assist the club with its program. The club was formed with the intent of offering our youth an alternative from the streets. The club has grown considerable since its organization back in 1997. Currently the club allows all members of this community to attend and utilize its facilities with the purpose of getting fit and staying healthy. Members of the Kingsville Boxing Club who are registered with USA boxing are required to attend various classes throughout the year that teach and lecture on subjects such as; Drug and Alcohol Abuse, Dealing with Teen Pressure, Building one's Self Esteem, Nutrition and The United States Anti Doping Agency policy on drug use. Our instructor for those classes is a licensed and registered drug and alcohol counselor for the state of Texas. Speakers are invited to come in and share their experience with our athletes to help them better understand the consequences of abusing drugs and alcohol as well as giving motivational speeches to help our participants succeed. Pamphlets are located on site in the gym and are used to help educate our athletes in these various areas.

Our club is a very unique program that offers so many different types of character building programs (See List of Additional Programs). Our program has not only impacted the "At Risk" student but has also impacted those who want to volunteer and make a difference in our community.

Our club currently has no major sponsor and relies solely on the support of our community and organizations such as yours to continue our existence. The average cost per year to operate our club is \$15,000.00 (last 5 years).

We are requesting that a \$5,000.00 grant be awarded to our program to be used in the following manner:

1. **Money will be used to help our program continue to spread our Drug Free Message to members of our community (primarily our youth).**
2. **A portion of this grant will be used to purchase additional equipment needed to ensure that all participants are properly equipped to conduct their physical training.**
3. **All money will be used to directly impact our program. Our program has no paid staff and all money will be used to help operate our program.**

Approval of this grant is very important to our program. Without your organizations support, this program could not function in the manner that it has. Our program has received high praise from community leaders and members of our community. In addition, leaders from different communities have stated that they are very impressed with our program and believe that our community is fortunate to have a program like ours. It is directly because of your organization that we are as successful as we have been.

APPROVED: _____
RICARDO TORRES
CHIEF OF POLICE

DATE: _____ TIME: _____

List of additional programs run by the Kingsville Boxing Club

- **Be a Champion** – Weekly Grab & Go Lunch for all students. (Est. 2020)
- **Drug, Alcohol and Substance abuse education** – Twice a month, a certified Drug and Alcohol Abuse Counselor conducts classes for all individuals.
- **Drug Awareness Information Give Away** – The Kingsville Boxing Club gives away for free, Educational Activity books and other items that focus on Drug Awareness and City Leadership. Participate in Red Ribbon Week
- **Anti-Bullying Campaign** – This past year, the boxing club initiated our Anti Bullying Campaign by handing out activity books, book markers and other items that talk about bullying. In addition, pamphlets about Sexting are also given out.
- **Knock Out HomeWork/Tutoring Program** – Once a week (Wednesdays) the Kingsville Boxing Club opens its doors and allows students from throughout the community to come in and get assistance with their homework or for tutoring. Additional days are made available at the students' request. (Most volunteers and tutors are from our local University)
- **Camp of Champs** – This program was established in 2008 and is a cost free camp that is geared towards children ages 8-14 and focuses on the importance of health, fitness, discipline and faith. (The same type of training is given on a daily basis and if there aren't enough participants, the program is run during normal training hours).
- **Training Facility** – Our facility has opened its doors to Law Enforcement Personnel as well as Military Personnel to use as a fitness center or an instructional facility.
- **Community Service** – Members of the Kingsville Boxing Club volunteer once a month to assist Senior Citizens whose alley ways are in violation of our city codes and they must be cleaned up. The club contacts the local enforcement office for a list of addresses. In addition, our club assisted with the city wide clean-up program.
- **Community Involvement** – The Kingsville Boxing club members volunteered for several different community events to include: National Night Out, Lil Oscar Day, and Motivational speaking for different organizations and supported a "Back to School" School Supply Drive. All of these events were free to the public to include food and drinks.

More information on the above subjects can be found in our website:
www.12thstreetgym.org

RESOLUTION #2020-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE POLICE DEPARTMENT FOR DONATION TO THE KINGSVILLE AMATEUR BOXING CLUB, INC. FOR DRUG AND ALCOHOL PREVENTION PROGRAMS.

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

WHEREAS, the Kingsville Amateur Boxing Club, Inc. is a non-profit organization that provides anti-drug programs to the youths of the city and the area by providing athletic programs and other activities with a drug-free message that have a positive impact on the children of Kingsville;

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

I.

THAT the City Commission authorizes the Kingsville Police Department to assist with a \$5,000 donation to the Kingsville Amateur Boxing Club, Inc., to help educate young people about living a drug-free and alcohol-free lifestyle. The Kingsville Amateur Boxing Club, Inc. will submit quarterly charitable contribution reporting forms to the Kingsville Police Department.

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support the Kingsville Amateur Boxing Club, Inc. in their efforts for the benefit of the community through drug abuse prevention programs.

PASSED AND APPROVED by a majority vote of the City Commission on the 9th day of November, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND GRANT FUNDING FROM THE PATRICK LEAHY BULLETPROOF VEST FOR POLICE BODY ARMOR, THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FOR OVERTIME, THE LOCAL BORDER SECURITY PROGRAM FOR OPERATIONAL OVERTIME AND THE ENHANCEMENT BODY WORN CAMERA POLICY AND IMPLEMENTATION FOR REPLACEMENT CAMERAS.

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 2020-2021 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 108 – Patrick Leahy Bulletproof Vest Partnership Fund					
<u>Revenues - 4</u>					
0000	Non Dept	Federal Grants	72005	(\$4,585.00)	
0000	Non Dept	Transfer From Fund 001	75001	(\$4,585.00)	
<u>Expenditures - 5</u>					
2100	Police	Uniforms & Personal Wear	21200	\$9,170.00	
Fund 001 – General Fund					
<u>Expenditures - 5</u>					
6900	Transfers	Transfer to Fund 108	80108	\$4,585.00	
Fund 109 – Coronavirus Emergency Supplemental Fund					
<u>Revenues - 4</u>					
0000	Non Dept	State Grants	72010	(\$29,841.69)	
<u>Expenditures - 5</u>					
2100	Police	Overtime	11200	\$25,615.18	
2100	Police	Retirement-TMRS	11400	\$2,269.95	
2100	Police	FICA	11500	\$1,956.56	
Fund 017 – Local Border Security Program					
<u>Revenues - 4</u>					
2100	Police	State Grants	72010	(\$78,000.00)	

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<u>Expenditures - 5</u>					
2100	Police	Overtime	11200	\$66,952.79	
2100	Police	Retirement-TMRS	11400	\$5,925.32	
2100	Police	FICA	11500	\$5,121.89	
Fund 110 – Kingsville PD Enhancement BWC Fund					
<u>Revenues - 4</u>					
0000	Non Dept	Federal Grants	72005	(\$20,665.00)	
0000	Non Dept	Transfer From Fund 001	75001	(\$20,665.00)	
<u>Expenditures – 5</u>					
2100	Police	Minor Equipment	21700	\$41,330.00	
Fund 001 – General Fund					
<u>Expenditures</u>					
6900	Transfers	Transfer To Fund 110	80110	\$20,665.00	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend grant funding from the Patrick Leahy Bulletproof Vest Partnership Fund, the Coronavirus Emergency Supplemental Fund, the Local Border Security Program and the Kingsville Police Enhancement Body Worn Camera Fund. Funds will come the grant award along with matching funds from General Fund for the Bulletproof Vest Grant and the Body Worn Camera Grant.]

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 9th day of November 2020.

PASSED AND APPROVED on this the 23rd day of November, 2020.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: Request for Budget Amendment Patrick Leahy Bulletproof Vest Partnership Grant

Summary:

Application was made in May 2020 by the Kingsville Police Department for the FY2020 Patrick Leahy Bulletproof Vest Partnership Grant. The application was approved to act on the City's behalf in all matters pertaining to this grant (See attached RES 2020-41). We are happy to report that we have been notified of the grant award in the amount of \$4,585.00.

Background:

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

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

In the BVP Program, "uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available



**City of Kingsville
Police Department**

the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor* (Active Standard ASTM E3003) available at no cost. The Personal Armor Fit Assessment checklist, is excerpted from ASTM E3003.

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

Financial Impact:

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

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

Recommendation:

The final step to expend these funds is for approval of an associated budget amendment for inclusion in this year's budget.



RESOLUTION #2020- 41

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

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

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

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

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

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

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

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

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

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

I.

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

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

II.

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

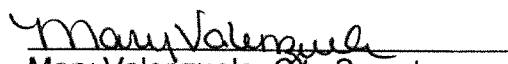
III.

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

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


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: Request Budget Amendment for Emergency Supplemental Funding (CESF) Program, FY2020

Summary:

The Kingsville Police Department was authorized to apply for accept and subsequently purchase equipment as allowed under the CESF program to prevent, prepare for, and respond to the coronavirus (See attached RES 2020-46). We are happy to announce that this grant has been awarded in the amount of \$29,841.69 to be used to cover overtime expenses.

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.



City of Kingsville Police Department

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:
 - 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 approval of an associated budget amendment for inclusion in this year's budget to receive and expend funds as necessary.



RESOLUTION NO. 2020- 46

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
Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez
Courtney Alvarez, City Attorney

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: 2021 Local Border Security Program (LBSP)

Summary:

The Kingsville Police Department was authorized to apply for accept an award in the 2020 Local Border Security Program (LBSP) (See RES #2020-34). The grant period is from 09/01/2020 to 08/31/2021. We are happy to announce that this grant has been awarded in the amount of \$78,000.00 to be used to cover personnel costs.

Background:

The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

1. Increase the effectiveness and impact of Steady State and Surge Operations.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of air operations mission planning and prioritization.
9. Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.



**City of Kingsville
Police Department**

10. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
11. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
12. Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

Financial Impact:

The grant for "Operation Border Star" is a reimbursement type but does not require any cash match. We are receiving \$78,000.00 with no anticipated cash match.

Recommendation:

We request approval of an associated budget amendment for inclusion in this year's budget to receive and expend funds as necessary.



RESOLUTION #2020- 34

AN AMENDED RESOLUTION AUTHORIZING PARTICIPATION IN LOCAL BORDER SECURITY PROGRAM FY2021 WITH THE OFFICE OF THE GOVERNOR, TEXAS PUBLIC SAFETY OFFICE FOR LAW ENFORCEMENT PERSONNEL COSTS, FUEL, AND EQUIPMENT; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Border Security Program (LBSP) FY2021 has funding to provide additional manpower by local law enforcement agencies for state led border security enhancement operations for improved border security via a grant to local law enforcement agencies for payment of personnel costs, fuel, and equipment for local law enforcement officers (commissioned peace officers); and

WHEREAS, the Office of the Governor is providing grants through funding from Local Border Security Program FY2021; and

WHEREAS, the City of Kingsville has previously applied for similar grants for the reimbursement of law enforcement personnel costs, fuel, and equipment that will assist with improved border security through enhanced patrolling of the roadways through our city, especially US 77/I-69; and

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

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

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 authorize the Kingsville Police Department through the Chief of Police to participate in Local Border Security Program FY2021 and to seek reimbursement for the allowed expenses of law enforcement personnel costs, fuel, and equipment necessary

to assist with improved border security in our area in conformance with this program. The City is approving the application and acceptance of any LBSP grant funds that the Office of the Governor, Public Safety Office, Homeland Security Grants Division allows for the period of performance of September 1, 2020 through August 31, 2021.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Local Border Security Program FY2021 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

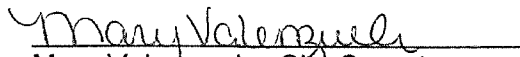
III.

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


PASSED AND APPROVED by a majority vote of the City Commission on the 27th day of April, 2020.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 21, 2020

SUBJECT: Budget Amendment and request for \$20,665.00 cash match for FY2020 CFDA #16.835 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies

Summary:

The Kingsville Police Department was authorized to apply for accept and subsequently purchase equipment as allowed under the FY2020 CFDA #16.835 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (See RES #2020-42). We are happy to announce that this grant has been awarded in the amount of \$20,665.00 to be used to establish or expand comprehensive body-worn camera programs.

Background:

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

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

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



City of Kingsville Police Department

Financial Impact:

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

- FOCUS X1 Body Worn Camera
- Single Office Dock & Power Supply
- USB Cable
- Magnetic Uniform Mount
- Software license w/First Year Technical Support
- Shipping

Cost per unit is \$765.00

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

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

Recommendation:

We request approval of an associated budget amendment for inclusion in this year's budget to receive and expend funds as necessary to meet the \$20,665.00 required cash match.



RESOLUTION #2020- 42

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

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

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

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

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

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

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

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

I.

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

II.

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

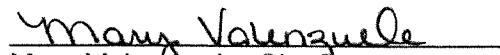
III.

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

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


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

AGENDA ITEM #7

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 29, 2020

SUBJECT: Request to Purchase Narcotics Detection K9 from Chapter 59 Funds and associated Budget Amendment,

Summary:

The police department is requesting a budget amendment to allow for the purchase of a Narcotics Detection K9.

Background:

K9 Britt has served the Kingsville Police Department for well over 10 years. Regrettably K9 Britt has reached an age where he must be retired. During his tenure he has successfully assisted in the seizure of over \$6 million dollars in US Currency and large amounts of marijuana, cocaine, heroin and methamphetamine. Because of his valuable service we have been able to provide vehicles, body armor, AR-15 rifles, computers, mobile data terminals as an example of a few items that those seized funds have been used to provide for our officers. We will have to purchase a new K9 to replace Britt.

Financial Impact:

One (1) Canine quote requested for one (1) Narcotics Canine for Kingsville Police Department. Canine will be trained on four (4) odors and matched with the handler upon completion of training. Covenant K9 ("Seller") will provide handler match up with the Kingsville Police Department handler ("Buyer") once training is complete. The agreed price for the one (1) Canine is as follows:

- Narcotics Detection Canine - **\$9,000.00 USD**

Recommendation:

We request that our budget amendment be approved to cover the costs of the K9 in FY2020-2021. Thank you for your assistance.





Covenant K9 Detection Services, LLC
Police Dogs And Detection Services

website: www.covenantk9.com email: info@covenantk9.com
facebook: <http://www.facebook.com/CovenantK9> instagram: [@covenantk9](https://www.instagram.com/covenantk9)

TXDPS PSB C10492601
DEA License RC0584412
FED ID 74-320670111
CELL: 713-301-3537

SALES QUOTE ONE (1) NARCOTICS DETECTION CANINE

Client: Kingsville Police Department
1700 East King Avenue
Kingsville, Texas 78363
Phone: 361-592-4311
Email: gusruiz@kingsvillepd.us

Covenant K9 Representative: Jerry Alonzo

Date of Proposal: October 5, 2020

SALES QUOTE

Requested K9 Quote: One (1) Canine quote requested for one (1) Narcotics Canine for Kingsville Police Department. Canine will be trained on four (4) odors and matched with the handler upon completion of training. Covenant K9 ("Seller") will provide handler match up with the Kingsville Police Department handler ("Buyer") once training is complete.

The agreed price for the one (1) Canine is as follows:

- Narcotics Detection Canine - **\$9,000.00 USD**

Total for Canine(s): \$9,000.00 USD

Buyer agrees to purchase the Canine(s) as per this agreement and all terms herein. A deposit of fifty percent (50%) is due upon the execution of this agreement. The balance of the agreed price is due in full when the Buyer or Buyer's handler arrives at the Seller's location for handler training.

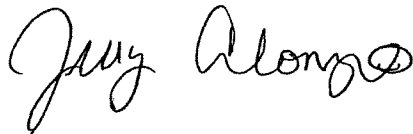
The agreed price includes training of the handler during the time of handler training. All ancillary incurred costs (i.e. rental car, meals, etc.) are the responsibility of the Buyer. Transportation and housing of the Buyer's handler and purchased Canine(s) after completion of the handler training is the responsibility of the Buyer.

Matching and training of the Buyer's handler and purchased Canine(s) may be conducted onsite or at various locations at the Seller's trainer's discretion to best prepare and cultivate the new handler/K9 team.

Upon payment in full, Seller will provide all necessary and obtained papers to transfer ownership and paperwork to the Buyer, if applicable. Additionally, there are no agreements, promises, or representations, expressed or implied, by Seller except those set forth in this agreement. All future training and boarding of the Canine(s) beyond the payment in full, and handler training are the responsibility of Buyer.

One (1) year health warranty for the Canine(s) will be honored from time of purchase for one (1) calendar year. The warranty will cover the Canine(s) hips, elbows, spine and health related issues resulting in a disease which would hinder or halt the ability to perform the trained application that the Canine(s) was trained and sold to perform, to the Buyer, and confirmed by a licensed veterinarian. At that point, an exchange for an alternative Canine will take place.

Covenant K9 Detection Services, LLC is not liable for any actions or incidents outside of the stated services provided.



10/5/2020

Jerry Alonzo
Covenant K9 Detection Services, LLC

Date

Chief Ricardo Torres
Kingsville Police Department

Date

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO APPROPRIATE FUNDING FOR THE PURCHASE OF A NARCOTICS DETECTION K9.

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 2020-2021 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 005 – PD Seizure Fund					
<u>Expenditures</u>					
2100	Police	Equipment	71200	\$9,000.00	

[To amend the City of Kingsville FY 20-21 Budget to appropriate funding for the purchase of a narcotics detection K9 due to the retirement of current K9. Funds will come from the unappropriated fund balance.]

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 9th day of November 2020.

PASSED AND APPROVED on this the 23rd day of November, 2020.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: October 29, 2020

SUBJECT: Request to roll end of year purchase orders for items ordered in FY 19-20 that are expected to be received in FY 20-21.

Summary:

At the end of each fiscal year, there are outstanding purchase orders that have been created and sent to vendors and due to various reasons, they remain outstanding.

Background:

All purchase orders that remain outstanding at the end of the fiscal year, are reviewed to determine if the products are on order but have not been received or the project has been started, but not yet completed. If there are purchase orders in that state, the purchase order must be rolled, and the associated budget must be rolled to cover the expenditure. During the budget process, it is not always known if items or projects are going to be received or completed by September 30, 2020. If allowances have not been made for this expenditure in the following fiscal year budget, a budget amendment must be submitted to cover the expenditure.

Financial Impact:

Rolled purchase orders will decrease the unappropriated fund balance of the corresponding fund by the following amounts:

- Utility Fund 051 - \$8,340

Failure to roll the budgets for the rolled purchase orders will require current FY 20-21 budget appropriations to cover these costs and may result in shortages in current needs. The prior fiscal year's appropriations included these amounts and dropped to fund balance at the end of FY 19-20.

Recommendation:

Staff recommends the approval of the budget amendment for the rolled purchase orders.



ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO APPROPRIATE FUNDING FOR THE CARRY-OVER PURCHASE ORDERS THAT WERE FOR PROJECTS STARTED LAST FISCAL YEAR AND WILL BE COMPLETED IN THIS FISCAL YEAR.

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 2020-2021 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					
7003	WasteWater	Professional Services	31400	\$7,740.00	
7001	WasteWater	Utility Plant	54300	\$600.00	

[To amend the City of Kingsville FY 20-21 Budget to appropriate funding for carry-over purchase orders which include the following:

- 202282 – CW Campbell Electric Inc - \$6,940 for IHOP lift station repairs
- 202177 – CW Campbell Electric Inc - \$800 for IHOP lift station repairs
- 202139 – CW Campbell Electric Inc - \$600 for turblex blower troubleshooting

Funds will come the unappropriated fund balance in the associated funds.]

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 9th day of November 2020.

PASSED AND APPROVED on this the __23rd__ day of __November__, 2020.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney