

**MAY 24, 2021**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 24, 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

**CITY COMMISSION ABSENT:**

Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director  
Deborah Balli, Finance Director  
Rudy Mora, Engineer  
Nicholas Daniels, Building Official  
Uchechukwu Echeozo, Director of Planning & Development Services  
Ricardo Torres, Chief of Police

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEO STREAM**

Janine Reyes, Tourism Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all four Commission members present. Commissioner Torres absent from this meeting.

**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 – May 10, 2021**

Motion made by Commissioner Lopez to approve the minutes of May 10, 2021, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, 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 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).<sup>1</sup>**

- 1. Public hearing regarding condemnation proceeding for structures located at 627 E. Ave. D, Kingsville, Texas. (Director of Planning & Development Services).**



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

Mr. Nicholas Daniels, Building Official reported that the structure is an attractive nuisance to children and is a harbor for vagrants, criminals, and immoral people. There is evidence of roach, rat, mouse, and other vermin found within the property. The structure has an uncovered roof and graffiti. The overall condition is to be found in a severe and hazardous state of disrepair and it is unsecured and dangerous allowing easy access to animals, vagrants, and criminal activity.

Mayor Fugate asked if the property owner has contacted staff since receiving notices.

Mr. Daniels responded that no contact has been received from the property owner.

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.

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

Mayor Fugate commented that it is his understanding from staff, that public hearing #3 and public hearing #4 will not be heard during tonight's meeting.

Ms. Courtney Alvarez, City Attorney responded that this was correct.

**2. Public hearing regarding condemnation proceeding for structures located at 201 S. US Hwy 77 Bypass, Kingsville, Texas. (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. Daniels commented that this public hearing is for the dilapidated structure located at 201 S. US Hwy 77 Bypass. He further commented that the concern he has the lack of maintenance with the canopy. He is concerned that it may become a wind-blown debris hazard as we are in a high wind area. He further stated that there are significant failures to the canopy and the structure of the post. Daniels further stated that the building appears to be in somewhat a structurally sound manner, although his concern is the awning. With him not having plans or destructive testing to see how it is attached to the building and what type of damage it would post to the building if the awning is to be removed. This location also attracts nuisance to children and may become a harbor for vagrants, criminals, and immoral people. There is evidence of roach, rat, mouse, and other vermin found. The structure has an uncovered roof and graffiti.

Mayor Fugate asked if the property owner has contacted staff since receiving notices.

Mr. Daniels responded that no contact has been received from the property owner. He further commented that this property has been without utilities since 2017.

Mayor Fugate and Commissioner Alvarez commented that the property is also behind on taxes.

Ms. Alvarez commented that the first time this property was inspected it was behind on taxes but has recently become current.

Mayor Fugate commented that the city has never condemned a gas station and asked what happens to the underground fuel tanks.

Ms. Alvarez responded that since they are below ground, the city would not be doing anything concerning the fuel tanks. She also stated that the green cards (certified letter cards) were signed for by someone at the property owner's address, so they did receive notice of this action.

There being no further comments Mayor Fugate closed this public hearing at 5:08 P.M.

**3. Public hearing regarding condemnation proceeding for structures located at 816 S. 2<sup>nd</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).**

No discussion or action was taken on this condemnation.

**4. Public hearing regarding condemnation proceeding for structures located at 311 S. 14<sup>th</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).**

No discussion or action was taken on this condemnation.

**5. Public hearing regarding condemnation proceeding for structures located at 123 N. 2<sup>nd</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:08 P.M.



Mr. Daniels commented that staff has been in contact with the owner of this property. The owner has made a down payment with the City to remediate the issue (voluntary demolition) and remove the structure. Daniels further commented that the issue is that the owners recently made it aware that he would like to keep an accessory structure onsite. The accessory structure currently appears to be structurally sound. Daniels further stated that the issue with having an accessory structure without a main structure, will violate the city ordinance as well as not having plans for the immediate construction of the main structure. Mr. Daniels commented that he hesitates to allow to leave a singular accessory structure.

Mayor Fugate commented that if he heard correctly, it cannot be done as it would violate our city ordinance. Mr. Daniels responded that this was correct, it would violate the ordinance and he would not want to set precedence then it would require an ordinance amendment. Mayor Fugate commented that staff will not have to.

Commissioner Lopez asked what is the accessory structure that is located on the property?

Mr. Daniels responded that it is a shed and a carport that is attached and are removed from the main structure.

Commissioner Hinojosa asked if the main house is what is in bad shape. Mr. Daniels responded yes.

Mr. Eliseo Cuellar, 123 N. 2<sup>nd</sup> Street commented that the main structure is at the point where it may need to be demolished. He stated that he has had several individuals that they can come up with plans to fix it, but it will cost quite a bit. He further commented that he would like to keep the carport as it is on a concrete foundation, and it is a pipe structure. It is not a danger to anyone and will not be blown away as it has been there for over 50 years. It may need some minor repairs such as a few shingles on the roof.

Mayor Fugate asked Mr. Cuellar what he would do with the carport.

Mr. Cuellar responded that he has a lady that has a plan and would come down and fix it. He further stated that his understanding, when he first started this, the first time he was contacted he went down about a month after he received the sticker on the building, and he asked what he could do, and they told him that he needed a permit. He further asked what type of permit he needed. He further stated that he mentioned that his son was going to be staying at this location and making some repairs but was told no and no work could be done until a permit is issued. He also stated that he was also told that he could not work on the structure until it is inspected; this was in June or July that he was told this. Cuellar stated that at this point he did not do anything to the structure. Sometime in November or December when he received another letter from the city, he then indicated to staff that he was considering doing some work on the structure, but it had been since August, September, October, and November that he had not done anything on the structure because he was told that he could be fined. He further stated that the way he understood it, as he heard a while ago, is that the plans are not an immediate deal. He stated that he can give the city the plans and start constructing whenever he gets the material, from what he understood was said a while ago. He stated that the idea was that he did not understand as he thought it was immediate then he was asked how long of a timeframe he needed. He stated that as he has never done this, he is not aware of how much time is needed. He commented that the only reason he is here is for the carport. He further commented that he could look into the VA for loans to build a home on this property or look for a grant through the government. He stated that he can do a lot of things but will need some time.

Mayor Fugate commented that the city has individuals come in all the time when it comes to these condemnations that say they need more time. Fugate further commented that he has received several complaints from the neighbors about this structure. This structure devalues the neighbor's property, and it is a safety issue for them. He further commented that this house did not get in this condition overnight, it is in terrible shape and will cost a lot of money to bring it back to code. He further asked why the city should wait any longer.

Mr. Cuellar stated that as he mentioned he was under the impression that he had to come up with plans and immediately begin the repairs.

Mayor Fugate commented that if you own property in Kingsville, you must maintain it. If it is not maintained the city will have to do something about it, and it has gotten to that point. Mayor Fugate further commented that as Mr. Cuellar is his friend and have known each other for quite some time, worked together at the Courthouse, and he hates doing this.

Mr. Cuellar commented that he is embarrassed about this.

Mayor Fugate asked Mr. Cuellar how much more time he needs to get something done.

Mr. Cuellar responded that he needs to speak with the lady that has the plans and can get people to come down and fix it.



Mayor Fugate asked who is the lady that is going to fix it?

Mr. Cuellar responded that the lady is a relative of his ex-daughter-in-law. He said that he was told that she would come down and put some money down and do work on it, but he does not know what plans, and only she knows as she has fixed houses before.

Commissioner Alvarez asked that when it comes to demolition of properties there is a cost involved that the owner must pay.

Ms. Alvarez commented that it is a good question, and she will explain it when we get to the action item of it.

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.

There being no further comments Mayor Fugate closed this public hearing at 5:18 P.M.

### III. Reports from Commission & Staff.<sup>2</sup>

*"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 commented that the city has been awarded the Community Development Block Grant from the General Land Office for \$36 million. This will pay for five of the nine drainage projects. The city received or will be indebted to pay a portion of a loan, but the total amounts that the city has received are more than \$50 million this year. The first one will be \$6.5 million which is the Texas Water Development Board Grant loan where we received 43% grant 57% of the remainder in a loan which will cost the city \$112,000 per year for the next 30 years. This will get the first four drainage projects done. The city also received the General Land Office Grant for the 2016 floods for \$7.2 million, this will work on sewer lines, lift stations, build of the new lift station and work on the sewer plants and a lot of manholes. The city also received a \$36 million grant to finish the other five drainage projects. The Kimley Horn Study that was done in 2018 had nine project areas that were identified within the study, with all the grants that the city has been awarded, all nine projects in the study will be done. McLaughlin stated that they are all to be let in the next fiscal year. It is hard to determine when construction will begin as grants take time to get all the engineering specs completed, contracts bid out and other work before beginning the construction of these projects. As for the timeframe for this to be done, McLaughlin stated that he is not sure, but it could take about 2 to 3 years to get all the projects constructed. He further stated that he wants to make it clear that the rain the city received last Wednesday that all these drainage projects will fix it, as it will not with that type of rainfall in a short period, although the city is going a step in the right direction.

Commissioner Hinojosa commented that for his understanding of these grants, the newspaper made it sound like the County was going to receive the money. He further commented that he knows that the city will receive the money but want assurance from staff that the city will receive the money and not the County.

Mr. McLaughlin responded that the city would receive \$36 million, and the County will receive \$10 million of its own for the areas that are identified, which are just outside the city limits but feed into our neighborhoods.

Commissioner Hinojosa further commented that this is what he understood, but just wanted to be sure as the impression he got from the newspaper was that the County would receive the money.

Mayor Fugate commented that Kleberg County Judge Rudy Madrid was instrumental in the city receiving this grant award and is grateful for his efforts.



Mr. McLaughlin commented that the two drainage grants have a cash match, \$36,000 for the first one and \$360,000 for the second one.

Mayor Fugate commented that the legislature is trying to pass a bill that would restrict debt unless you receive voter approval. If this bill passes the legislature, it will go into effect on September 1, 2021. He further asked if this would be done before September 1<sup>st</sup>.

Ms. Alvarez commented that the Texas Water Development Board will be done before September 1<sup>st</sup>, but not sure about the grant from the General Land Office. Alvarez further commented on her report to the City Commission. She stated that the next City Commission meeting is scheduled for June 14, 2021. The deadline for staff to submit their agenda items is scheduled for June 4<sup>th</sup>. She further explained the process that is taken by staff for condemnation. She also commented that with regards to agenda item #21 and #22, historically in the past if we have less than a full Commission present, we do not proceed with the evaluation, but it is up to the Commission on whether they would like to proceed anyway or hold off until the next scheduled meeting.

Mayor Fugate presented and read a proclamation for Mr. Joe Gazin, Newscaster for KIII TV-3, who will be retiring on Friday, May 28, 2021.

#### IV. Public Comment on Agenda Items.<sup>3</sup>

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

Mr. Wayne Grant, Bishop, TX commented that he was present at the City Commission meeting on May 10<sup>th</sup> where he was considered for an appointment to the Planning & Zoning Commission for a two-year term. During that Commission meeting, a motion was made by Commissioner Lopez and Commissioner Torres to approve the appointment to the Planning & Zoning Commission and seconded by Commissioner Hinojosa and the motion was passed and approved by all five members of the Commission. He further stated that he found out that someone could not be on a Commission because they did not reside in Kingsville. He further read off the minutes of that meeting; Mr. Wayne Grant, appointee to the Planning & Zoning Commission commented that for transparency purposes and after hearing the residency requirement, he would like for the Commission to know that he is not a resident of the city but has several businesses within the city and further read that Mayor Fugate commented that he does not believe this is a requirement for the Board Mr. Grant was just appointed to. The motion was passed and approved by the following vote, Hinojosa, Alvarez, Lopez, Torres, Fugate voting for this appointment. Mr. Grant further commented that he received two phone calls from two different secretary's, one was from the Commission of the Planning & Zoning Committee and the other was the City Secretary. He further stated that the City Secretary commented to him that because of the statute that he could not be a member of the Commission. He further stated that he then requested to speak with Mark McLaughlin, City Manager who reinstated the same thing, because of his residency he could not be a part of the Commission. He stated that he found that document and because of the minutes that he read where it was legally documented that he was a part of the Commission, he thought that maybe it would be on the next agenda to have the public hearing to remove him from the Commission, which did not take place. The phone calls that he received said that the City Attorney said that he cannot do it because he does not reside in Kingsville. Mr. Grant commented that it is not legal precedence to remove him from the Commission as it was merely a phone call. He further stated that the actual statute states, there is hereby created and established for the city a Planning & Zoning Commission which shall be composed of nine members. The members shall be residence citizens, taxpayers, and qualified voters of the city, all of whom shall be appointed by the City Commission. Mr. Grant commented that he was appointed and approved by the City Commission, but the statute clearly says that he cannot as he does not reside in the City of Kingsville. He further stated that it goes on to say the City Manager did not finish the statement and says that members of the Commission may be removed by the City Commission after public hearings and forecalls assigned in writing. He further stated that he never received the calls in writing and never came up on the agenda, so as far as the legal precedence goes, he is still a member of the Commission. Grant commented that he hopes that the city would be forthcoming with placing this on the agenda and doing it the right way because with his non-profit and being the owner, he is held accountable for legal documents as far as the agenda and the minutes and things have to be done properly. He suggests that the city properly does this and place this on the agenda and have the public hearing and place in writing the reasons why he is not on the Commission because he is not the one to neglect his duties if he is appointed somewhere. Mr. Grant stated that as far as his mind is telling him that he is still a part of the Planning & Zoning Commission.

Mrs. Mary Valenzuela, City Secretary read a public comment on behalf of Mr. Rutilo Vega. The public comment read as followed: Your public information officer suggested I submit a comment for reading at the meeting tonight. Your website would not let me,



so I am emailing you. "My name is Rutilio "Rudy" Vega. I am a veteran and proud former member of the Kingsville community. I still regularly visit for business and coffee with friends. I have filed complaints about an employee with both commission and the city manager regarding events for July 4th and emails I have been receiving. I am now told that the employee denies sending me emails and so nothing will be done. I have sent emails to many people in the city so I do not know how it can be said they do not exist. I plea to commission to please assist any way they can so that this problem can be fixed. I do not believe citizens should be disrespected just because they can. God bless you and the city." Sincerely, Rutilio Vega.

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, Hinojosa, Fugate voting "FOR".**

**1. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover the rolled over Parks City Green Irrigation Project. (Finance Director).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover incentive agreement payments for Starbucks and Marshalls. (Finance Director).**

**3. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover CARES Act expenditures for FY20-21. (Finance Director).**

**4. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover FEMA Winter Storm Event grant expenditures submitted for reimbursement. (Finance Director).**

**5. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover additional audit services costs. (Finance Director).**

**6. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to replace the Engineering Services salary budget which was budgeted for in-kind engineering services in the Safe Routes to School Grant. (Finance Director).**

**7. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend donation from NuStar Energy for equipment maintenance and supplies. (correcting fund used). (Finance Director).**

**8. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover additional overtime for the Police Department. (Police Chief).**

### **REGULAR AGENDA**

#### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

VI. Items for consideration by Commissioners.<sup>4</sup>

**9. Consider condemnation of structures located at 627 E. Ave. D, Kingsville, Texas. (Director of Planning & Development Services).**

**Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order it demolition by owner/agenda/person in charge with 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".**



**10. Consider condemnation of structures located at 201 S. US Hwy 77 Bypass, Kingsville, Texas. (Director of Planning & Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agenda/person in charge with 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

**11. Consider condemnation of structures located at 816 S. 2<sup>nd</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).**

No discussion or action was taken on this condemnation.

**12. Consider condemnation of structures located at 311 S. 4<sup>th</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).**

No discussion or action take on this condemnation.

**13. Consider condemnation of structures located at 123 N. 2nd Street, Kingsville, Texas. (Director of Planning & Development Services).**

Commissioner Lopez asked if this condemnation includes the carport and storage or is it just the house?

Mr. Daniels responded that due to the proximity and access to it the city would end up taking just the house, however, the accessory structure will be removed with it. Daniels further commented that we would not want to create a violation of our city ordinance.

Mayor Fugate commented that if the city demolishes the house, it also must take the other two buildings as well. Mr. Daniels responded that this was correct.

Commissioner Alvarez asked if the property owner still has 30 days to demolish it himself? Mayor Fugate responded yes.

Mr. McLaughlin commented that he can also come up with a plan and tell city staff how he plans to fix it.

Mayor Fugate commented that it is very frustrating to him that citizens wait until the last minute and the plan did not sound very convincing either. He did not get a good feeling about the property owner getting this structure fixed or have the money to do so as it would take thousands of dollars to bring it up to city code.

Commissioner Hinojosa commented that the property owner stated that he was trying to get an application from the VA which should have been started when he first heard from the City regarding this property.

Commissioner Alvarez asked if this property has utilities. Ms. Alvarez responded that this property still has water and electricity.

Commissioner Lopez commented that she believes that the property owners' son was residing at this location.

Mayor Fugate commented that everyone knows Mr. Cuellar as he worked for the City of Kingsville for many years, but he does not believe city employees should not be set at a higher standard than our regular employees, but they should also not be considered at a lower level. If this were a private citizen coming in here with this problem, we would already have a motion in place. This individual needs to be treated as anyone else would be treated, not any harsher, but not any lesser. We have to treat him as a regular citizen. Fugate further commented that if you look at this house it is in horrible shape. It has been in horrible shape for many years and when he says that he has neighbors complaining, he has neighbors complaining. He also stated that if this was in your neighborhood, what would you want the city to do.

Commissioner Lopez commented that as this property owner is family to her, she will need to abstain.

Mayor Fugate asked if Mr. Cuellar was family to Commissioner Lopez.

Commissioner Lopez responded yes and that she will not do this as it is hard. She further commented that this family has lived there for a long time, and she knows that they have moved out to a nicer home. She also stated that she does not know if the property owner's son still resides at this property or not. She also commented that she does know that this property is an eyesore, but she will not be making a motion for



condemnation. Commissioner Lopez further commented that the city has allowed others additional time and maybe we need to give me the benefit of the doubt. If he does not do anything, then bring the item back. She also commented that she is aware that Mayor Fugate does not like to do this, but it has been done in the past such as with the lady on Santa Gertrudis where the Commission did it several times with that property.

Mayor Fugate responded that it was done with that lady because there was a problem with Planning & Zoning and did not follow the law properly, and so therefore the city had to give her a second chance at it. He further commented that if you come here with a plan city staff will work with them, but he did not have a plan to present.

Commissioner Alvarez commented that she agrees with Commissioner Lopez in the sense that the other property owners of the condemnations for tonight did not seem as if they cared as those individuals did not respond to staff or show up to the meeting and Mr. Cuellar did show up. Commissioner Alvarez commented that she would not mind giving Mr. Cuellar additional time.

Mayor Fugate asked how much additional time the Commission would like to give Mr. Cuellar.

Commissioner Lopez asked how much time can he be given?

Commissioner Alvarez commented that automatically he would get 30 days if the Commission decided to vote.

Mayor Fugate commented that he would not get 30 days because when the Commission votes on condemnation the property owner has 30 days to do the demolition of the property.

Commissioner Lopez asked Ms. Alvarez how many days the Commission has granted in the past, 60 or 90 days? Ms. Alvarez responded that she believes it was more than 30 days.

Mayor Fugate commented that the Commission has given property owners 60 to 90 days in the past and almost everyone that has been given 60 to 90 days comes back to the Commission for condemnation, which is the same thing that will happen to this one.

Commissioner Lopez commented that at least the property owner made an effort to come in.

Commissioner Alvarez commented that she has no problem giving this property owner 90 days.

Commissioner Lopez commented that with the extended time, the property owner will know now that the Commission is serious about this and will now have to do something about this property.

Mr. McLaughlin commented that it would be 90 days on the carport as the property owner has already agreed to the house structure being demolished, he is not coming in asking for the city to hold on to the house.

Commissioner Lopez commented that she was confused as she was not sure if it was the house or just the carport.

Mr. McLaughlin responded that the property owner only asked for the carport to stay.

Mayor Fugate commented that the problem he has with this is that if the city demolishes the house and not the carport, the city would be violating its city ordinance. Fugate further asked Ms. Alvarez for her opinion on this.

Ms. Alvarez responded that in the past we have taken down the auxiliary structures at the same time as the main structure. She further commented that there was one instance where it was the auxiliary structure that was substandard with the main structure being okay, so the Commission only demolished the auxiliary structure, but the city has not generally done it conversely where the structure comes down and the auxiliary stays. She further stated that with the city having the other two condemnations where the Commission will take no discussion or action that will be returning at a future meeting.

Commissioner Lopez asked if this property within the Historic District? Ms. Alvarez responded no, as it is just right outside the boundary.



Mayor Fugate commented that the Commission will give this property owner some time on everything as it does not matter, 60 or 90 days, it is coming back to the Commission for condemnation consideration. Fugate further stated that the Commission will take no action on this condemnation, but he does want this back on the agenda at the first meeting in September 2021.

Commissioner Alvarez asked if the Commission could make a motion to grant a 90-day extension.

Mayor Fugate responded no. The Commission takes no action, then it will come back at a future meeting.

Commissioner Lopez asked who will be contacting the property owner to make him aware of this so that he knows he has 90 days.

Commissioner Alvarez asked Ms. Alvarez if the Commission would need to take a vote on the 90-day extension?

Ms. Alvarez asked the Commission if they had a consensus for the amount of time they would like to give?

Mayor Fugate commented that he wants this condemnation on the agenda for the first meeting in September 2021.

Both Commission Lopez and Commissioner Alvarez agreed with Mayor Fugate's comment.

**14. Consider a resolution authorizing the Mayor to enter into a Mutual Aid Agreement between the Commanding Officer of Naval Air Station Kingsville, Texas, and the City of Kingsville, Texas for the provision of firefighting assistance. (Fire Chief).**

Mr. Juan J. Adame, Fire Chief stated that the Kingsville Fire Department is requesting to renew the Fire Mutual Aid Agreement between Naval Air Station Kingsville and the City of Kingsville Fire Department to provide reciprocal fire and EMS services between both organizations.

**Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to enter into a Mutual Aid Agreement between the Commanding Officer of Naval Air Station Kingsville, Texas, and the City of Kingsville, Texas for the provision of firefighting assistance, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**15. Consider accepting grant funding from the Coastal Bend Regional Advisory Council for the Fire Department. (Fire Chief).**

**Motion made by Commissioner Lopez to accept grant funding from the Coastal Bend Regional Advisory Council for the Fire Department, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**16. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend grant funds from Coastal Bend Regional Advisory Council (CBRAC) for Fire Department medical equipment and supplies. (Fire Chief).**

Introduction item only.

**17. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover the computer and software for the additional engineering staff. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that the position of Capital Improvement Manager requires a computer and software to the meeting the needs of the department.

Introduction item only.

**18. Consider a resolution supporting the City of Kingsville's Application to the Texas Department of Transportation's 2021 Transportation Alternatives Set-Aside (TA) Call for Projects (for pedestrian and/or bicycle infrastructure); authorizing the Mayor to act on the City's behalf with such program. (City Engineer).**

Mr. Mora stated that on April 14, 2021, the city was notified by TxDOT that the three Preliminary Applications in Step 1 of the grant process were accepted, so the City can move forward with the Detailed Applications as part of Step 2. The deadline to submit



Detailed Applications is June 14, 2021. Staff recommends submitting Detailed Applications to the Transportation Alternatives Set-Aside Program 2021 Call for Project.

**Motion made by Commissioner Alvarez to approve the resolution supporting the City of Kingsville's Application to the Texas Department of Transportation's 2021 Transportation Alternatives Set-Aside (TA) Call for Projects (for pedestrian and/or bicycle infrastructure); authorizing the Mayor to act on the City's behalf with such program, seconded by Commissioner Hinojosa.**

Mayor Fugate thanked Mr. Mora for all the hard work Mr. Mora has done for the City of Kingsville and further congratulated him on the award of the grants the city has received this year.

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

**19. Consider a resolution authorizing the City Manager to execute a Logo & Brand Guide Development Agreement with ESD and Associates for the City of Kingsville. (Tourism Director).**

Mr. McLaughlin commented that there are two problems with the city's current logo. One is that the City's logo is very similar to another city's logo and the other is that the wayfinding signs in the city are beginning to fade. Some still look okay but others are looking bad. He further stated that he has asked the Tourism Director, Janine Reyes to go out and look to see how the city can rebrand its logo. He further stated that the current logo has nothing that shows what Kingsville is all about other than looking like the front part of the current City Hall.

Mayor Fugate commented that what it was, was that the city was moving into this building and the logo represents the dome on this building.

Mr. McLaughlin further stated that what Ms. Reyes did was reach out to some people that do this type of business. The proposal is to allow staff to move forward with a rebranding project to design a new logo with our colors, then bring it back to the Commission for approval as this will be the basis for everything. The logo will be used by all departments but with a special characteristic added that will highlight city departments. McLaughlin further stated that the logo development is about \$3,500. To replace all the signs the cost would be in the \$30,000 range. He further stated that the current wayfinding signs will be removed and repurposed to Parks and reuse them with parks signs on them.

Commissioner Alvarez commented that the current city seal has all the elements that make Kingsville and would like to just keep the seal.

Commissioner Lopez commented that the city seal is the best seal/logo the city has ever had.

Commissioner Hinojosa asked if the city had gone out for bids and stated that this concern is that this is close to \$50,000, as it is all one deal. He further commented that he feels uncomfortable without getting some other persons involved than just one or two.

Ms. Alvarez commented that the Commission would be looking at tonight would be \$3,200 to \$3,300 agreement, which is all this resolution authorizes so that they may begin the design process. Then staff will work with them on some design plans that would seem viable then present them to the Commission before selecting the one to move forward on. Alvarez further stated that in the memo written up by Ms. Reyes, she has broken down, as over the next couple of years we would be implanting the new brand or logo and what the cost would be. It also breaks down how those things would be done. She further stated that for this item it is only the agreement to design the brand or logo for \$3,300.

Commissioner Hinojosa commented that what it sounds like to him is that staff is piece milling this, the changing of the city logo. He further commented that he understands that it's only for the design of the logo, but he is looking at the overall picture.

Mayor Fugate commented that what staff is saying is that the Commission is not voting on the overall picture. All that is being voted on is the redesigning of the logo for \$3,300.

Commissioner Hinojosa asked that if later the construction and cost of the logo will be able to use \$3,300 when it is all put together on the \$50,000. He further commented that he still feels that it is piece mill.



Ms. Alvarez commented that from what she was understanding from having spoken with Ms. Reyes last week, the only thing that the Commission would be looking at tonight is roughly a \$3,200 to \$3,300 agreement to do the design for the logo. Then this would come back before Commission for final approval. Once the logo is decided on it would be up to the City Manager and his staff to decide when they would have the monetary funds to implement it.

Ms. Janine Reyes, Tourism Director stated that as for the other expenses that were included, should this logo be approved, down the line other changes would need to be made. She further stated that this is a separate company and the only thing that is being asked is \$3,200 as staff has selected ES&D and Associates as they are the agency of record for Texas A&M University Kingsville to which they are very pleased with their work. Ms. Reyes stated that all this company will be doing is the logo design and would like to make it clear that once a logo, certain city assets will need to be changed. She stated that she has polled city staff and most did not feel the need to have a different version of our core logo. Logos on City of Kingsville assets can be phased in, beginning with the City of Kingsville Wayfinding Signs and continuing with vehicle branding on an annual basis. Stationery and business cards will be phased in as supply runs out. The cost of the logo change is not the only cost to take into consideration as the larger cost will be changing city assets to represent the new logo and brand. Ms. Reyes further stated that the only cost staff is seeking for the City Commission to approve at this point is the logo and brand redesign at an estimated cost of \$3,200.

Mayor Fugate asked where this would be paid from. Mr. McLaughlin responded that this would be paid from the Tourism Department budget.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute a Logo & Brand Guide Development Agreement with ESD and Associates for the City of Kingsville, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**20. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).**

Mayor Fugate read the executive session and convened the meeting into closed session at 6:14 p.m.

Mayor Fugate reconvened the meeting into open session at 6:38 p.m.

**21. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).**

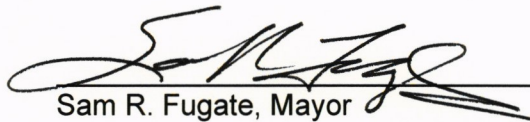
This executive session was not heard at this time.

**22. Consider action on City Manager contract compensation sections. (Mayor Fugate).**

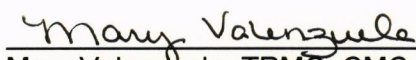
No discussion or action was taken on agenda item #22.

## **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:39 P.M.

  
Sam R. Fugate, Mayor

## **ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary