

APRIL 12, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 12, 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
Kyle Benson, IT Manager
Derek Williams, IT
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Diana Gonzales, Human Resources Director
Ricardo Torres, Chief of Police
Juan Adame, Fire Chief
Uchechukwu Echeozo, Director of Planning & Development Services
Nicholas Daniels, Building Official

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. Commissioner Lopez was 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-March 22, 2021**

Motion made by Commissioner Alvarez to approve the minutes of March 22, 2021 as presented, seconded by Commissioner Torres and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, 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 the 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 the replat of Orig Town, Block 56, Lots 17 & 18 (0.16 acres) also known as 330 East Kenedy Avenue, Kingsville, Texas. Tim Hellstein, authorized agent, Robert & Cecilia Pacheco, owners. (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.

Mr. Uchechukwu Echeozo, Director of Planning & Development Services stated that the applicant would like to replat existing lots 17, 18 into one single lot. The Planning & Zoning Commission met on the item and approved the recommendation unanimously. Letters were mailed to citizens within the area and staff received no complaints.

There being no further comments Mayor Fugate closed this public hearing at 5:04 P.M.

2. Public Hearing on the submission of an application to the Texas Community Development Block Grant (TXCDBG) Program for a Main Street Grant for the installation of ADA compliant sidewalks and lighting activity; road construction/renovation to include curb and gutter and related drainage; demolition and clearance activity. (Director of Planning & Development Services).

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. Uchechukwu Echeozo, Director of Planning & Development Services stated that this is for a grant to be submitted in May 2021. Development needs are as followed: sidewalks and lighting; road construction, renovation, and curb & gutter; the targeted area is Kleberg Street between the 4th and 5th intersection. The amount of funding available is \$350,000. The match is 5% cash: In-Kind \$30,000 in Engineering Services and \$8,500 in Admin Services.

There being no further comments Mayor Fugate closed this public hearing at 5:07 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. Mark McLaughlin, City Manager reported that staff has requested for the City Commission not to take any discussion or action on agenda item 11, as staff did not receive all the required documents that were expected to be received for this item. Mr. McLaughlin further reported that staff has begun the budget cycle for the upcoming fiscal year, with Finance Department issuing departments the budget workbooks. He further reported that the COVID Testing site located at the Health Department was performing testing every day of the week including Saturday's. As of last week, they cut their testing days down to only two days. Staff received notice that the COVID Testing site will only be available for two days this week Tuesday, and Thursday. Staff is not sure if this will be the permanent schedule moving forward.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is scheduled for Monday, April 26, 2021. The deadline for staff to submit their agenda item is Friday, April 16, 2021. Ms. Alvarez mentioned vacancies within City Boards; Planning & Zoning Commission with three vacancies (two-year term); Zoning Board of Adjustments with one Board member vacancy and two alternate Board vacancies

(two-year term); and Main Street Board with 2 vacancies (two-year term). She further reported that staff had the rating call with S&P for the upcoming issue. With the audit coming along the way the Financial Advisor and Bond Counsel would prefer to get the CAFR Report completed before the issue. Once the document becomes available an audit committee meeting will need to be scheduled which may necessitate a special Commission meeting to accept the CAFR Report sometime the first of May.

Commissioner Torres asked how word is getting out to the citizens regarding City Board vacancies.

Ms. Alvarez responded that in the past they have been announced in a public meeting as such, or staff will take an ad to the local newspaper.

Mayor Fugate read and presented a proclamation for Sexual Assault Awareness Month.

IV. Public Comment on Agenda Items.³

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

No public 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 Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

1. **Motion to approve final passage 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).**
2. **Motion to approve final passage 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).**
3. **Motion to approve of final passage 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).**
4. **Motion to approve of final passage 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).**
5. **Motion to approve of final passage 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).**
6. **Motion to approve of final passage 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).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider replat of Orig Town, Block 56, Lots 17 & 18 (0.16 acres) also known as 330 East Kenedy Avenue, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Alvarez to approve the replat of Orig Town, Block 56, Lots 17 & 18 (0.16 acres) also known as 330 East Kenedy Avenue, Kingsville, Texas, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".

8. Consider a resolution authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Main Street Fund, and authorizing the Mayor, City Manager to act as the City's authorized representatives in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program. (Director of Planning & Development Services).

Motion made by Commissioner Hinojosa to approve the resolution authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Main Street Fund, and authorizing the Mayor, City Manager to act as the City's authorized representatives in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

9. Consider accepting donation from NuStar Energy for the Fire Department. (Fire Chief).

Mr. Juan J. Adame, Fire Chief stated that NuStar Energy makes annual donations to fire departments within their service area, and this year they have chosen the Kingsville Fire Department for their donation of \$1,750.00.

Motion made by Commissioner Hinojosa to accept the donation from NuStar Energy for the Fire Department, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend donation from NuStar Energy for Fire Department equipment maintenance and supplies. (Fire Chief).

Introduction ordinance.

11. Consider awarding RFP#21-06 for 2021 Downtown Improvements-7th Street for TxCDBG Contract #7219192 as per staff recommendation, and approving a resolution authorizing the City Manager to enter into a Construction Contract for 2021 Downtown Improvements-7th Street between the City and Etech Construction, Inc. (RFP#21-06) (TxCDBG #7219192) (City Engineer).

No discussion or action was taken on this item, as per staff's request.

12. Consider awarding RFP for Manhole Rehabilitation Project-Phase III for TxCDBG Contract #7218269 to Brush Country Construction, as per staff recommendation, and approving a resolution authorizing the Mayor to enter into a Standard Form of Agreement between the City of Kingsville and Contractor on the Basis of a Stipulated Price for Wastewater Manhole Rehabilitation Project-Phase 3 (TxCDBG #7218269). (City Engineer).

Mr. McLaughlin stated that the City has some remaining funds from the Manhole Rehabilitation Project from TxCDBG 7218269, so an informal bid process was used to obtain quotes for additional manhole replacement work for three manholes.

Motion made by Commissioner Torres to approve the award for RFP for Manhole Rehabilitation Project-Phase III for TxCDBG Contract #7218269 to Brush Country Construction, as per staff recommendation, and approving a resolution authorizing the Mayor to enter into a Standard Form of Agreement between the City of Kingsville and Contractor on the Basis of a Stipulated Price for Wastewater Manhole Rehabilitation Project-Phase 3 (TxCDBG #7218269), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

13. Consider a resolution authorizing Change Order #1 to the 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 Manager/City Engineer).

Mr. McLaughlin stated that when first looking at the Armstrong Reconstruction Project, the intent was to start the tear up of Armstrong along the south edge of Santa Gertrudis

which will go all the way down and stopping on the north edge of Kenedy. The request to include the intersection of Santa Gertrudis and N. Armstrong in the contract is necessary to provide a smooth pavement surface. The original contract total is \$762,814.73. The City may increase the scope of work of the contract by 25%. The proposed change order would increase the contract by 9.50%.

Commissioner Hinojosa asked for a breakdown of the \$72,000 mentioned in staff's memo. He further stated that he understood from the information provided to the Commission that the \$72,000 included the seal coat, but he did not see a breakdown of the cost.

Mr. McLaughlin commented that the \$72,000 has nothing to do with the seal coat. This amount is for the reconstruction of the entire intersection with manhole and the removal of fifteen inches of material and rebasing it with four inches of hot mix over the top.

Commissioner Hinojosa asked if staff could provide him with a breakdown of the cost for this project. Mr. McLaughlin responded that he would provide the information requested.

Motion made by Commissioner Alvarez to approve the resolution authorizing Change Order #1 to the 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 Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

- 14. Consider a resolution authorizing staff to cease the process to sell the City's approximately 1.0 acres of land located off Corral Ave. and US77 Bypass (Garcia Farm Tract, Lot A) in Kingsville, Texas. (Tourism Center site). (City Manager).**

Mr. McLaughlin stated that the Travel Center coming to the area near the Tourism Center site will not need the property where Tourism is located. Therefore, staff recommends approval to cease the process of the sale of this property.

Motion made by Commissioner Hinojosa to approve the resolution authorizing staff to cease the process to sell the City's approximately 1.0 acres of land located off Corral Ave. and US77 Bypass (Garcia Farm Tract, Lot A) in Kingsville, Texas, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".

- 15. Consider a resolution decommissioning pocket parks off West Alice and West Richard (Lantana Park 1, Block 7, Lot Park) (0.08 acres) and West Lantana and West Richard (Lantana Park 1, Block 7, Lot Park) (0.25 acres) in Kingsville, Texas. (City Manager/ City Attorney).**

Motion made by Commissioner Hinojosa to approve the resolution decommissioning pocket parks off West Alice and West Richard (Lantana Park 1, Block 7, Lot Park) (0.08 acres) and West Lantana and West Richard (Lantana Park 1, Block 7, Lot Park) (0.25 acres) in Kingsville, Texas, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

- 16. Consider a resolution authorizing staff to proceed with placing for sale the City's 0.25 acres of land located off West Lantana and West Richard (Lantana Park 1, Block 7, Lot Park) in Kingsville, Texas. (pocket park). (City Manager/City Attorney).**

Ms. Alvarez stated that this item would give staff permission to place land for sale. She further stated that at a future meeting staff will bring to the Commission a resolution with a real estate contract so that the Commission may approve the sale of such property.

Motion made by Commissioner Torres to approve the resolution authorizing staff to proceed with placing for sale the City's 0.25 acres of land located off West Lantana and West Richard (Lantana Park 1, Block 7, Lot Park) in Kingsville, Texas. (pocket park), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".


- 17. Consider a resolution authorizing staff to proceed with placing for sale the City's 0.08 acres of land located off West Alice and West Richard (Lantana Park 1, Block 7, Lot Park) in Kingsville, Texas. (pocket park). (City Manager/City Attorney).**

Motion made by Commissioner Torres and Commissioner Alvarez to approve the resolution authorizing staff to proceed with placing for sale the City's 0.08 acres of land located off West Alice and West Richard (Lantana Park 1, Block 7, Lot

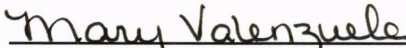
Park) in Kingsville, Texas. (pocket park), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:37 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary