

JANUARY 25, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 25, 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
Hector Hinojosa, Commissioner
Norma N. Alvarez, Commissioner
Edna Lopez, Commissioner
Ann Marie Torres, 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
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
Juan J. Adame, Fire Chief
Diana Gonzales, Director of Human Resources
David Solis, Risk Manager
Brenda Joyas, Downtown Manager
Charlie Sosa, Purchasing Manager

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Emilio Garcia, Health 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-January 11, 2021

Motion made by Commissioner Alvarez to approve the minutes of January 11, 2020 as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Fugate voting "FOR". Hinojosa and Lopez "ABSTAINED".

****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 he has received notice that the City was not awarded the DEAGG Grant. He will be meeting with representatives to see how we can improve for the next time. Mr. McLaughlin further reported that a meeting was held with the Finance Audit Committee this afternoon. The Finance Audit report will be presented to the Commission at the next meeting. McLaughlin went on to thank staff that assisted with the COVID Vaccination registration at the JK Northway.

Ms. Courtney Alvarez, City Attorney reported that the next regular Commission meeting is scheduled for February 8, 2021 with a deadline for staff to submit agenda items of January 29th. Alvarez further reported that she has been re-elected as President to Texas Coalition of Affordable Power (TCAP).

At this time Mr. McLaughlin presented a Service Award to Mrs. Mary Valenzuela, Secretary for 25 years of service to the City of Kingsville. He further presented the 2020 Employee Recognition & Safety Awards. The awards were as followed: 2020 Employee of the Year, Mr. William (Bill) Donnell; 2020 Safety Hero Award, Mr. Jeremy Hallett; 2020 Customer Service Award, Mr. Kyle Benson and Mr. Derek Williams; 2020 High Five Award, Mr. Charles (Charlie) Sosa; 2020 Outstanding Team Achievement Awards, First Responders in the Fire Department, First Responders in the Police Department and Human Resources Department.

Commissioner Torres commented that at the last Commission meeting, there was an announcement about what happened in Congress. She would like to make a comment to the National Guardsmen's that we are there, and we are treated less then. She further stated that she would like to tell them thank you. She stated that some may hear it, some may not. Some were from Texas and she would like to just say thank you as they do deserve kudos. She also commented that she has had to work with National Guard, and they work very hard when it is time for them to be called up.

IV. Public Comment on Agenda Items.³

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

Mrs. Mary Valenzuela, City Secretary read a public comment received from Mr. Brandon Pape, 1620 Santa Monica, Kingsville, TX 78363. The comment read as followed: Dear City Commission and Zoning, my name is Brandon Pape, an honor roll animal science-pre-vet student at Texas A&M University-Kingsville and community serving citizen of Kingsville. Adults my age are not usually very politically motivated however, on 01/19/21 I received a disturbing notice in the mail from code enforcement officer Kristina Phillips. The notice asked me to promptly remove a small, store-bought election sign near my front steps, citing city code Sec. 15-6-126, which states the city's policy on non-commercial signage. Upon reading the policy, I feel this is a blatant overstep of my property rights as the sign was located on a private residence/property and NOT a public right of way such as a roadside, ditch, or city building (where removal post-election would make sense). I also do NOT have a neighborhood H.O.A, that would control my property's appearance to the public eye. Furthermore, while the presidential election has concluded more than ten days ago, I as well as many conservative citizens of Kingsville do NOT agree with the results and would like to voice

our sentiment in a non-offensive manner. It should be no crime to leave a sign up in my mind, as well as others, which we view the same as leaving holiday lights up. To make a freedom of speech an illegal act is a plain and simple violation of the civil rights granted to U.S. citizens by the first amendment of the constitution, and due to this I have rightfully filed a complaint with the American Civil Liberties Union (ACLU). Now, in an effort to be reasonable I am willing to change the sign from an electoral manner to a support manner. However, if this city wants to worry about in-significant matters such as signs, opposed to actual crimes and public endangerment, I feel strongly the urge to gather further support in opposition of such a policy. Regards, Brandon Pape 1620 Santa Monica St., Kingsville, TX 78363.

V.

Consent Agenda

Notice to the Public

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

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

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

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

- 1. Motion to approve 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).**
- 2. Motion to approve 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).**
- 3. Motion to approve an ordinance amending the Fiscal Year 2020-2021 budget to appropriate remaining manhole rehabilitation project costs for TxCDBG Grant #7218269. (Finance Director).**
- 4. Motion to approve a resolution authorizing the Police Chief to execute a Cooperative Working Agreement with Crime Victim Services. (Police Chief).**
- 5. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2021 contract, and designating Downtown Manager Brenda Joyas as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 6. Consider awarding RFP #21-01 for N. Armstrong Street Improvements from Santa Gertrudis Ave. to Kenedy Ave. as per staff recommendation, and consider a resolution authorizing the City Manager to enter into a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for North Armstrong Street Improvements from Santa Gertrudis Avenue to Kenedy Avenue. (City Engineer).**

Mr. McLaughlin commented that this was a straightforward process. This is what our Engineers have determined to be about a \$900,000 project which will be from Santa Gertrudis to Kenedy to do a full depth construction from Armstrong to include a sidewalk for about a block and a half so that there is a continuous sidewalk on the east side of the entire length of that run. Staff received five bids ranging from \$762,000 to \$1.1 million dollars. City staff recommends to the award RFP #21-01 to J. Carroll Weaver Inc., the low bid of \$762,000 which includes Option A, the sidewalk addition.

Mayor Fugate asked if the City has done business with this company in the past? Mr. McLaughlin responded that the references provided to the City were checked. It is a credible road construction firm.

Commissioner Hinojosa commented that this company has done some sealcoating in the City of Alice and did good work.

Motion made by Commissioner Hinojosa to award RFP #21-01 for N. Armstrong Street Improvements from Santa Gertrudis Ave. to Kenedy Ave. as per staff recommendation to J. Carroll Weaver Inc., and approve the resolution authorizing the City Manager to enter into a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for North Armstrong Street Improvements from Santa Gertrudis Avenue to Kenedy Avenue, seconded by Commissioner Lopez.

Mayor Fugate commented that he wants Santa Rosa worked on immediately. By the time all the engineering is done, there should be money to get the project done.

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

7. Consider awarding RFQ #21-02 for Professional Engineering Services for drainage improvement projects to be funded by the Flood Infrastructure Fund grant program administered by the Texas Water Development Board, as per recommendation of the Evaluation Committee. (City Engineer).

Mr. Rudy Mora, Engineer stated that on January 11, 2021, the City Commission selected an Evaluation Committee to select a consultant for Professional Engineering Services for four drainage improvement projects. The Evaluation Committee reviewed five Statement of Qualifications. Once done awarding professional engineering services, the next step is to negotiate a contract. He further stated that the Evaluation Committee recommends awarding RFQ #21-02 for Professional Engineering Services to International Consulting Engineers and begin negotiating a contract.

Motion made by Commissioner Alvarez to approve award RFQ #21-02 for Professional Engineering Services for drainage improvement projects to be funded by the Flood Infrastructure Fund grant program administered by the Texas Water Development Board, as per recommendation of the Evaluation Committee, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

8. Consider appointment of Dr. Maria Ayala-Schuneman to the Hotel Occupancy Tax Advisory Board to fill the Conner Museum position, for a two-year term. (Tourism Director).

Motion made by Commissioner Lopez to approve the appointment of Dr. Maria Ayala-Schuneman to the Hotel Occupancy Tax Advisory Board to fill the Conner Museum position, for a two-year term, seconded by Commissioner Hinojosa.

Commissioner Torres asked how these individuals are chosen for this Board.

Ms. Janine Reyes, Director of Tourism responded that this position is a Conner Museum representative which will replace Mr. Jonathan Plant who was previously the Director of the Conner Museum. Dr. Schuneman is currently the Interim Director of the Conner Museum and will be fulfilling the remainder of Mr. Plants position on this Board. On this Board, there are individuals from different organizations that serve.

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

9. Consider appointment of Bruce Harvill to the Main Street Advisory Board for a two- year term. (Downtown Manager).

Motion made by Commissioner Lopez to approve the appointment of Bruce Harvill to the Main Street Advisory Board for a two- year term, seconded by Commissioner Hinojosa.

Commissioner Torres asked if this Board appoints the same way the Hotel Occupancy Tax Advisory Board appointments.

Ms. Brenda Joyas, Downtown Manager stated that it is slightly different. There are certain designations with Mr. Harvill being one of the four downtown merchants that will be representing that area. Joyas further stated that this Board nominates and approves the nomination prior to bringing the nomination to the City Commission for final approval.

Commissioner Torres further asked how staff gets word out to the citizens or merchants about Board positions being available.

Ms. Joyas responded that staff sends an email to the merchants through constant contact and see if anyone is interested to serve on this Board.

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

10. Discuss the proposed 2021 Kingsville Main Street Action Plan. (Downtown Manager).

Ms. Joyas presented the proposed 2021 Kingsville Main Street Action Plan. She stated that this is only an update on what the Main Street Board has approved for 2021. With the previous Downtown Manager, Mrs. Cynthia Martin's departure and with the current situation we are in now, COVID, there was a lot of actions that was not implemented, which are good ideas that the Board would like to continue with. Joyas further stated that there are some measurable outcomes that they would like to see moved forward. These would be, encourage one or more 501(c)3's (the more non-profit organizations, the better it looks when going out for grant proposals); create at least 2 community group adoption projects; one real-estate partner; fill three vacant spaces with pop-ups with events; keep implementing public improvements; create an event to fund downtown projects exclusively; and advertising with radio, public service announcements; bill boards, and T.V. in cities around Kingsville.

Commissioner Torres asked if letters were being sent out to all 501(c)3's within our community. Ms. Joyas responded that the ones they are hoping to promote are the mainly from the downtown merchants. Joyas further stated that they would need one organization organized by them so that when we create an event and have all the funding, it will go back into downtown. Any type of improvements or other events that they would want to fund, they would be able to decide where the money goes. Commissioner Torres further asked how many 501 (c)3's is there in the downtown area. Ms. Joyas responded that there is only one, the Kingsville Historical Downtown Association which is inactive.

11. Discuss master plan process and consider Local Development Scheme. (Planning & Economic Development Director).

Mr. Uchechukwu Echeozo, Director of Planning & Development Services stated that we are now implementing the action plan with a timeline. This plan comes in the form of a Local Development Framework which is a suite of documents that includes the Local Development Scheme which is the timeline. The timetable begins the process and it is the document being presented tonight. Mr. Echeozo stated that there are two area action plans, Downtown area, and the West Side area.

The West Side action plan will address the land use function of the West side area and take a strategic look at the area's future development. This is a regeneration plan that seeks to analyze the physical characteristics of a disadvantaged area in Kingsville and translate the needs of the community into developing an integrated program that would create better living condition for residents. The Downtown Area Action Plan will address the land use function of the Downtown area and take a strategic look at the area's future development. This is a revitalization project that seeks to analyze the socio-economic characteristics as well as the extent of blight and decay within the downtown area. Emphasis would be on the area within the Main Street Program. Improvement on the street scape, vibrant retail offer would be key features of the plan.

Mr. McLaughlin commented that during the development of this comprehensive plan with Mr. Echeozo, it was mentioned to have a third one which would be the I69 Corridor as there will be significant development on I69. McLaughlin further commented that more than likely there will be an added area to the comprehensive plan.

Mayor Fugate asked that when it is mentioned the West Side area, which area of the west side is being talked about. Mr. McLaughlin responded that the area is from 6th Street west, towards the University. It encompasses the original Hispanic Downtown section around 7th Street.

Commissioner Hinojosa commented that this is impressive and it's great that there is a plan in place.

Commissioner Torres asked if the location that is being referred to is all of 6th Street west heading from north to south? Mr. McLaughlin responded that it is going to west to the city limits. Commissioner Torres further asked if this would cover what is considered the city's Colonia area? Mr. McLaughlin responded yes; it would fall on the west side. He further stated that once the partners assist in identifying those areas, we will probably find things that we are not aware of, which will lead us on another path.

Commissioner Torres further asked that within the plan, does it include on how we will reach out to the citizens that are within these areas once we do the neighborhood meetings? Torres further stated that there are a lot of individuals who don't read the local newspaper or have access to social media or a computer. Mr. Echeozo responded yes.

Motion made by Commissioner Torres to consider Local Development Scheme, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

- 12. Consider a resolution applying for and accepting funds for Operation Stonegarden Grant #3194306 with the Homeland Security Grants Division of the Governor's Office for Border Security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).**

Motion made by Commissioner Lopez to approve the resolution applying for and accepting funds for Operation Stonegarden Grant #3194306 with the Homeland Security Grants Division of the Governor's Office for Border Security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

Ms. Alvarez commented that for agenda item #11, the item is listed as a discussion and consideration, therefore it requires for a vote on the item so that City Commission can consider approving the local development scheme. Mayor Fugate returned to agenda item #11 for a vote.

- 13. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend funds awarded to for the Police Department for the 20-21 Operation Stonegarden Grant #3194306. (Police Chief).**

Commissioner Hinojosa asked how many vehicles are involved? Chief Torres responded one.

Introduction item.

- 14. Discuss and consider starting the process to construct a new covered livestock barn at JK Northway grounds (and allocate funding source) to likely be funded with venue tax. (City Manager).**

Mr. McLaughlin stated that after some discussion with Kleberg County Judge and discussion with Bond Counsel and based on all of the different points of information. It is most feasible for the City to collect venue tax and expend it on the JK Northway in two areas. The first part is to move the front doors from their current location to the south east side where the cattle pens are currently located. Then remove the cattle pens and build new ones on the north west side where the current front doors are located. As per the Populous Study diagrams, it goes along with the plans that the County Judge has agreed upon which is most likely the way it will be fitted out. When the County Judge does the covered arena there will be a connector line that will connect it to the barns. He further commented that this all goes along with the master study. He also stated that these two additions that the City will be doing, will not affect the JK Northway main structure, to which Bond Counsel feels that it is important that the City does not mix its money with what the County Judge is trying to do on the inside of the structure. The cost of the project from one of our consultants has estimated that this could be in the range of a \$3 million dollar project. Bond Counsel will be here to discuss this with the City later. At the minimum, the City is looking at \$1.4 to \$1.7 million dollars in venue tax.

Mayor asked if this is conditional on the County renovating the inside of the JK Northway? Mr. McLaughlin responded yes, and this is the discussion they have had with the County Judge. McLaughlin further stated that this would have to be incorporated in the interlocal agreement. Mayor Fugate further commented that there is no use in the City building the cattle pens and moving the front doors if they are not going to complete the project on the inside of the JK Northway and further asked if this would be in the interlocal agreement. Mr. McLaughlin responded yes and also commented that if we are using our venue tax then we will be hiring our engineer and construction consultant and will manage it from beginning to end. The interlocal agreement will also stipulate that once we are done building it, it would make sense if the interlocal agreement had some conditions where the maintenance of those two pieces will be performed by the County, since they are maintaining the rest of the building. They will not be allowed to tear it down or remove it, so long as the bond is still active.

Commissioner Hinojosa asked when the city will start collecting the venue tax? Will the city spend the money first then collect the venue tax or do we collect the venue tax then spend the money?

Mr. McLaughlin responded that he does not know the answer to the question. He would have to get with Bond Counsel on that.

Ms. Alvarez commented that Bond Counsel will be at the February 22nd City Commission meeting to answer any questions the Commission may have.

Commissioner Hinojosa further asked if the County Judge will be giving the Commission an update on what they will be doing, maybe provide the Commission with a timeline as to when they will start the project.

Mr. McLaughlin commented that he has asked the County Judge, a couple of months ago, if the County would give the City an update on the EDA Grant that is building his Emergency Operation Center, as the City is in it for \$540,000 on this grant. He further stated that he is not aware of where this project stands at this time. He would like for the County Judge to come in and update the Commission. Mr. McLaughlin further commented that once the city receives the interlocal agreement from the city's Bond Counsel on this project, which is the cattle pens and the front door, once it is all signed and delivered, it will then be turned over to the County.

Commissioner Alvarez commented that she would like to see the inside of the building done first before the city moves on working on the outside.

Mayor Fugate commented that the County must have it engineered and bid out. He further commented that the County needs to be working with the City simultaneously on this project. Otherwise the city can spend up to \$3 million dollars on this project for no reason. They will have to be shovel ready at the same time the city is shovel ready. Mayor Fugate further stated that this is the city's project on the condition that the County being able to do what they need to do.

Motion made by Commissioner Hinojosa consider starting the process to construct a new covered livestock barn at JK Northway grounds (and allocate funding source) to likely be funded with venue tax with the condition that the County does their interior renovation project, seconded by Commissioner Lopez. Vote was taken beginning with Commissioner Torres who voted yes for the item.

The vote was then halted for additional discussion with Commissioner Hinojosa asking that it would be with the condition with the County starting on the project at the same time the City begins.

Voting continued with Commissioner Hinojosa voting yes. Commissioner Alvarez asked for the motion to be restated as it was not clear to her.

The vote was halted a second time for additional discussion and clarification from the Commission.

Mayor Fugate clarified by stating that this is just to get the city started, which doesn't mean that the city won't be able to put the brakes on it. If it comes to the point where the County says that they are not able to do the inside of the building, then this won't happen. Or if the City doesn't like what they propose, this doesn't happen. Fugate further commented that we are just identifying the improvements that hopefully the city can make if everything comes to fruition. This is not the final say as there will be other votes that the City Commission will have to take to approve this project.

Commissioner Hinojosa asked that as far as when the city starts collecting the tax, staff would need to get Commission approval before collecting. Ms. Alvarez responded that this is correct. There would be an ordinance that Bond Counsel will draft for the City to present to the City Commission for approval.

Mayor Fugate asked Mrs. Valenzuela to continue with the rollcall vote.

Mrs. Valenzuela asked if the two votes that had been taken stand as is. Ms. Alvarez responded that the two votes that stand are Commissioner Hinojosa making the motion with Commission Torres voting yes for the item

The vote continued with Alvarez, Lopez, Fugate voting "FOR".

Mayor Fugate commented that he would like to insure all the Commission that the city will not be caught in a trap.

15. Consider a resolution authorizing the City Manager to enter into an Access Agreement for the Use and Right of Entry onto Property with AD Environmental Services, LLC for Harbur & Harbur, L.P. (for monitoring well in R.O.W. off Ailsie St.). (Public Works Director).

Mr. Bill Donnell, Public Works Director stated that this item authorizes AD Environmental Services, LLC to install a ground monitor well in the right-of-way of Ailsie near the north west corner of the intersection with Brahma Blvd. This is a one day install and is approximately 25 to 30 feet deep. This is ordered by TCEQ in order for them to do further monitoring to the north of the property. Donnell further stated that they will have to report quarterly sampling to TCEQ.

Mayor Fugate commented that this is not ordinary city business and further asked if there was a problem.

Mr. Donnell responded that there are some leaching field tanks, underground fuel tanks.

Mr. McLaughlin commented that these tanks have been leaking for years and they believe there has been leaching through the ground under Ailsie so they are going to place a monitoring well on the north side, north west corner of the intersection. He further stated that they will have to monitor that and if they detect the leaching, then TCEQ will order this company what the next steps will be.

Commissioner Torres asked that this is at no financial impact to the City. Mr. Donnell responded that this was correct.

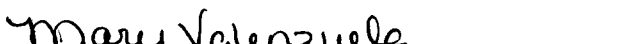
Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into an Access Agreement for the Use and Right of Entry onto Property with AD Environmental Services, LLC for Harbur & Harbur, L.P. (for monitoring well in R.O.W. off Ailsie St.), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:54 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary