

JANUARY 11, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 11, 2021 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
Norma N. Alvarez, Commissioner
Ann Marie Torres, Commissioner

CITY COMMISSION ABSENT:

Hector Hinojosa, Commissioner
Edna Lopez, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Janine Reyes, Tourism Director
Derek Williams, IT
Uchechukwu Echeozo, Director of Planning & Development Services
Deborah Balli, Finance Director
Susan Ivy, Parks Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Ricardo Torres, Police Chief

CITY STAFF ATTENDING VIA WEBEX:

Emilio Garcia, Health Director
Diana Gonzales, Director of Human Resources

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with three Commission members present. Commissioner Hinojosa and Commissioner Lopez absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting - December 14, 2020

Special Meeting - December 15, 2020

Motion made by Commissioner Alvarez to approve the minutes of December 14, 2020 and December 15, 2020 as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, 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. Public Hearing to consider an ordinance amending the zoning ordinance by changing the zoning map in reference to Haggerton, Lot 2 (4.71 acres), also known as Property ID 18610, near East Trant Road and Golf Course Road, Kingsville Texas from AG (Agriculture District) to R1 (Single-Family District), applicant/owner Cesar E. Silva. (Planning & Economic Development Director).

Mayor Fugate read and opened this public hearing at 5:04 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

Mr. Mark McLaughlin, City Manager announced that the applicant is requesting a rezone of the property from AG (Agriculture District) to R1 (Single-Family District). The applicant is interested in building a subdivision for housing development. Notifications were mailed out to citizens within the area and staff received no objections. Planning & Zoning Commission voted in favor to the rezone.

There being no further comments Mayor Fugate closed this public hearing at 5:05 P.M.

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. McLaughlin reported that staff will be opening bids on January 12th for the Armstrong Street construction from Santa Gertrudis to Kenedy Street. January 13th there will be a preconstruction meeting with Hubert Construction for the South Wastewater Treatment Plant.

Ms. Alvarez reported that the next Commission meeting is scheduled for January 25th. Deadline for staff to submit their agenda items for the 25th meeting is January 14th. City will be closed for the Martin Luther King, Jr. Holiday on Monday, January 18th.

Mayor Fugate commented that he would like to comment on what occurred on Wednesday, January 6, 2021 in Washington, DC. He stated that public leaders and public servants have a duty to defend the Constitution, not only of the United States but that of Texas. What we saw last week that caused the lives of two police officers and what happened to the people's house on Washington, DC was appalling. He further stated that he would like to see something on our City records that we as the people, as a democracy cannot condone this type of behavior and further stated that this country needs to come together. It is ok to disagree with one another but at the end of the day, but you must stay civil to each other. Fugate further stated that he would like a resolution drafted condemning the acts of the people that invaded the Capitol in Washington, DC on January 6, 2021. He further stated that for the President of the United States, his family and his lawyer to incite the crowd to go and do these deeds is appalling.

Commissioner Alvarez commented that January 6, 2021 was a very dark day for the United States and agrees that the City needs to have a resolution condemning the acts that took place in Washington, DC.

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)

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Haggerton, Lot 2, (4.71 acres) also known as Property ID 18610, located near East Trant Road and Golf Course Road, Kingsville Texas from AG (Agriculture District) to R1 (Single-Family District). (Planning & Economic Development Director).**

Introduction item.

2. **Consider selecting an Evaluation Committee to review responses received for RFQ #21-02 for Engineering Services for Texas Water Development Board drainage improvement projects. (City Engineer).**

Mr. McLaughlin stated that staff is asking for Commission approval on the selection of an evaluation committee to review responses to the RFQ for Professional Engineering Services. Staff recommends the Evaluation Committee be comprised of the following: City Manager, City Engineer, Public Works Director, Purchasing Manager, and Capital Improvements Manager.

Motion made by Commissioner Torres to approve the selected Evaluation Committee as recommended by staff, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Fugate voting "FOR".

3. **Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to purchase a mower to replace old one for Code Compliance. (Director of Planning & Development Services).**

Mr. McLaughlin stated that this budget amendment is for the purchase of a new mower for the Code Compliance Department which will replace an old one that is inoperable.

Introduction item.

4. **Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to appropriate remaining manhole rehabilitation project costs for TxCDBG Grant #7218269. (Finance Director).**

Mr. McLaughlin commented that this grant began in Fiscal Year 18-19 and continued in Fiscal Year 19-20 and carried forward into Fiscal Year 20-21. There is \$126,000 left of the \$360,000 and have 8 manholes projected with this money. Staff has received bids for the manholes, and we will be \$30,000 short which will require another budget amendment for that amount.

Introduction item.

5. **Discussion on JK Northway and area, Parks Master Plan, and venue tax. (City Manager & City Attorney).**

Ms. Courtney Alvarez, City Attorney commented that she has provided a memorandum regarding the history of the JK Northway and the management of the facility. Also included in the memorandum is information on the Parks Master Plan and Venue Tax which were done prior to the November 2020 election. This information will help the citizens and the City Commission understand the timeline as to how we got to be where we are now.

Mr. McLaughlin commented that a copy of the site plan has been provided to the new Commission members. This will show them where the front doors and cattle pens will be located within the JK Northway.

Mayor Fugate asked if staff has received a response from the County Commissioners' Court with regards to the site plan.

Mr. McLaughlin responded that the County Judge would like for the City to do more on the inside of the building. McLaughlin further commented that based on his conversation with City's Bond Counsel, it would be hard to determine if we are paying on a note, how would we call it ownership. He further stated that Bond Counsel feels that it is a safer way to get the bond from those lenders. He also stated that if the City is to the point that this is the way it wants to go then staff can start negotiations and get Bond Counsel further involved. There are still four things that would need to occur, one being the Venue Tax supported projects which needs to start with Bond Counsel and have them start drafting the interlocal agreement.

Ms. Alvarez commented that at the next scheduled Commission meeting, which is scheduled for January 25th, staff will contemplate on having an item on the agenda for Commission to authorize a project. She further stated that at a meeting on December 14, 2020, there were some projects that were mentioned at that time but was determined to hold off on selecting a project until the Commission received more historical information. The plan is to bring an action item for the Commissions consideration during the January 25th meeting, to make that determination official. She further stated that as the City Manager stated, staff can begin working with Bond Counsel on getting the appropriate language for an interlocal agreement that can be presented to the County. She also stated that such language would need to be included which would state if the City was to use its Venue Tax to payoff Venue Tax debt that the people that are funding the debt would have a comfort level with regards to the security of the item they are financing.

Mr. McLaughlin further stated that the commitment from the County is to finish the rest of the JK Northway and further stated that we build the cattle pens and a new front entrance. The County will need to go in and do the sound system, restrooms, bleachers and the roof.

Mayor Fugate commented that it is his opinion that this is going to be a public/private partnership as there are various interested parties that want to see this project happen. He further stated that the County Judge will get the money to see this project through.

Commissioner Alvarez asked that in case they can't get it, can the City get a commitment from them that they are going to do...

Mayor Fugate commented that he feels that the County can do it.

Commissioner Alvarez asked if they would be depending on private money.

Mayor Fugate responded that he feels that the County Judge can get the commitment from the private entities. He further commented that this will take a while and Bond Counsel would need to be involved. Mayor Fugate asked for a timeline on all this.

Ms. Alvarez responded that she can't speak for Dan Martinez's schedule, but once a draft is received it will still need to be reviewed and tweaked by staff, then present the draft to the County so that they can have their attorney review. Both parties would need to be comfortable with the language before going to either governing body. Alvarez further stated that we will still need to implement the venue tax and certainly take Bond Counsel's advice as to when it is most appropriate to institute that formally so that collections of revenues can be done from hotel stays. The revenues collected would then need to be placed in a special fund, which would need to be approved by the City Commission, that would help to start paying off the debt the city is looking at borrowing.

Mayor Fugate asked if the County is still projected to break ground in March. Mr. McLaughlin responded that this is what he is hearing but not sure. He further stated that the new proposed boulevard off the access road for I-69 will connect to the current park road at Dick Kleberg Park. He further stated that the roads would need to be under city's control as the City has a department that is better suited to maintain roads than the County.

Commissioner Torres asked anything that the City will be putting money into and building, who would oversee that?

Ms. Alvarez responded that this should be defined in the interlocal agreement that staff will be working with bond counsel. Whatever project the City does, will be bided and funded separately and apart from any projects that the County bids out and works on.

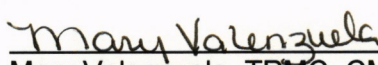
Mr. McLaughlin commented that the city will have full control on building and will be using the city's venue tax to build out whatever has been decided in the interlocal agreement. Once it is done, the interlocal agreement will likely have a clause in it that states, once it is built, it is the County's but the County cannot tear it down or change anything while the City is still paying off what was borrowed. Once it is paid off, the County can pay the City an amount agreed by both entities then it becomes the County's responsibility.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:26 P.M.


Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary