A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 26, 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
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
Susan Ivy, Parks Director
Deborah Balli, Finance Director
Charlie Sosa, Public Works Director
David Solis, Risk 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 Ms. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting - April 12, 2021

Motion made by Commissioner Alvarez and Commissioner Torres to approve the minutes of April 12, 2021 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR". Commission 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 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. <u>Public Hearing on an ordinance for a Special Use Permit for general business</u> use in I1 (Light Industrial District) at 1400 E. Corral (El Campo Process Plant),

Kingsville, Texas, also known as Corral, Block 3, Lots 10-13. Weldon Ross West authorized agent and 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.

Mr. Uchechukwu Echeozo, Director of Planning & Development Services stated that a public hearing is for a request of a Special Use Permit to enable the applicant to carry out the business that includes the sale of fishing and hunting gear as well as guns. Letters were mailed out to residents around the area. No objections to the request were received. The Planning and Zoning Commission met on this item where they voted unanimously to approve.

Commissioner Hinojosa asked what type of guns would be sold at this location. Mr. Echeozo responded that the applicant did not give details as to what type of guns were to be sold. Commissioner Hinojosa commented that he would like information as to the type of guns that will be sold at this location.

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

2. Public Hearing on a request to replat of KT&I Co., Block 22, Lot PT 8 also known as Property ID 20581, Kingsville, Texas. Robert D. Coleman MGT LLC, applicant and owner. (located along Golf Course Road between Paulson Falls and East Trant Road). (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:05 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. Echeozo stated that this public hearing is for a replat of KT&I CO, Block 22, Lot PT 8 that was recently rezoned from AG to R1. The applicant would like to subdivide the land into 4 large lots of at least 2.2 acres each. Letters were mailed to residents around the area. No objections to the request were received. The Planning and Zoning Commission met on this item where they voted unanimously for approval.

There being no further comments Mayor Fugate closed this public hearing at 5:08 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 on the Census Apportionment information that was released today from the U.S. Census Bureau.

Commissioner Hinojosa asked for an update on Loteria Festival.

Ms. Janine Reyes, Tourism Director gave a brief report on the Loteria Festival. Staff is still assessing the numbers for this event, but as far as the beneficiary of this event, Keep Kingsville Beautiful, for the games there was an increase of about \$2,000. As for the Downtown Merchants, some businesses, such as Ole Girls Restaurant, sold out and the King Ranch Saddle Shop saw an increase in their sales. The Downtown Manager did send out one survey and one store reported lower revenues. The Boy Scouts made an amount of \$1,400 for the day. The weather took a big part in the day as it was cold and raining, which is the reason for the low revenues for some of the Downtown Merchants.

Commissioner Torres commented that her family members attended the Loteria Festival this past weekend and had a great time.

Mayor Fugate requested an update on the streets at the next scheduled Commission meeting.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is set for Monday, May 10, 2021. The deadline for staff to submit their agenda items for this meeting is Friday, April 30, 2021.

Mayor Fugate read and presented a Proclamation for Public Service Recognition Week.

IV. Public Comment on Agenda Items.3

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

Mrs. Gloria Bigger-Cantu, 725 W. Henrietta commented on agenda item #5. She stated that a few weeks ago County Commissioner Chuck Schultz approached her stating that someone had contacted him about honoring Maggie Salinas for her had work and dedication to our community. She further stated that she and Mrs. Salinas have been friends for several years. She further stated that she asked Commissioner Schultz how Mrs. Salinas should be honored. Commissioner Schultz recommended naming the pavilion located on 6th Street as the "Maggie Salinas Pavilion". Naming the pavilion in her honor would be her ultimate commendation for her longtime service to the community. Mrs. Salinas's latest achievement was spearheading naming some of the streets after the Kinenos and the King Ranch Cowboys. This project took five years in the making, but Mrs. Salinas completed her goal. Mrs. Bigger-Cantu further stated that Mrs. Salinas is always available to help others when asked to do so. She has been a trailblazer in creating events such as La Posada de Kingsville in 1990. Mrs. Salinas has had many accomplishments in our community and is a member of many organizations. Mrs. Salinas will turn 87 years old on May 3rd, and still has the energy to continue her dedication and hard work for the community.

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

1. Motion to approve final passage 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).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

- VI. Items for consideration by Commissioners.4
 - 2. Consider accepting the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2019-2020. (Finance Director).

John Womack & CO., P.C., city's auditor presented the Annual Comprehensive Financial Report for the City of Kingsville Fiscal Year 2019-2020.

Mrs. Margaret Kelly, Audit Manager of John Womack & CO., P.C. reported that for the general fund, total assets were \$12,843,000.00 for last year with this year being at \$15,447,768.00 for an increase of \$2.6 million over last year. Total Liabilities were up slightly, and the unassigned fund balance went from \$7,193,000.00 to \$9,066,000.00 for an increase of \$1,873,000.00 over last year in the general fund. General fund total

revenues were \$20 million last year, and this year at \$21,410,000.00 for an increase of \$1.4 million. Mrs. Kelly further states that within this there was some intergovernmental money from the CARES ACT of about \$1.4 million. The total expenditures in contrast to that were only up to \$136,000.00. The fund balance, the net change in fund balance. last year was \$793,000.00, this year \$2,373,000.00. There is an increase in net change in fund balance by almost \$1.6 million. Enterprise fund, total assets last year were \$25,075,000.00 and this year the total assets are \$25,331,000.00 for an increase of \$256,000.00. Net position went from \$11,192,000.00 to \$12,406,000.00 for an increase of \$1,436,000.00. Operating revenues last year were \$8,900,000.00 with this year at \$9,576,000.00 for an increase of \$655,000.00. Operating expenses decreased from \$7,026,000.00 to \$6,838,000.00 for a decrease of \$188,000. Net income loss is \$1,214,000.00 with last year being at \$284,000 for an increase of \$930,000.00. Mrs. Kelly further reported that in this audit there was one financial statement finding which was for the commercial sewer billing rate which was incorrectly calculated resulting in a \$.21/1,000 gallons lower rate for usage above the 3,000-gallon minimum than the correct rate based on the increase approved by the City Commission.

Mayor Fugate commented that this is the first finding our City has had in the last three years.

Mr. Luke Womack, City Auditor stated that the city refunded a bond with a total saving to the city's taxpayers of \$778,087.00, which was extremely beneficial for the City to refund that bond.

Motion made by Commissioner Hinojosa to accept the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for the Fiscal Year 2019-2020 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

3. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for general business use in I1 (Light Industrial District) at 1400 E. Corral (El Campo Process Plant), Kingsville, Texas, also known as Corral, Block 3, Lots 10-13. (Director of Planning & Development Services).

Commissioner Alvarez asked that she like more information on the type of guns that will be sold at this location.

Mayor Fugate commented that this is a meat processing business and thinks that they will be selling hunting rifles and apparel.

Commissioner Lopez commented that as this item is only an introduction to the ordinance, staff can bring additional information at the next meeting.

Introduction item.

4. Consider request to replat of K T&I Co., Block 22, Lot PT 8 also known as Property ID 20581, Kingsville, Texas. (located along Golf Course Road between Paulson Falls and East Trant Road). (Director of Planning & Development Services).

Motion made by Commissioner Lopez to approve the request replat of K T&I Co., Block 22, Lot PT 8 also known as Property ID 20581, Kingsville, Texas. (located along Golf Course Road between Paulson Falls and East Trant Road), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

5. Consider a resolution naming the City pavilion on 6th Street as the "Maggie Salinas Pavilion". (Parks Director/City Manager).

The Commission thanked Mrs. Maggie Salinas for her hard work and dedication to our community.

Motion made by Commissioner Lopez to approve the resolution naming the City pavilion on 6th Street as the "Maggie Salinas Pavilion", seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

6. Consider accepting donations for Youth Pony League sponsors. (Parks Director).

Motion made by Commissioner Lopez to approve the acceptance of donations for Youth Pony League sponsors, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend donations from the Youth Pony League Sponsors for uniforms. (Parks Director).

Introduction item.

8. Consider accepting donations for ball field scoreboard sponsorships. (Parks Director).

Mrs. Susan Ivy stated that the donations received were from the following Scoreboard Sponsors, Stef and Bec's Boutique, Ultra Screen Printing, and First Community Bank in the amount of \$10,000 each for a total of \$30,000. These funds will increase park grant projects line item and will be expensed through line item for equipment purchase.

Motion made by Commissioner Torres and Commissioner Lopez to approve the acceptance of ball field scoreboard sponsorships, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend donations for ball field scoreboard sponsorships. (Parks Director).

Introduction item

10. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to purchase wearable safety lights for the Police Department. (Police Chief).

This budget amendment will be from Chapter 59 funds for the purchase of Guardian Angel Elite personal safety devices for police officers. This device will assist police officers to detect another police officer in a dark location when calling for assistance. The device LED lights can be seen for up to five miles from the location of the police officers.

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover additional costs of Liberator IV headsets not covered by grant funding for the Police Department. (Police Chief).

Chief Torres stated that about two years ago his department applied for a grant where they received funding to purchase headsets for their Tactical Team. The purchase was made, but from the time the equipment was received, the equipment had failed. They met with a technician to fix the issues with the headsets but were unable to repair them therefore payment was not made. Staff reached out to GT Distributors for a quote to purchase 12 Liberator IV headsets that will work with the equipment. GT Distributors provided the quote for \$9,971.52. Staff will use the unspent funds of \$8,538.00 from the grant and the remaining amount of \$1,433.52 will be paid from Chapter 59 funds.

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover hazard pay for period of October 2020 through December 2020. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that the CARES ACT funding received last Fiscal Year 19-20 provided for Hazard Pay Funding through December 2020 which was provided to employees in this Fiscal Year 20-21. This budget amendment covers Hazard Pay expenditures for Fiscal Year 20-21 not included in the adopted budget as notification of this funding provision was not known when the budget was adopted.

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to transfer existing capital outlay items budget which was budgeted as a capital lease to Fund 115-Tax Notes Series 2021 and to cover overage on police vehicles purchase and tax note issuance costs. (Finance Director).

Mrs. Balli stated that for Fiscal Year 20-21, there were items that were scheduled to be funded through capital leases and include the following: Golf backhoe, 4 Police Vehicles, Fire Command Vehicle, and 3 Garbage Trucks. She further commented that staff budgeted as if they would continue with a capital lease and this would be the maximum amount of expenditure.

Introduction item.

14. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to transfer existing capital outlay items payment budget to Debt Service Fund to cover the Tax Note Series 2021 payment. (Finance Director).

Mrs. Balli stated that since these purchases were done through a Tax Note, the budget associated with the first payment needed to be transferred to the Debt Service Fund where the payment will be processed from.

Introduction item.

15. Consider a resolution authorizing four new bank accounts for the four Texas Water Development Board project and designating authorized signatories. (Finance Director).

Mrs. Balli stated that the City applied for funding from the Texas Water Development Board and was initially awarded funding for four projects. Each project is required to have a separate bank account to manage the project. This requires is for approval of the creation of the four bank accounts that will satisfy the requirements from the Texas Water Development Board.

Motion made by Commissioner Hinojosa and Commissioner Torres to approve the resolution authorizing four new bank accounts for the four Texas Water Development Board project and designating authorized signatories, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

16. Consider award of the City's All-Risk Property Insurance Coverages for the period of May 1, 2021 through April 30, 2022 as per staff recommendation. (Risk Manager).

Mr. David Solis, Risk Manager stated that this item will authorize the award of the Allrisk Property Insurance Coverage for the City of Kingsville from May 1, 2021 through April 30, 2022. The policy covers perils of Fire, Flood, Earthquake, Lightning, Windstorm, Named Storm(s), and Equipment Breakdown. The renewal quote is for an amount of \$261,512.90, which is a decrease of \$8,753.95 as compared to the expiring premium. The reason for the decrease is that the City will no longer insure the JK Northway Exposition as it is now the County's property.

Motion made by Commissioner Alvarez to approve the award of the City's All-Risk Property Insurance Coverages for the period of May 1, 2021 through April 30, 2022 as per staff recommendation, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

17. Consider a resolution authorizing the Mayor to enter into Amendment No.1 of the Emergency Disaster Response Agreement between the City of Kingsville and Garner Environmental Services, Inc. for emergency disaster response services. (Purchasing Manager/ City Attorney).

Mr. Charlie Sosa, Purchasing Manager stated this is an agreement for emergency disaster response with Garner Environmental Services. The agreement would allow Garner to come in after a disaster has occurred to assist with the cleanup.

Mayor Fugate commented that several counties, after a disaster, have piggybacked on the city's agreement.

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to enter into Amendment No.1 of the Emergency Disaster Response Agreement between the City of Kingsville and Garner Environmental Services, Inc. for emergency disaster response services, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

18. Consider a resolution authorizing the sale of 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).

Motion made by Commissioner Lopez to approve the resolution authorizing the sale of 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: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

19. Consider a resolution authorizing the sale of 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 Alvarez and Commissioner Lopez to approve the resolution authorizing the sale of 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, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

20. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s application to amend its Distribution Cost Recovery Factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; 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 the company and legal counsel. (City Attorney).

Ms. Alvarez stated that the purpose of this resolution is to deny the DCFR application proposed by AEP. AEP has made a similar filing about this time last year seeking an increase in distribution revenues of approximately \$39.87 million for an approximate increase of \$1.83 to the average residential customer's bill. This section authorizes the City to participate with Cities as a party in the Company's DCFR Filing. It also authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates.

Mayor Fugate commented that this is routinely done and there is no cost to the taxpayers.

Motion made by Commissioner Torres to approve the resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s application to amend its Distribution Cost Recovery Factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; 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 the company and legal counsel, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

21. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

Mayor Fugate read the executive session and convened the meeting into a closed session at 6:05 p.m.

Mayor Fugate convened the meeting into an open session at 6:55 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:56 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRME, CMC, City Secretary