

FEBRUARY 8, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 8, 2021 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Hector Hinojosa, Mayor Pro-Tem
Norma N. Alvarez, Commissioner
Edna Lopez, Commissioner
Ann Marie Torres, Commissioner

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor

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
Susan Ivy, Parks Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Ricardo Torres, Police Chief
Brenda Joyas, Downtown Manager

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Emilio Garcia, Health Director

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Pro-Tem Hinojosa opened the meeting at 5:00 p.m. with four Commission members present. Mayor Sam Fugate 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 - January 25, 2021**

Motion made by Commissioner Lopez to approve the minutes of January 25, 2021 as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa 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 on request to replat Original Town, Block 79, Lots 25, 26 also known as 418 W. Huisache, Kingsville, Texas. James W. Turner Construction,

authorized agent for Zoraida Lopez, owner. (Planning & Economic Development Director).

Mayor Pro-Tem Hinojosa read and opened this public hearing at 5:02 P.M.

Mayor Pro-Tem Hinojosa 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.

No discussion took place on this public hearing.

There being no further comments Mayor Pro-Tem Hinojosa closed this public hearing at 5:03 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."

Commissioner Alvarez commented that she would like to know what was done with the Master Plan that was created while previous City Manager Jesús Garza was with the City of Kingsville.

Mr. Uchechukwu Echeozo, Director of Planning & Development Services stated that the Master Plan was an item that was created prior to Mr. Garza coming to the City of Kingsville. The plan is about 10 years old. He further commented that there have been other plans that were developed during the time Mr. Garza was City Manager, such as the Vision and Housing Plan which all came after the Master Plan.

Commissioner Alvarez further asked if staff could provide an update on what was accomplished from the Master Plan.

Commissioner Torres commented that she would also like an update on this as well.

Mr. Mark McLaughlin commented that at the next City Commission meeting, Financial Advisors will be in attendance to talk about the JK Northway and the Venue Tax. McLaughlin further commented that Kleberg County Judge Rudy Madrid has been invited to the meeting to give an update on the JK Northway Project. As of today, there has been no confirmation if Judge Madrid will be in attendance.

Ms. Courtney Alvarez reported that the next regular City Commission meeting is scheduled for February 22, 2021. The deadline for staff to submit their items for the meeting is Friday, February 22, 2021.

At this time, Mayor Pro-Tem Hinojosa read a proclamation honoring Black History Month.

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

1. **Motion to approve final passage 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).**
2. **Motion to approve the reappointment of Jonathan Plant to the Historical Development Board for another three-year term. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. **Consider replat of Original Town, Block 79, Lots 25, 26 also known as 418 W. Huisache, Kingsville, Texas. (Planning & Economic Development Director).**

Mr. McLaughlin stated that this item is for the replat of two 25-foot lots into one 50-foot lot. Letters were mailed to citizens around the location. Staff did not receive any feedback from those citizens who received the letters regarding this replat.

Motion made by Commissioner Lopez to approve the replat of Original Town, Block 79, Lots 25, 26 also known as 418 W. Huisache, Kingsville, Texas, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Hinojosa voting "FOR".

4. **Consider awarding RFP#21-03 for Irrigation Components Installation Services for Baseball Fields #4 & #6, as per staff recommendation, to be funded by Texas Parks & Wildlife Grant. (Purchasing Manager).**

Mrs. Susan Ivy, Parks & Recreation Director stated that the City published a Request for Proposal #21-03 in the newspaper on December 10, 2020 and December 17, 2020. Request for proposal were accepted until 2:00 p.m. on December 29, 2020, only one responsive proposal was received. The proposal received was from Hebert Irrigation in the amount of \$16,781.00 for each field. Staff reviewed RFP21-03 and made a recommendation to select Hebert Irrigation which was the only bidder and best value to the City. Purchasing has called references on the recommended contractor.

Motion made by Commissioner Lopez to approve the award of RFP#21-03 for Irrigation Components Installation Services for Baseball Fields #4 & #6, as per staff recommendation, to be funded by Texas Parks & Wildlife Grant, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".

5. **Consider a resolution authorizing participation in the Federal Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks. (step one: preliminary application). (City Engineer).**

Mr. Mora state that on January 15, 2021, Texas Department of Transportation (TxDOT) issued the 2021 Transportation Alternatives (TA) Call for Project. The application is a two-step process. Step 1 is to submit a preliminary application by March 1, 2021. Step 2 is to submit a detailed application by June 14, 2021. If funds are awarded, the City would be notified in the Fall of 2021 and placed on a Conditional Project List for anticipated fund in 2023-2024 of up to \$13 million dollars. Eligible TA Project Activities include bicycle infrastructure improvements, shared use paths, sidewalk improvements and infrastructure related projects to improve safety for non-motorized transportation. Project Evaluation and Selection Criteria includes safety, project readiness, geographic equity, connectivity and accessibility, community support and planning and demand. The City may submit three applications in 2021. Four potential project locations have been identified in the City. Those being the following: 1) Memorial Middle School/Harrel Elementary School; 2) Harvey Elementary School/Jubilee Academies; 3) Kleberg Elementary School/Epiphany Elementary School; and 4) Gillette Middle School. Mr. Mora stated that staffs recommends the following: 1) City Commission select three locations from the list provided, and 2) authorize applying to the Transportation

Alternatives Set-Aside Program 2021 Call for project for the locations selected by the City Commission.

Mr. McLaughlin commented that the ranking order was done by him. He recommends to the Commission to select the following: 1) Memorial Middle School/Harrel Elementary School; 2) Harvey Elementary School/Jubilee Academies; and 3) Kleberg Elementary School/Epiphany Elementary School.

Commissioner Lopez commented that this has been something that she had been concerned about for some time. She further thanked staff for their hard work on this project.

Motion made by Commissioner Lopez to approve the resolution authorizing participation in the Federal Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks as per City Manager's recommendation, seconded by Commissioner Alvarez.

Mayor Pro-Tem Hinojosa asked if this was 20% cash match but can be waived if the City qualifies for the Transportation Development Credit, and further asked what this means.

Mr. Mora responded that this is something that he has asked TXDOT. He further stated that the City does qualify but has not received a clarification if engineering fees are part of this as well, which is why he doesn't want to bring up the funding part of this and mislead anyone.

Commissioner Torres asked that for Kleberg School, the City is encompassing sidewalks all around Epiphany Elementary School and asked how staff went about choosing that and not the other schools.

Mr. Mora responded that it's about connectivity and accessibility. Based on the amount of areas that we can connect in this exhibit, there are five major employers in this area, those being City of Kingsville, Kleberg County Courthouse, H.E.B, and Kingsville Independent School District. Mora further stated that these are part of the criteria, but there are also five historic markers that are connected to this area. Historic markers are The City of Kingsville City Hall, Robert Kleberg Library, two churches located in this area. Mora stated that the more connectivity and accessibility you have, the more you are given for this project.

Commissioner Torres stated that as for Kleberg School, the side where the ditch is located and on the back of it, sidewalks can be used in that area especially with the area being very busy. Torres further stated that she understands that there are businesses within and around Epiphany Elementary School, but it is one of her concerns that Kleberg Elementary School we would not encompass sidewalks around that area since Ave B is going all the way down to Gillett School.

Mr. Mora stated that it would depend on what is out there such as firepoles, fire hydrants and other obstacles out in the area. He further stated that he can go back and revisit and encompass the surrounding of that school. Mr. Mora further stated that this can be changed as to how the Commission would like to see it. He further stated that this project has a due date of March 1, 2021.

Commissioner Torres commented that this is a great plan, but she is looking at Kleberg Elementary School as she has driven and walked by the school when the children are let out and see that the children are all over the place. She further commented that sidewalks are needed within Kleberg Elementary School area, and not only around the Epiphany area.

Mayor Pro-Tem Hinojosa stated that there has been a motion and a second and asked if they agreed with how the motion was made if not, the motion would need to be amended.

Commissioner Lopez commented that a vote would need to be taken on the motion that lays on the floor.

Mayor Pro-Tem further asked Ms. Alvarez, City Attorney for clarification.

Ms. Alvarez stated that it is her understanding that the motion Commissioner Lopez has made is to approve this resolution and the three locations recommended by the City Manager.

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

6. **Consider a resolution authorizing the Mayor to execute an Engineering Services Agreement with International Consulting Engineers for the Flood Infrastructure Fund Grant Program administered by the Texas Water Development board (TWDB) for drainage system improvements. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that on January 25, 2021 the Commission awarded the Request for Qualifications (RFQ) to ICE for Professional Engineering Services. The contract is for drainage improvements at locations 1, 3, 4 and 7. The total amount of the contract is \$784,609.00. ICE will provide Design and Project Management Services as proposed to the TWDB application for the project budget. Mora further stated that there is no financial impact in approving the contract to a consultant for Professional Engineering Services. The City is not obligated to proceed with the contract if the City is not awarded the TWDB FIF funds.

Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to execute an Engineering Services Agreement with International Consulting Engineers for the Flood Infrastructure Fund Grant Program administered by the Texas Water Development board (TWDB) for drainage system improvements, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Hinojosa voting "FOR".

7. **Consider a resolution approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested final reconciliation of advanced metering cost; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel. (City Attorney).**

Motion made by Commissioner Alvarez to approve the resolution approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested final reconciliation of advanced metering cost; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel, seconded by Commissioner Lopez.

Ms. Alvarez stated that back in 1999 the Texas Legislature deregulated the State's wholesale power system. In 2001, the Legislature did the same thing for retail electric system. She further stated that they left the transmission and distribution system still regulated by the PUC. Anytime that AEP, the local wires and distribution utility, wants to make a change either to their rates or to try and recapture some funds either from losses from poles down from a hurricane or in this instance infrastructure funding they put in for their advance metering system cost, they would have to make a request to the Texas Public Utility Commission to get the approval, prior to making changes to their customers utility bills. She stated that for this instance, they have done a filing and are seeking \$13,807,740.00 for under-recovery of Advanced Metering Cost. Alvarez further stated that the City has the option to participate in an intervention case with other cities as there is no one at the PUC that looks out to review and verify the submissions that are filed to ensure that they are adequate and appropriate and not excessive. She also stated that the City of McAllen is taking the lead on this one and there is no cost to the City of Kingsville for intervening in this matter in order to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

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

8. **Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to appropriate additional funds needed for Ground Storage Tank Project Water Well #14. (City Engineer).**

The base bid will be to remove and install a new galvanized bolted tank. Alternate No. 1 is to remove the GST at Well 20, it will not be replacement since the well is out of services. Alternate 2 included powder coated finish in lieu of a galvanized finish.

Commissioner Alvarez asked that on the budget amendment, there will be a dollar amount noted.

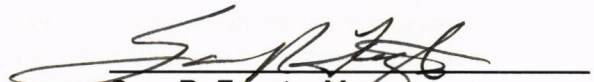
Mr. McLaughlin responded that the budget amendment already shows the dollar amount which is \$19,190.00. Staff has already budgeted \$125,000 for this but it is short the \$19,190.

Mayor Pro-Tem Hinojosa commented that the money is coming from the fund balance. He further commented that he is always asking where the money would be coming from, as he is aware that the City has a healthy fund balance. He also commented that he never likes to spend the fund balance, but on a personal note, this is just to notify the new Commissioners where he is coming from.

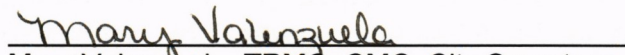
Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:41 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary