

MARCH 22, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 22, 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
Ann Marie Torres, Commissioner

CITY COMMISSION ABSENT:

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
Susan Ivy, Parks Director
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Deborah Balli, Finance Director
Charlie Sosa, Purchasing Manager
Diana Gonzales, Human Resources Director
Ricardo Torres, Chief of Police
Juan Adame, Fire Chief
Brenda Joyas, Downtown 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 four Commission members present. 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-February 22, 2021**

Motion made by Commissioner Alvarez to approve the minutes of February 22, 2021 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres voting "FOR". Fugate "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. Public Hearing on an ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 15 & 16 (exempt), also known as 803 W. Yoakum, Kingsville, Texas from R1 (Single-Family) to R3 (Multi-Family). Dana Hickey authorized agent and applicant, Riviera Praise & Worship Church, owner. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:02 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.

Property owner is requesting a rezone of this property from R1 (Single Family) to R3 (Multi-Family). The property was originally zoned as R3 before the City carried out a general rezone of a section of the City into R1. The primary use of the property is a Church as well as residency for the Missionary/Pastor. Proper notification was mailed to those residents within the area. Staff received no feedback from any of those that were notified. The Planning & Zoning Commission met on March 17, 2021 with regards to this rezone and voted to approve the rezone unanimously.

Mayor Fugate asked if staff received any complaints on the rezone request. Mr. McLaughlin responded no complaints were received.

Commissioner Torres asked if letters were mailed to those within the area. Mr. McLaughlin responded yes.

There being no further comments Mayor Fugate closed this public hearing at 5:04 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 the City of Kingsville will be hosting Trash Off Day on Saturday, March 27, 2021 from 8:30 a.m. to 12:00 p.m. He further reported that he has spoken with Manny Salazar, Economic Development Director regarding placing an executive session agenda item for the second meeting in April for an update to the Commission on real estate property.

Mayor Fugate presented a proclamation to representatives and the Commanding Officer of Naval Air Station-Kingsville honoring the month of April 2021 as Month of the Military Child.

Ms. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for April 12, 2021 at 5:00 p.m. Deadline for staff to submit their agenda item for the upcoming meeting is Thursday, April 1st. She further announced that City Offices will be closed Friday, April 2nd for observance of Good Friday.

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 on behalf of Mrs. Gloria Bigger-Cantu. The public comment read as followed:

My name is Gloria Bigger-Cantu. I live at 725 W. Henrietta. My public comment is in reference to Item 4, Consider sponsorship of the Calle 7 Mercado Event in downtown Kingsville. (Downtown Manager). Julia Guido and I met with the Downtown Manager Ms. Brenda Joyas on March 12, 2021 concerning an email we received from her on Feb. 26, 2021. The email stated her intentions to have a Calle Siete Mercado Event.

We wanted to share information with Ms. Joyas about the history of the Kingsville Farmers Market, and we also had other discussions with her. Ms. Joyas said at that meeting she wanted the Mercado event to be held April 24, 2021 which is on the fourth Saturday of the month. This date would be in conflict with the Kingsville Farmers Market as we want to resume the event on April 24. The KFM has been dormant since March 2020 due to the pandemic. The first KFM was held on Saturday Feb. 28, 2015. The KFM has been held every fourth Saturday of the month at the Pavilion since that time. There are no fees for the vendors to participate in the KFM. We would like Ms. Joyas to consider another date besides April 24 that would be more beneficial to the community. The vendors and the consumers would also benefit if there were two different dates that would allow them to participate in two events. As you all may already know, there is also another event on April 17 which is the Loteria set for downtown. Then there would be three downtown events in April. Perhaps Ms. Joyas can start the Mercado event on Saturday May 1 with a Cinco de Mayo theme. Ms. Guido and I are KFM founders and the only current board members at this time. Some of the board members moved away; sadly, one passed. The KFM president and another board member officially stepped away from the KFM on March 11, 2021. Ms. Guido is working with plans to reopen the KFM on April 24, the fourth Saturday of the month. I am assisting her as best as I can. Thank you all for your service on the City Commission. Respectfully yours, Gloria Bigger-Cantu.

Ms. Dana Hickey, 5966 S. Hwy 77, Riviera, TX made a comment via WebEx. Ms. Hickey commented on agenda item #5. She commented that the purpose for the request to rezone this property back to R3 (Multi-Family) is to house Missionary/Pastor.

No further comments were 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 Hinojosa to approve the consent agenda as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

1. **Motion to approve the reappointment of Alonzo Lopez to the Civil Service Commission for a three-year term ending on 10/27/2023. (Human Resources Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider the appointment of David L. Thibodeaux to the Historical Development Board for a three-year term. (Downtown Manager).**

Staff requested for no discussion or action to be taken for agenda item #2. The Commission had no discussion or took any action on this item.

3. **Consider sponsorship of the annual Festival de Loteria event in downtown Kingsville. (Downtown Manager).**

Ms. Brenda Joyas, Downtown Manager stated that due to Governor Abbott reopening Texas to 100%, staff would like to have the Loteria Festival in person for 2021. The financial impact would be approximately \$1,400 with any additional amount by the Police Department if needed.

Motion made by Commissioner Alvarez to approve sponsorship of the annual Festival de Loteria event in downtown Kingsville, seconded by Commissioner Hinojosa and Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate "FOR".

4. Consider sponsorship of the monthly Calle 7 Mercado event in downtown Kingsville. (Downtown Manager).

Ms. Joyas stated that this item is for support for a new event to be called Calle 7 Mercado. She has received several calls from citizens asking that an event such as this to take place. The event would take place on 7th Street between King and Yoakum within the Downtown area. The Mercado would give those the option to sell and buy goods. The event would take place on the fourth Saturday of each month, which is the same Saturday as the Kingsville Farmers Market. This will be a separate event from the Kingsville Farmers Market.

Commissioner Torres asked what the difference was between a Farmers Market and a Mercado. She commented that by having the new event on the same day as the Farmers Market may be seen as segregation which is something she does not care for.

Ms. Joyas responded that a Farmers Market only allows for items to be sold that are homegrown or homemade. The Mercado would allow for all others to sell their items whether they are homemade or homegrown.

Commissioner Alvarez commented that she agrees with Commissioner Torres's comment that the new event being held on the same days as the Farmer's Market may be seen as segregation. She further asked why 7th Street and what is on 7th Street.

Commissioner Hinojosa asked why the fourth Saturday of the month was chosen when there is already a scheduled event occurring on that day and further asked why not choose another date.

Mayor Fugate asked why not pick a different date than the date that the Farmers Market is already scheduled for. The Farmers Market has been on the fourth Saturday of each month since 2015.

Commissioner Torres asked how this event came about. Ms. Joyas responded that she has received several calls from citizens asking for this type of event. Commissioner Torres asked about how many calls have been received regarding this type of event. Ms. Joyas responded that she has received around ten calls.

Motion made by Commissioner Hinojosa to approve the sponsorship of the monthly Calle 7 Mercado event in downtown Kingsville on the first weekend of each month.

Mayor Fugate asked for a second to the motion made by Commissioner Hinojosa. Mayor Fugate asked a second and third time for a second to the motion made by Commissioner Hinojosa.

Agenda item dies due to a lack of second.

5. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 15 & 16 (exempt), also known as 803 W. Yoakum, Kingsville, Texas from R1 (Single-Family) to R3 (Multi-Family). (Director of Planning & Development Services).

Introduction item.

6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1-Building Regulations, Sections 2, 6-8, 11, 23, 40 & 60, and Article 6-Zoning, Sections 91 & 143, revising sections for compliance with existing International Building Codes. (Director of Planning & Development Services).

Mr. Nicholas Daniels, Building Official stated that this item will allow the amendment of Chapter XV, Building Regulations, Sections 2, 6 through 8, 11, 23, 40, 60 and Article 6 Zoning, Sections 91 and 143. These sections are being revised so that they follow the existing International Building Codes.

Commissioner Torres asked for the last time these fees had been updated. Mr. Daniels responded that he believes these were last updated in 2019.

Introduction item.

7. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units, masks, and air cylinders on behalf of the Kingsville Fire Department with an anticipated \$28,469 cash match. (Fire Chief).

Mr. Juan Adame, Fire Chief stated that the Kingsville Fire Department is requesting approval to apply for the 2021 Assistance to Firefighters Grants, which if awarded, would allow the replacement of the aging Self-Contained Breathing Apparatus that will become non-compliant this year. This grant could replace 31 units, 31 masks, and 62 air cylinders. The grant request is for \$313,163.55 with the city being responsible for a cost share match or \$28,469.41, when the grant is awarded and fulfilled.

Motion made by Commissioner Hinojosa to approve the resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units, masks, and air cylinders on behalf of the Kingsville Fire Department with an anticipated \$28,469 cash match, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".

8. **Consider a resolution accepting authorization from Kleberg County for the City to enter and use a right-of-way on West Sage Road to install a six-inch water line to be paid for by the property owners requesting it. (Public Works Director/City Manager).**

Mr. McLaughlin commented that this item is a request made by County Commissioner Chuck Schultz for the installation of a waterline on West Sage Road which is to be paid for by the people owning adjoining property. County Commissioners Court met on this item and have given the authority to the City of Kingsville to place the waterline on their road. Once installed the City will continue the maintenance and operation of the water line. There is no financial impact to the City. The cost of \$34,985.90 will be paid upfront by residents benefiting from the water line extension.

Commissioner Hinojosa asked about those residents that are not ready to benefit from this, will they be able to do so later? If so, what would be the cost for those residents?

Mr. McLaughlin responded that they would have to pay the water tap fee only.

Motion made by Commissioner Hinojosa and Commissioner Alvarez to approve the resolution accepting authorization from Kleberg County for the City to enter and use a right-of-way on West Sage Road to install a six-inch water line to be paid for by the property owners requesting it, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

9. **Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to appropriate additional funds needed for the water system risk and resilience assessment. (Public Works Director).**

Mr. Bill Donnell, Public Works Director stated that this item authorizes funding for engineering services to perform a water system Risk and Resilience Assessment and Emergency Response Plan. This assessment is to be completed and certified to the Administrator of the Environmental Protection Agency by June 30, 2021. The assessment was not a budgeted item for this fiscal year as staff became aware of this requirement towards the end of the budget process. This will reduce the unappropriated Utility Fund 051 fund balance by \$26,000.

Introduction item.

10. **Consider authorizing purchase of Command Vehicle for Fire Department from Siddons Martins Emergency Group, LLP via Tarrant County Purchasing Cooperative, as per staff recommendation. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the City Manager to enter into a contract with Siddons Martins Emergency Group, LLC from Denton, TX through Tarrant County Purchasing Cooperative for the purchase of a new command vehicle for the Fire Chief. The existing vehicle used by the Fire Chief is a 2011 Chevy Tahoe. The new command vehicle will be outfitted with all necessary equipment and radios as requested by the Fire Chief. The amount for the new command vehicle will be \$70,332.00

Motion made by Commissioner Hinojosa and Commissioner Torres to authorize the purchase of Command Vehicle for Fire Department from Siddons Martins Emergency Group, LLP via Tarrant County Purchasing Cooperative, as per staff recommendation, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

11. **Consider a resolution authorizing the City Manager to execute a Contract for Baseball Field Fencing Installation between the City of Kingsville and S&J Fence**

Company. (RFP#21-05 Dick Kleberg Park baseball field fencing Installation at ball fields #4 & #6, awarded on 2/22/21). (Purchasing Manager).

Mr. Sosa stated that this item authorizes the City Manager to execute a contract with S&J Fence Company for the installation of Dick Kleberg Park field fencing for baseball fields #4 and #6 which is funded by Texas Parks & Wildlife Grant.

Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute a Contract for Baseball Field Fencing Installation between the City of Kingsville and S&J Fence Company. (RFP#21-05 Dick Kleberg Park baseball field fencing Installation at ball fields #4 & #6, awarded on 2/22/21), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".

12. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend funds received from the Law Enforcement Officer Standards and Education Fund for continuing education. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the Police Department is in receipt of funds from the Law Enforcement Officer and Standards Education Account from the Texas Comptroller of Public Accounts. The money must be used as necessary to ensure the continuing education of persons licensed under Chapter 1701 of the Occupation Code or to provide training as determined by the agency head within the agency. A deposit was made for an amount of \$2,808.34 from the State Comptroller Office.

Introduction item.

13. Consider a resolution authorizing the release of Ch. 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Police Chief).

Motion made by Commissioner Hinojosa to approve the resolution authorizing the release of Ch. 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

14. Consider a resolution authorizing application to and acceptance of BJA-2021Southwest Border Rural and Tribal Assistance Program Grant; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Chief Torres stated that if awarded this grant monies will be used for the purchase of two automated license plated packages, traffic data classifier system software with modems, startup and configuration services, as well as the Rapiscan Itemizer 4Dn trace detection unit for an estimated amount up to \$83,147.88.

Motion made by Commissioner Alvarez to approve the resolution authorizing application to and acceptance of BJA-2021Southwest Border Rural and Tribal Assistance Program Grant; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

15. Consider a resolution authorizing participation in Local Border Security Program FY2022 with the Office of the Governor, Public Safety Office for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act of the City's behalf with such program. (Police Chief).

Chief Torres stated that the Police Department has been invited to participate in the 2022 Local Boarder Security Program. The grant period is from September 1, 2021 to August 31, 2022. He further stated that they have an application and are requesting \$78,000.00 to be used to cover personnel cost.

Motion made by Commissioner Torres to approve the resolution authorizing participation in Local Border Security Program FY2022 with the Office of the Governor, Public Safety Office for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act of the City's behalf with such program, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".

16. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend funds awarded from the 2022 Local Borderstar Security Program for personnel costs. (Police Chief).

Introduction item.

17. Consider approving the budget modification for Texas CDBG #721826 (manhole rehab) for engineering services. (City Engineer).

Mayor Fugate asked how many times this has changed. Mr. Rudy Mora, City Engineer responded that Phase 1 was 18 manholes, Phase 2 was 11 manholes and Phase 3 is 3 manholes.

Motion made by Commissioner Hinojosa to approve the budget modification for Texas CDBG #721826 (manhole rehab) for engineering services, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for a correction to the commercial sewer rate undercharge. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that that the sewer rates were increased in 2019 and 2020 and there was error in the Commercial rate calculation for the number of gallons used above 3,000. Staff is not looking to recuperate the loss of revenue, as it was staff's error.

Mr. McLaughlin commented that the error was caught by the Auditor's.

Introduction item.

19. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate read agenda item #19, Executive Session and convened the meeting into close session at 5:56 P.M.

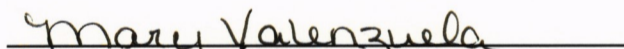
Mayor Fugate convened the meeting into open session at 6:21 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:21 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary