

City of Kingsville, Texas

**AGENDA
CITY COMMISSION
MONDAY, JANUARY 24, 2022
REGULAR MEETING
CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
5:00 P.M.**

**Conference Line call: 1 (415) 655-0001 and
when prompted type access code: 126 210 9951 #**

OR

Live Videostream: <http://www.cityofkingsville.com/webex>

I. Preliminary Proceedings.

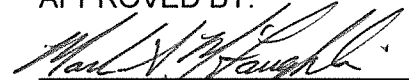
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – January 10, 2022

APPROVED BY:



Mark McLaughlin
City Manager

II. Public Hearing - (Required by Law).¹

1. Public hearing on the submission of a Planning and Capacity Building Grant from the Texas Department of Agriculture as part of the Texas Community Development Block Grant Program. (Director of Planning & Development Services).

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

IV. Public Comment on Agenda Items.³

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

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)

1. Motion to approve reappointment of Rose Morales to the Main Street Advisory Board for a two-year term. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Consider a resolution authorizing the City Manager to enter into a Low Income Household Water Assistance Program "Water Provider Agreement" with Kleberg County Human Services. (Finance Director).
3. Consider a resolution authorizing the City to submit an application to the Texas Parks and Wildlife Department's Texas Recreational Trails Fund-Grant Program for the purpose of requesting funding for recreational trails at Dick Kleberg Park for the Kingsville Parks Department with an anticipated \$75,000 match; authorizing the City Manager to submit the grant and the City Parks Director as the grant official to act on the City's behalf with such grant program. (Parks Director).
4. Consider a resolution authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Planning and Capacity Building Grant 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 Program. (Director of Planning & Development Services).
5. Consider authorizing use of \$58,000 of ARPA funds from tourism revenues losses for the Wings Over South Texas Air Show on April 2-3, 2022 and for wayfinding signs. (Tourism Director).
6. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate ARP funding for Tourism revenue replacement projects. (for Wings Over South Texas Air Show on April 2-3, 2022 and wayfinding signs). (Tourism Director).
7. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real

property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

8. Executive Session: Legal Exception: Pursuant to Section 551.071, of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding threatened litigation. (City Attorney).

9. Consider adjustment to Kingsville Housing Authority utility account. (City Manager/Finance Director).

VII. Adjournment.

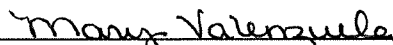
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board located at City Hall, 400 West King Ave, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

January 20, 2022 at 3:30 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, CMC, City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

JANUARY 10, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 10, 2022 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
Kyle Benson, IT Manager
Derek Williams, IT
Uchechukwu Echeozo, Director of Planning & Development Services
Rudy Mora, Engineer
Ricardo Torres, Police Chief
Diana Gonzales, Director of Human Resources
Emilio Garcia, Health Director
Bill Donnell, Public Works Director
Manny Salazar, Economic Development Director
Deborah Balli, Finance Director
Joseph Ramirez, Engineers Assistance
Susan Ivy, Parks & Recreation Director
Janine Reyes, Tourism 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 Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – December 13, 2021

Mrs. Mary Valenzuela, City Secretary commented that a change has been made to the minutes of December 13, 2021. The change was a request from Commissioner Lopez to add the following comment that was made by Mr. Mark McLaughlin, City Manager, "it may be done, they may have it in their computers already." This comment was made after a question from Commissioner Lopez was asked regarding how long it would take for TxDOT to do their study. Mrs. Valenzuela further commented that when the motion is made for the approval of the minutes, the motion would need to include the amendments made.

Motion made by Commissioner Lopez to approve the amended minutes of December 13, 2021, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

II. Public Hearing - (Required by Law).¹

None.

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 COVID testing has started up again, so long as supplies last. Currently, Kleberg County has 456 active COVID cases with 18 city employees out with COVID at this time. Mr. McLaughlin also reported that the DEAGG Grants that the city has applied for will be announced on January 11, 2022, at 8:30 a.m. He also reported that the Human Resources Department has received notice from Entrust that the vendor that secures the data for Entrust for our medical records has been breached. MRI America will be sending out notices through Entrust about this matter. Mr. McLaughlin further stated that during his comments at the December 13, 2021 meeting, he commented that TxDOT should set the rules for their property and the city shouldn't be telling them what to do. Mr. McLaughlin further stated that after a conversation with Mr. Lance Hamm, Mr. Hamm pointed out to him and has also forwarded to the Commission by email which talks about what the cities can do and that city's do have the authority to establish construction speed zone within their corporate limits and this should be encouraged. Since the city will most likely be responsible for enforcement, however, if the city desires the Transportation Commission to establish the zones, then the district should have a written request from the city on file. Mr. McLaughlin further stated that it also talks about what speed zones unacceptable to the city if there is a disagreement between what the city would like and what TxDOT decides. He further stated that he did pull up another document that was forwarded to him by Mr. Hamm which is Chapter 6 of the Temporary Traffic Elements. This document recommends that speed limits should be used in specific portions of the temporary traffic control zones. It recommends that speed limits should not be lowered more than 10mph below the posted in a TTC. If it does go below that, research has demonstrated that large reductions in speed limits such as 30mph reduction increase the variance in the potential for crashes. Mr. McLaughlin further commented that the document also talks about who has the authority to set out the regulatory speed limits. Mr. McLaughlin commented that he mentions this to correct what he commented before that the city does have an opportunity to set a speed limit if the city desires.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is January 24, 2022. The deadline for staff to submit their agenda items for this upcoming meeting is Thursday, January 13, 2022. Ms. Alvarez further reported that city offices will be closed on Monday, January 17, 2022, in observance of Martin Luther King Day. Ms. Alvarez further reported that she attended the Texas Coalition for Affordable Power (TCAP) Board of Directors meeting in Austin last week, where she was re-elected to the Board and re-elected as President for TCAP.

Mayor Fugate commented that at the last City Commission meeting, December 13, 2021, the meeting went a little off track with everyone speaking over each other which makes it difficult for anyone to be able to understand what was being said. He asked the Commission members that if they wish to be heard, they will need to ask for the floor to speak. He will not deny any Commissioner the right to speak, but to make it easier on the City Secretary, for minute purposes, he asks that each commissioner ask to be heard when wanting to make a comment and to speak one at a time.

IV. Public Comment on Agenda Items.³

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

Mr. Fred Bigelow, 916 South Creek commented that he supports the reduction of speed limit on the frontage road that will be put in. he further stated that he is concerned about the safety of the area as 33 families live in this area and with school buses coming and going calls for concern. He also stated that he is concerned about the spacing in the area. With the construction going on now, it is difficult when they come out of South Creek, it is very difficult. People in this area do not drive the speed limit in this area. He further stated that he would like for the Commission to take a look at the photos that he has provided them. The first two pictures will show the bridge for the frontage road and where it goes down it has borders and where that border goes to the entrance to their gate, which is about 150 feet, and the width is about 27 feet of pavement to their property line. Mr. Bigelow commented that this is scary as they have young and older drivers coming in and out of that subdivision. He also commented that the crossover on FM 1717 was closed due to wrecks and fatalities. He further stated that he is not aware of what TxDOT does about the programming of fatalities or wrecks as they say they don't have it, but they must have the traffic patterns. If you have Hwy 77 with years of information and you can't move it over it will make them drive out into the major lanes of Hwy 77 which is not a very good highway to drive out in. Mr. Bigelow further commented that he is very concerned about school buses having to come in and out. He further stated that it comes down to safety, come down to 45mph, which he would like to see brought down to 40 or 35 mph. He further stated that this is one of the major responsibilities of the City Commission, which is to protect the citizens of the City of Kingsville. Mr. Bigelow commented that there is a lot of people in this area that are good citizens.

Pam Lieck, 408 Nelda did not comment but rather asked if this was the time to come up and speak about anything that is on the agenda.

Mayor Fugate responded that this is the time that anyone can speak about anything on or off the agenda.

Lance Hamm, 912 South Creek commented that he is the petition organizer for the reduction of speed near South Creek Subdivision which has been submitted and placed in the agenda packet. He further stated that he may or may not have an opportunity to speak later, depending on if the Commission has any questions for him. He further stated that he would like to talk about numbers. Mr. Hamm stated that City Manager spoke about his clarification, which he appreciates, and the reason he said this was because he mentioned coming up with a number, 45mph, where did they come up with this number. He further commented that later on when the agenda item comes up, it will be clarified why 45mph was picked, as Mr. Bigelow wanted 35mph, but 45mph was placed on the petition. Mr. Hamm also commented that he would like to talk more about numbers because the safety out there that is being talked about is all about numbers, it's about math, what is the math associated with a crash. He further commented that if anyone is familiar with highway safety and crashes, the vehicle speed is the number one determinate of crash severity and crash survivability. He stated that this is why speed is such a big number. He further commented that the signatories of the petition for a win-win solution. Let's put a little bit of inconvenience on the through travelers

coming through Kingsville from General Cavazos highway to the southern city limit. This would be an extra 23 seconds that they would have to travel 45mph rather than 55mph. For that 23 seconds that they are an inconvenience, maybe once in their lifetime, the residence that has to deal with the compromised safety that TxDOT, we think is making us endure, we have to endure blunt force trauma in a crash. He further commented that his daughter was in a crash out there, he was in a crash on FM 1717; blunt force trauma is a result of a crash on a human body. If the speed limit is lowered from 55mph to 45mph, blunt force trauma can be lowered as much as 49%. He commented that this is what they are asking for, to give 49% less blunt force trauma in a future crash and make the travelers going through there go 23 seconds longer than they normally would.

Max Castillo, 405 Nelda commented that if he understands correctly, the public can speak about anything on the agenda, and now is the time and not while the Commission is discussing an item. He further commented that he is here to continue his opposition to the convenience store which would be located across the street from the park. He stated that one of his neighbors had a discussion with park personnel and has also expressed a concern that a concession at the park during softball games may be affected by having a convenience store across the street. He further commented that in the previous commission meeting he mentioned the 26 convenience stores that were identified around the city that were abandoned convenience stores, they have identified a couple of others in the area. One being on Fairview and Santa Gertrudis and the other being the Apple House on 6th Street. Mr. Castillo further stated that the other thing that he took note of is that Santa Gertrudis Estates, University, Chandler Acres, and Hillcrest are neighborhoods that are what he considers upper class, have never had a convenience store in those neighborhoods. He further commented that he believes that there is a reason why and with some of the things they have expressed have a lot to do with that. He further stated that the other thing he wanted to make mention is that the 100 and some signatures that were introduced to the Commission, most of those signatures were from way outside the area that he feels that would be affected. He commented that he doesn't feel that those individuals should have a say in what goes on in his neighborhood. He also commented that it has supposed that because they are opposing this convenience store is because they are anti-growth, which is further from the truth. They are delighted for all the work that the city has done with bringing in Chili's, Chick-fil-A, and IHop and hope that the city can continue to bring these types of establishments. He also commented that with regards to the theatre that Commission Lopez has been pushing for, they embrace all that, they just don't want those stores in their neighborhood. He further commented that there is a place for them.

Dianne Leubert, 715 W. Nettie commented on the newspaper article about the shelter, it mentioned being chained all day, she stated that she thinks that there is a law that is going to address that. She also commented that the \$10 fee to adopt and free rabies, which are great, but it gives a year and commented that she doesn't know if that was a typo and further commented that it said that it gives a year to spay or neuter. She commented that she is not sure how those are checked but the city may want to as a female cat and dog can have hundreds of puppies and kittens in a year. She further commented that they just had a dog that had 15 puppies and cats can have a lot of kittens. This is a lot of animals in a year. She commented that it used to be 30 days, but this can't be done with a puppy, but there are ways to do something more positive or quicker to keep them from reproducing. Ms. Leubert further stated that the hours of the shelter, 8:30 a.m. to 11:30 a.m. and 1:00 p.m. to 4:30 p.m., and on Saturdays, there is a lot of people that work and that want to get their animals. She commented that Saturdays are very important, and Saturdays were being done for a while, sometimes they were busy, and sometimes there were not, but it takes a while for people to get used to someplace being open again. She further commented that when you are managing you can split shifts. You can have businesses open during the lunch hour,

but you would have to split your employees. These types of things would make things user-friendly. She also commented that one other thing that needs to be checked is when the ACO's go out and do a wellness check on an animal, are they asking for vaccination proof? As it is the law to have the rabies shot. Ms. Leubert further commented that Kingsville Animal Advocates has never been banned from rescuing animals out at the pound.

Hugh Lieck, 408 Nelda commented that he is here to speak against having the new supposed neighborhood grocery store brought in. The people who are doing this, including their attorney who came up and spoke at the last commission meeting, make it sound as if this is going to be some great benefit to the community and their neighborhood. He further stated that they make it sound as if they are going to put a little grocery store where you can buy fresh meat, fresh fruits, fresh vegetables, and maybe some good dairy at reasonable and competitive prices. He further commented that what they all know is that this place is going to be, as he has said before, purveyor poison. They are going to be selling cigarettes, beer, chips, sugary things, and sodas which are going to be their main product and that's what their main customer is going to be coming to get. He also commented that they will not be selling lettuce and tomatoes at a price comparable to Walmart which is a mile from where they are planning to put this in. He further stated that this is not an underserved community when it comes to Stop-N-Shops and their neighborhood is certainly not underserved. Gregg's Short Stop is nearby, and this is not a walk to the store and a walk around the neighborhood. He further commented that he can see where the neighborhood grocery store if you go to a high-density part of the city, go over on west on anything, Lee Street or any of that area where you have people who don't have much money and maybe who don't have cars who need a local grocery store that they can walk to, that is great. He further commented that all this is going to do is be an attractive nuisance to the people who are going to be at the park. He further stated that this is something that he wants on the record, somebody is going to get run over and killed and it's going to be a kid and there is no question about that. He further commented that he wishes the newspaper was in attendance at this meeting to put this on the record as this is a real concern. The walk to traffic would be there as it will not be somebody from the neighborhood, it will be some kid from the park. It will increase are traffic in that area and it is a bad street already. It will be on the commission if it is approved and then some kid gets killed. He further commented that he would like for the commission to think about how this is a positive thing for the community, which is not clear, and how it is a negative thing for the community, especially his neighborhood.

Lisa Bockholt, 1411 E. FM 1717 commented thanked the commission for allowing her to come to the podium during the last commission meeting and speak about the city stray and unwanted pet problem and the ongoing overcrowding at the Animal Shelter. She further commented that this is an item that is near and dear to her heart and is very passionate about. She thanked the Commission and City Manager for the attention they have given and knows that each one of them shares their concerns and recognizes that there is a problem that we as a community need to address. She stated that she would like to give the Commission some food for thought to consider ways where everyone can work together in the coming year to find solutions to some of these problems. Mrs. Bockholt further commented that the City Health Department put out a notice and that notice indicated that 16 dogs have been at the shelter for over 40 days. The individual length of stays for those 16 dogs, will determine that they have averaged 61.31 days at our shelter. Mrs. Bockholt further commented on some documents that she has provided the commissioners regarding a comparable shelter. She stated that it is a shelter comparable report calling this a length of stay cost factor analysis. National averages for shelters on a per impounded animal basis run on the low end of the spectrum 250 to the high end 500. She commented that these are numbers she can back up and is happy to answer any questions as to where she got these numbers if

the commission wishes to ask. She also commented that the differentiation comes from jurisdictional payroll budgets, overhead, and a variety of things that go into the cost factor analysis on what animals in shelters cost per animal to maintain and to keep. She stated that she wanted to give the commission a current analysis and with regards to the 16 dogs she spoke about, they are averaging 61.31 lengths of stay. If they were only there for 10 days, if a dog was at the shelter for 10 days the number for that one dog would be anywhere from 2,500 to 5,000.

Jeff Hall, Oasis RV Park, 5151 S. US Hwy 77 commented that his comments are regarding agenda item 9, request to lower the speed limit to 45mph. He further commented that he often encounters numerous guests from all over the United States as this is a popular stop for winter Texans. They come in full of anxiety and fear as a semi-trailer was tailing them and blowing their horn as they were turning into their driveway with a 45-foot Class A towing a vehicle. Many of these are 75 plus feet long and often have numerous trailers coming in at once and the current speed limit of 55mph has warned reviews online regarding how dangerous it is already, and this is the highway and not the frontage road that is being built currently. Mr. Hall further commented that the danger is there whether or not the city acknowledges it. They are here to put their concerns on record and plea with the city to keep their guest safe and lower the speed limit to 45mph. If not, let the record reflect that the city would be held culpable if anyone is injured while trying to enter the park.

Sylvia Carrillo Trevino commented that for the record, she is not an attorney, she is a development and is representing the Sanchez's on their request for rezoning. She further commented that this is a request for a rezone to C1, the least intensive commercial district, and is surrounded by Sanchez family holdings, surrounded by Sanchez family holdings. There has been a lot of talk about successful endeavors in this arena in this area. She further commented that you have to have a dream and a desire, you have to have experience, a plan, and most importantly, you have to have money. You have to want to invest in this town. The Sanchez's could have turned away when they faced all of the opposition, but they believe in their dream and believe in the city, and believe that this can be a successful venture. She commented, what is their dream, it's a convenience store, not a place where you are going to be rounding up cigarettes, rounding up kids and spiking them up with energy drinks, etc. It is a consignment shop, gift shop, deli, and a family-friendly legacy to their children. They live right next door to the property; they wouldn't want to build something that they wouldn't want to leave to their children. Their children own property right next to the facility. She further commented that the hope is that it becomes a neighborhood staple. She further stated that from the map, the 1,000 feet away and the law says 200 feet. The Sanchez's went well above and beyond to try to reach their neighbors. They went across the street; they went above they went back. She commented that there is no secret that the opposition is on Nelda, there is no secret to that, but she would encourage the city to look at the support beyond Nelda, around the entire endeavor. She further commented that they had to plan, they researched and talked to the neighbors before they even spoke to her. She is family and they didn't want to bring her into it until they said does it even have the possibility to float. She commented that the first thing she did was look at the Master Plans, the plans the Commission has approved, and they all point to the development and growth of the area. She also commented that the mayor mentioned a joint land use plan, the commission has reviewed land, the city's future land use plans call out for this kind of growth. They call out for neighborhood-friendly, pedestrian-friendly developments. She also commented that we don't know about any kid getting run over across the street, they haven't even gone into the site development process. It's going to require traffic analysis and require lighting and mostly crosswalks which are all development impacts. An expensive proposition for the Sanchez's that they are willing to invest. She further commented that they had a positive response from city officials and now the count is to be at 107

signatures. A preliminary site plan was provided where there are landscaping islands and lighting and all kinds of things that have to be there.

John Sanchez, 4100 S. 6th Street commented that he would like to address some of the resident's concerns. One thing they talk about is the longevity of the store and that it will not make it. Back in the early '80s, he worked for Sigmor which became Diamond Shamrock and is not Valero on 14th Street. He commented that they started at the 14th Street store and transferred to the store on King Street a couple of years later. Buddy Childs who was a customer of the store had all his cars from the dealership being fueled there and another customer was Judge McDaniel. About a year later, he was asked to take over the store on 14th Street and was given one year to turn it around or they were going to shut it down. The store was failing due to poor management, and he turned it around and is still in business today. He asked why should this matter, good management experience matters which they bring to the table in this business. Location is only an aspect of management experience that also matters. He commented that they are a lifelong resident and wish to bring a good business to their area. Mr. Child's business was only a couple of blocks from the Diamond Shamrock on King Street and the Courthouse wasn't further from there. Yet, Mr. Child's moved all his business to the store on 14th Street as Judge McDaniel did the same. They didn't mind driving the extra distance for good customer service, as he believes will happen at this location. Mr. Sanchez further commented that Mayor Fugate was a customer of his at the time as well. He believes that an individual from Nelda Street was a customer at the time. He is hopeful that the residents on Nelda Street will become part of his customer base as well as the others throughout the city. He further commented that he truly believes that if they are allowed to open the store in this location, it will be successful in management and meeting the needs of their customer. He also commented that Mr. Lieck mentioned that drainage from the store will go in his direction and that he is downstream which is not true. None of their land that directly surrounds the location doesn't intersect with any of their properties. He further commented that Mr. Lieck mentioned that they had to go further out to get signatures, and he is correct. Mr. Sanchez further stated that where they have located the land around them has never developed into a neighborhood. It is only recently that the development that is occurring across the tracks from them, which is further proof that the city is growing in that direction. He also stated that they went to those streets, close to the neighborhood, as they knew the residents on Nelda Street were against the development and they also wanted to get input from the surrounding neighbors who are strongly in favor of the store. Not only are they in favor, but also thrilled. Mr. Sanchez also commented that he would also like to mention that they took a petition long before they did. They had 22 signatures against of which all but 2 were from the neighborhood. He stated that he covered most of the streets as they did and received more signatures in favor of the store. Mr. Sanchez stated that if you drive to the entrance of Nelda Street from the proposed location it would be approximately half a mile. He further commented that he is sure that it has been seen many times that when a new development is proposed you will almost always have a small group of citizens that will oppose it. We should listen to legitimate concerns and address them which they will do as they work through the site process with the city.

Belinda Sanchez, 4100 S. 6th Street commented that the store they propose to build is going to be very attractive. The city's building codes will be well kept and have an eight-foot fence on two sides and will include a drive-thru and a kitchen to serve fresh hot foods, an outdoor sitting area, and a consignment gift shop. They know there are a lot of talented people in this city and hope that the consignment portion will expose their talents and there will also be a grocery part to the store. The area will have plenty of lighting as required by city code and will improve safety in the area, specifically for the people who walk on Escondido in that corner. It will be more lit so that drivers can see the walkers walking on the grassy strip that is 30 to 40 feet wide. She further commented that they will be offering some type of incentive discounts for military and

first responders. When they purchased this property fourteen years ago, they did solely so that commercial business would eventually develop towards this area, and they knew that this would be the spot for them to fulfill their dream. She also commented that they prayed about it and started working on their plans more than 10 years ago, but unfortunately it was put on hold due to a very trying time in their lives. Their plan was sped up recently when they planned on building a personal workshop behind their house but didn't work out as planned and ended up pushing them towards the dream they have always had. She further commented that they feel this wasn't an accident, but that God has opened that door for them, but not without resistance to stop them. Commercial businesses will eventually be developed in their direction and Kingsville should be allowed to grow. It will benefit the people and the City of Kingsville. She further commented that she honestly believes that we shouldn't stop Kingsville from growing, so they are asking for support and approval to allow this property to become commercial. Mrs. Sanchez further commented that Mr. Castillo had commented that she had gone way out to collect signatures, they collected signatures on Allen Drive then down to Samuel's Place, Boyd, and around Arroyo, which is all-around their area where they live as well. She further commented that they did go across the tracks to Carlos Drive, Rvette Drive, and Trant Road and received a lot of positive feedback. She also commented that there was a comment made earlier that someone from the Parks was against building the convenience store, but convenience stands are not open seven days a week and don't think that the store will be taking anything away from them. She also commented that comments were also made that a lot of convenience stores have been closed and didn't make it, they are going back to the '70s and '80s. She stated that there are a couple of very successful stores at this time.

Mrs. Mary Valenzuela, City Secretary read a public comment submitted by Lana Hougham, resident of South Creek Subdivision. The comment was read into the record as submitted:

Alana M. Hougham, resident of South Creek Subdivision, Dear Members of the Kingsville City Council: As a signatory of the petition put before you and a resident of the South Creek subdivision, I am submitting my comments. I am very concerned about the proposed speed limit of 55mph on the new frontage road. I have noticed the other sections of this frontage road have a speed limit of 45mph due to the streets that open onto the frontage road. During the construction of the new frontage road sections, the speed limit has been lowered to 55mph but is not enforced. There have been many times that I have signaled well in advance of my intent to turn into my subdivision only to have someone traveling much faster than the speed limit almost runs into me. Due to construction equipment sometimes working on the section in front of my subdivision it is not always clear that I can get over onto the shoulder to safely turn right. I have noticed that all vehicles including big semi-trucks exceed the speed limit but are not apprehended. When the traffic is diverted onto the frontage road and the speed limit is set at 55mph, I am greatly concerned for my safety as well as the safety of anyone trying to turn into our subdivision. I would urge you to reconsider the proposed speed of 55mph and set the speed to match the other sections of the frontage road at 45mph. Thank You, Alana M. Hougham, resident of South Creek Subdivision.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence

after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the consent agenda as presented, seconded by Commissioner Torres. 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 City of Kingsville Code of Ordinances Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by amending Sections 3-3-50 through 3-3-55, providing for revisions to the Board of Health Subarticle. (Health Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the change order for the emergency wastewater line repair. (Public Works Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the purchase of tasers and hardware/software for a new dispatch station. (ARPA funds). (Police Chief).

4. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sanchez Addition, Lot 4, (.964 acres), also known as S. 6th at Escondido Road, Kingsville, Texas, from R1 (Single-Family Residential District) to C1 (Neighborhood Service District). (Director of Planning & Development Services).

Mayor Fugate asked that since the Planning & Zoning Commission approved this item during their meeting, will it take a super-majority vote from the City Commission to approve the item?

Ms. Alvarez responded that it would take a regular majority vote from the City Commission to approve this item.

Motion made by Commissioner Lopez to approve the ordinance amending the zoning ordinance by changing the zoning map in reference to Sanchez Addition, Lot 4, (.964 acres), also known as S. 6th at Escondido Road, Kingsville, Texas, from R1 (Single-Family Residential District) to C1 (Neighborhood Service District), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting “FOR”. Hinojosa voting “AGAINST”.

6. Consider resolution authorizing application to and acceptance of FEMA-DR-4586 (Texas Winter Storm) for a generator at Water Well #14; authorizing the City Manager to act on the City’s behalf with such program. (City Engineer).

Mr. Rudy Mora, City Engineer stated that the purpose of submitting this grant application is to provide resiliency for the city's water supply system by installing a generator at Water Well #14. Other improvements at Water Well #14 include a new pumphouse structure and equipment. The approximate cost of the generator is \$100,000.00. If awarded the grant, it will pay 75% by federal assistance from FEMA regarding the 2021 Texas Winter Storm Uri. The application deadline was initially November 5, 2021, but has been extended to January 15, 2022. If awarded, the city's cash match for the project will be funded by the 051 Utility Fund for \$22,500.00

Motion made by Commissioner Torres to approve the resolution authorizing application to and acceptance of FEMA-DR-4586 (Texas Winter Storm) for a generator at Water Well #14; authorizing the City Manager to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

7. Consider a resolution adopting the City of Kingsville Economic Development Grant Program and Administrative Manual; and providing for evaluation of each application for conformity with such program and criteria before submission to the Commission. (City Manager/Economic Development Director).

Mayor Fugate commented that he spoke with Mr. McLaughlin this morning and requested that two amendments be made to the manual. There is a provision in there that if the committee that is selected makes a decision, for the Commission to overrule that decision it has to be a 4-1 vote, he has asked that it be a majority vote of 3-2. He further commented that also in the supervision of the grant, this is going to be a big operation, and they are asking for both the EDC and Finance Department to monitor the grant itself. He also commented that he can see if 4 to 5 grants are received, some could be big, it's going to be a big job.

Mr. Manny Salazar, Economic Development Director commented that you don't know until you get into it. If they have one to two applicants, it could be manageable. If there is more than a couple, then it changes significantly.

Mayor Fugate further commented that these are the two amendments he has requested.

Mr. McLaughlin commented that changes are all on page 10 of the manual. If the manual is approved, those changes will be included.

Commissioner Torres commented that she was confused on Part 1 A2, the third paragraph, which states that the applicant is responsible for 75% of the total allowable project cost. She further stated that in Part 1 B2 and Part 1 B4 it states that the focus is 30% to 50% or more than 50% and may be raised to 50%.

Mr. Salazar responded that those are more aspirational, he believes. The grant intends to not be the sole source of funding for any project and so this is setting some parameters on what they would like to see ideally.

Commissioner Torres further asked if they are not specific, more or less what you see, it can be changed instead of the 75% the city would co-share with it at 50% and the project 50%?

Mr. McLaughlin responded yes; it can be that way on a case-by-case basis. The part that Commissioner Torres is talking about, 30% to 50% was a capital investment which is a little different than the match. They may have multiple investors and we were trying

to think out the different scenarios we can come up with. There are some provisions in the manual that if someone is asking for money but has nothing to do with their project, the applicant doesn't own it, we are looking for capital investment by somebody of at least 30% to 50%.

Commissioner Torres further asked that if she is the individual who is a resident of Kingsville applying for the grant and she has capital or has an investor from Houston, TX who is putting the majority in, they would be the ones that are mainly funding the project, she would still be eligible for the grant?

Mr. Salazar responded yes; he believes this is correct.

Mr. McLaughlin commented that he agrees with Mr. Salazar because everyone will be evaluated on his/her package, creditability, and background. He further commented that it is hard to say yes, it's a blanket for everybody to be in that scenario, every package will be analyzed on the validity of its application.

Mr. Salazar commented that for example, someone wanted to apply for the grant, and they had funding from a bank in Austin, as one's financial backing, this would not disqualify the applicant, this is just another source of revenue that the applicant is going to use, although it will be disclosed to the Grant Administrative Board as it is part of the process. The applicant would identify the amount of personal dollars, the amount in bank loans, and any investors, identifying the different sources of capital that the applicant has. This would give a view of where the funding for the project is coming from.

Commissioner Torres that 1 C4(5) states that letters of recommendation by public and community business letters if credit reports have insufficient credit listings. Torres asked if this was a common practice or can an example be given to her.

Mr. Salazar responded that this is one of the provisions that they borrowed from the revolving loan fund from the Brazos Valley Council of Governments. They have a revolving loan fund that the City of College Station and Bryant both pay into, and the COG is the one who administers the grant. He further stated that when they started exploring this process, he reached out to them as he had a friend that used to work out there to get their packet which is what he used to build this packet from, and this is one of the pieces that he transitioned from their packet to ours.

Commissioner Torres further asked if Brazos is larger than Kingsville?

Mr. Salazar responded yes. He further commented that he has some concerns on the credit report part as it has confidential information in it, so they changed from a required document to a request with the idea that they don't want to prohibit themselves from asking for that. They won't ask for it unless it's a 50/50 split in trying to figure out if the project is something the city is looking for, it was changed upon request for credit reports as opposed to a requirement. He further commented that they don't want to pull people's confidential information unless they must.

Commissioner Torres further asked that on Part 2 A2, can a GAB member apply and vote on their application if they serve on the Board? If they serve on the Board, and the manual states this, it has to be a business-oriented individual and they want to apply for the grant, she further stated that she knows that Robert's Rules has some discussion on that, but would they be expected to or would they be.....

Mr. Salazar responded that the expectation would be that this person would recuse themselves from that vote. This would be a conflict of interest and he would go as far as if you served on the Grant Administrative Board, perhaps they shouldn't be eligible to apply for the grant until they have rolled off from that Board. He further stated that he is not sure the legalities on this, but that person would need to recuse themselves.

Commissioner Torres commented that this is something that she felt needed to be specific on that. She further stated that on 2 A2, limitation on terms served, it states two years, but they can serve on there for as long as and asked if we are not going to say eight years or ten years. She further asked if we are going to leave it and they serve on it for twenty-five to thirty years?

Mr. Salazar responded that for example, if he is serving on the Grant Administrative Board as a volunteer non-voting member, every two years he would be up for reappointment which would be up to the Commission to determine whether or not they say yes, they want him to continue serving or time to roll-off and give someone else a chance to serve.

Mayor Fugate commented that this is the practice that the Commission already does with city boards. Everyone has a term limit, and the Commission must reapprove them. He further commented that what the city has incurred is that we have a hard time finding individuals to fill these positions. He commented that term limits sound like a great thing, but you don't have people who want to do these jobs.

Commissioner Hinojosa commented that the city had that for a while on the City Commission.

Mr. Salazar commented that it would be up to the Commission whether or not an individual will continue to serve or if there are more qualified applicants that will get thrown in the same hat.

Commissioner Lopez commented that a couple of years ago the city had a lot of problems with some of its boards as it is on a volunteer basis.

Commissioner Torres asked that on Part 2, B2, was that going to be changed or discussed regarding the first come first serve, or was this going to be quarterly, or was it going to remain as first come first serve.

Mr. Salazar commented that when they discussed that, you would have to feel out as well. If we come to a point where we need to divide it out quarterly, that determination can be made down the road. But initially they thought to have the first come first serve basis with the ongoing understanding that this needs to be reevaluated based on the availability of grants and the disbursement rates.

Mr. McLaughlin commented that he left that in there because after reviewing the tape, there was no clear consensus for him to change it. There were valid concerns, but until we see how it goes, he didn't want to change it and he didn't have a clear consensus from listening to the tape that the commission wanted it changed.

Commissioner Torres stated that she looked at the minutes from before as well.

Mr. Salazar commented that it may be one of those at the same time next year that maybe every quarter there is x-amount of dollars that will be disbursed, and one would have to apply within that quarter, which is an option. He further commented that it's unfortunate not knowing how it is going to go until you get into it.

Commissioner Hinojosa asked Mr. Salazar if he would be reviewing the first ones that come in and determine if they qualify or not?

Mr. Salazar commented that once everything is approved and applications are ready and publicized, they will start receiving applications then the Administrative Board would be established and approved by Commission, then applications will start being reviewed and making recommendations to the Commission for their approval.

Motion made by Commissioner Hinojosa that this is approved based on the amendments that have been spoken about, adding the Finance Director and EDC Director to monitor and make it just a simple majority and have Ms. Alvarez check if you are a board member and whether you can apply for it.

Ms. Alvarez commented that this can be added to the amendments that state that you cannot apply if you are a sitting advisory board or city commission member.

Mayor Fugate asked Commissioner Hinojosa if he would like to put this amendment in there. Commissioner Hinojosa responded yes.

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

8. Consider out-of-state travel for Commission and staff to attend the NLC Conference in Washington, D.C. on March 11-17, 2022. (Commissioner Alvarez).

Motion made by Mayor Fugate to approve out-of-state travel for Commission and staff to attend the NLC Conference in Washington, D.C. on March 11-17, 2022, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

9. Consider a resolution requesting the Texas Department of Transportation support a change to the proposed/posted regulatory speed limit from 55mph to a maximum of 45mph on the newly constructed southbound US-77 By-Pass service/frontage roads, during and after the current construction project, and during the traffic shift from the main lanes of US-77 By-Pass to the US-77 service/frontage roads, in the area south of General Cavazos Blvd to the southern city limits of Kingsville. (Commissioner Lopez).

Motion made by Commissioner Torres to approve the resolution requesting the Texas Department of Transportation support a change to the proposed/posted regulatory speed limit from 55mph to a maximum of 45mph on the newly constructed southbound US-77 By-Pass service/frontage roads, during and after the current construction project, and during the traffic shift from the main lanes of US-77 By-Pass to the US-77 service/frontage roads, in the area south of General Cavazos Blvd to the southern city limits of Kingsville, seconded by Commissioner Lopez and Commissioner Hinojosa.

Mayor Fugate commented that when he gets off the by-pass in Bishop he has to drive 45mph to get to business 77. Almost all of these frontage roads are 45mph. He further commented that these people are right, that is a dangerous place. TxDOT should have done this before they did any other bypass in Kingsville, they are waiting to do it last. He further stated that he understands why because they didn't want to spend the money to go across the creek, but we have killed and maimed so many people at that intersection on FM 1717 and Hwy 77, so traffic needs to be slowed down. He also commented that not only do we need to make the speed limit 45mph on that frontage road, but we also need some enforcement out there.

Commissioner Alvarez asked if anyone from TxDOT was present at this meeting? Mayor Fugate responded that there is a representative present. Commissioner Alvarez commented that she would like to ask the representative a question. Commissioner Alvarez that at the previous meeting the Commission had asked Mr. Ramos if he could take some of their recommendations that they didn't take a vote on at that time, and asked if Mr. Ramos had any feedback for the Commission on what his supervisors are saying and is there a possibility?

Mr. Lucio Ramos, Area Engineer with TxDOT, 1071 S. US 281, Alice, TX responded that they have a process that they are going to follow up on that process just before opening this up to traffic. This is the process that they have to kind of see everything that is out there and be able to make adjustments for what they are seeing and drive it and drive the driveways in and out. He further commented they would look at site distance and fixed objects and anything close to the road and make adjustments to a speed limit. He stated that they do have this and they will review it.

Commissioner Alvarez asked if the resolution is approved, will they consider it?

Mr. Ramos responded that it will be based on the review they have. What this will do is once they can make a recommendation on the speed limit, it is a recommendation, it has to go through their Transportation Commission for approval, but this passing will support it to the Transportation Commission.

Commissioner Lopez commented that the County did the same thing on this today. With the residents asking for this and as we have seen so many traffic accidents through there it's the best thing to do and it's about their safety and hopes that TxDOT considers this.

Mr. Ramos commented that they will take all this but making a recommendation or getting to an actual speed limit is kind of tough when having to also review the traffic that is going to be on it. He further commented that this is the only way they can get all this done, which is by moving all the traffic there. They are looking at trying to get a good balance for all the traffic coming in from the side streets and their US Highway traffic. He stated that the way he sees it is that it's nothing different than what is there. They have all these interim crossovers, and they are still using that, and traffic is still going out there at 65mph. He stated that now the only difference is it is a lot closer to the driveways or the property lines. He also stated that they are still going to review it and drive it and look at all the other items and maybe even drive it coming in and out of these particular driveways.

Commissioner Lopez commented that because it is a lot closer, she thinks it's more dangerous because if they are at a stop, by the time they take off, it being closer, it's a lot more dangerous for them.

Mr. Ramos commented that they will look at all that when it comes to doing the process. He further commented that part of this is that he will be asking for the city's support in enforcement as a lot of people have already noticed that traffic is going through there at higher speeds. The best thing to do is to have the enforcement, if we will be recommending a lower speed. He also commented that otherwise, it could be a lot more dangerous by having too many variable speeds in the area.

Commissioner Lopez requested for Mr. Lance Hamm to come up to the podium and make his comments on this matter.

Lance Hamm, 912 South Creek commented that he was hoping to get his last email submitted into the record mainly as a rebuttal to some of the things that the City Manager said at the last meeting when he spoke about the frontage road and 45mph and it wasn't on the agenda. He further stated that it was a speed limit study rather than a 45mph reduction. He further asked if the email can be submitted to the record.

Mayor Fugate responded yes and asked if Mr. Hamm had the email that was submitted. Mr. Hamm responded that he did have a copy and further commented that the City Secretary had received the email. Mrs. Valenzuela asked if this was the email that was received over the weekend. Mr. Hamm responded yes. Mr. Hamm further commented that a lot of his arguments are in the email and doesn't want to speak about it today unless there are any questions.

Note: The email Mr. Hamm is referring to was emailed on Saturday, January 8, 2022, at 4:03 p.m. As the email was not read at the meeting, the full email will not be included in the minutes for this meeting. Summary of the email, the email referred to safety speed limits on the southern part of Highway 77 and near the South Creek Subdivision.

Commissioner Alvarez asked how long the process takes? Mayor Fugate responded that it takes two years., two years away from finishing the project. Commissioner Alvarez further asked if it is also to decide the speed limit? Mayor Fugate responded that he is not sure how long that will take.

Mr. Ramos responded that they are hoping to do the review two to four weeks before opening this up.

Commissioner Alvarez asked if it would take two years before its completed? Mr. Ramos responded that the two years are for the progress of the whole project. He further commented that traffic will not be running on this for approximately 18 to 24 months.

Mayor Fugate asked when the decision would be made for changing it for the frontage road? Mr. Ramos responded that because they need to have everything there and almost completed, they would also want to drive it for about two to four weeks before the completion when everything is already paved and everything is moved out of the way, they will still drive it before they move the traffic over, but the decision may not be until after they have moved the traffic over. Ramos further commented that they are going to try and do this as quickly as they can, but it may not come until after. Mayor Fugate asked if the city could set the speed limit in this area? Mr. Ramos responded that to his knowledge no, he believes it would still need to be approved by them and it would have to be a recommendation or a study, which the study could not happen until traffic is there, as this is how the process works with a traffic study.

Commissioner Alvarez commented that she knew this would be a long process, but she wanted for the citizens that are concerned that it is a long process and not going to be done overnight.

Mr. Ramos stated that as far as driving it and looking it over, it may take a week or two, but they would still have to get it all prepared and make the recommendation to the Transportation Commission which could take another month before getting a decision.

Mr. McLaughlin commented that to clarify the question about the city setting their speed limit, according to Section 3 of Construction Regulatory Advisory Speeds TxDOT document it states under request for regulatory construction speed zones, cities have the authority to establish construction speed zones within their corporate limits and this

should be encouraged since the city will most likely be responsible for enforcement. However, if the city desires the Transportation Commission to establish the zones, then the district should have a written request from the city on file. Mr. McLaughlin further commented that this is straight out of TxDOT Manual.

Mayor Fugate commented that instead of sending them a resolution, why not place it on the next agenda to set the speed limit in that area at 45mph.

Ms. Alvarez commented that typically within the city limits a speed study would still need to be done before setting a speed limit.

Mayor Fugate commented that all that needs to be done is to look at the history of FM 1717 and you will have all the history you need. He further stated that as an attorney he has been involved in 3 fatalities in that area, and he has all the history he needs.

Commissioner Alvarez asked if the Commission can still vote on the resolution and still place it on the agenda for next time?

Mayor Fugate and Commissioner Lopez responded yes. Mayor Fugate moved forward asking for a roll call vote.

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

10. Discussion regarding creation of temporary advisory task force to make recommendations on stray animal population issues. (Commissioner Torres).

Commissioner Torres stated that this is from the last meeting where it was to be discussed if it would be a possibility for a Task Force or an Ad Hoc Committee.

Mayor Fugate commented that what he would suggest doing is that if this is to be an action item, place it on the next agenda, then ask if the Commission can take action on a discussion item.

Ms. Alvarez responded that the Commission can not take action on a discussion item but hopefully there will be sufficient discussion to give staff an idea of what future action would be so that a resolution could be prepared if the Commission is looking for an advisory committee, length of the term of the committee is to be a temporary such as a 6 month or 12 months, will it have five members and will each commission appoint a member; how many people to have, how will they be selected, and how long they want the board to last.

Commissioner Torres commented that since there has been some miscommunication between different organizations, this may be a possible solution that they come together and speak and give a definite type of resolutions or ideas they may have where the city may be able to curb the situation or help. She further commented that she is aware that the AOC people go out and do as much as they can and it has to be hard for them to house this many animals. She further stated that as an owner of three dogs, and maintaining three dogs on a schedule is hard, she can imagine how hard it is for the employees. She further commented that maybe there is something that together they can come up with, a direction where we can help so that we don't have them in there for 50 to 60 days.

Mayor Fugate commented that what staff is asking for is if there is an advisory board how do we want to set it up. There is no need to reinvent the wheel, Corpus Christi already has one, and staff can see how they do theirs, but it will require some research.

Commissioner Alvarez asked if committees or boards must be odd numbers?

Ms. Alvarez responded that it is better to have an odd number in the event they are voting on a recommendation to forward to the Commission. This way there will be no ties that need to be broken.

Mayor Fugate asked for Commission Torres to do some research on this and work with the City Attorney on it as she can assist with it as well. Also, looking at other organizations and seeing how they do theirs may be helpful as well.

11. Executive Session: Legal Exception: Pursuant to Section 551.071, of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding threatened litigation. (City Attorney).

Mayor Fugate read and convened the meeting into executive session at 6:19 p.m.

Mayor Fugate reconvened the meeting into an open session at 6:50 p.m.

12. Consider adjustment to Kingsville Housing Authority utility account. (City Manager/Finance Director).

No discussion or action was taken for agenda item #12.

13. Executive Session: Personnel Exception: 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).

Mayor Fugate read and convened the meeting into executive session at 6:51 p.m.

Mayor Fugate reconvened the meeting into an open session at 7:49 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:50 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

Pub. Hrg.

City of Kingsville
Planning and Development Services Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Uche Echeozo, Director

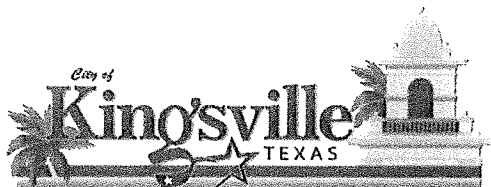
DATE: January 13, 2022

SUBJECT: Request for a Public Hearing on the submission of a Planning and Capacity Building Grant (PCB) from the Texas Department of Agriculture as part of the Texas Community Development Block Grant (TXCDBG) Program.

Summary: The Planning and Development Services Department of the City of Kingsville wishes to apply for a Planning and Capacity Building (PCB) Grant that would facilitate the review of the current Master Plan and the preparation of a Comprehensive Plan for the City of Kingsville. Consequently, a request is made for a Public Hearing geared towards engaging members of the community.

Background: The Planning and Development Services Department of the City of Kingsville is reviewing the current Master Plan that is overdue for a review with a view to preparing a Comprehensive Plan for the City. They had introduced the subject earlier during a presentation on the Master Planning Process in July 2020. In order to adequately fund this exercise, they wish to submit an application for a Planning and Capacity Building (PCB) Grant that gives a maximum of \$75,000 (with a 25% cash match) which would be employed in carrying out the relevant studies and some professional services needed in the plan preparation. A public hearing is part of the requirements needed to ensure members of the community are adequately briefed on the details of the plan.

Financial Impact: None.



City of Kingsville
Planning and Development Services Department

Recommendation: Approve the request for a Public Hearing.



CONSENT AGENDA

AGENDA ITEM #1

CITY OF KINGSVILLE

P. O. BOX 1458 - KINGSVILLE, TEXAS 78364



Date: January 22, 2022

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Alicia Tijerina, Downtown Manager

Summary: Main Street Advisory Board was created in 2017 by City of Kingsville City Commissioners. The board meets monthly to develop and make recommendations to the City Manager regarding the Main Street District.

All members will be appointed to the board by the City Commission at the recommendation of the City Manager.

Effective February 10, 2022 member Rose Morales's term expires:

City Manager Mark McLaughlin is making the following recommendation for the Main Street Advisory Board appointment:

- Rose Morales, Downtown Merchant Representative

Mrs. Rose Morales has agreed to continue to serve an additional two-year term.

Recommendation: It is recommended that Rose Morales be re-appointed to the Main Street Advisory Board for a two-year term.



REGULAR AGENDA

AGENDA ITEM #2

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: January 20, 2022
SUBJECT: Low Income Household Water Assistance Program

Summary:

Kleberg County Human Services has secured funding to provide a water assistance program for clients that meet the criteria of the program and they have submitted an agreement for consideration. This agreement would allow eligible customers to have their water and sewer amounts paid by this program.

Financial Impact:

The only financial impact would be the waiving of late fees for those who have submitted application to this program and the funds are late in being received for those approved.

Recommendation:

Staff recommends the approval Low Income Household Water Assistance Program with the Kleberg County Human Services.



RESOLUTION #2022-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM “WATER PROVIDER AGREEMENT” WITH KLEBERG COUNTY HUMAN SERVICES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville has received a request from Kleberg County Human Services to participate in a Low Income Household Water Assistance Program (LIHWAP) via a “Water Provider Agreement”; and

WHEREAS, the LIHWAP is to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services, which for purposes of the agreement are called “water services”; and

WHEREAS, Kleberg County Human Services would determine who are eligible LIHWAP clients on whose behalf they would make payments for water services to the City;

WHEREAS, the agreement would be effective for a period of one year; and, if both parties agree in writing it could be extended for one additional year; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

NOW THEREFOR, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Low Income Household Water Assistance Program (LIHWAP) Water Provider Agreement between the City of Kingsville and Kleberg County Human Services in accordance with Exhibit A hereto attached and made a part hereof.

II.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 24th day of January, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)
"WATER PROVIDER AGREEMENT"**

PURPOSE. The purpose of the Low Income Household Water Assistance Program (LIHWAP) grant is to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named (Water Services).

The Water Services Provider (Water Provider or Vendor), agrees to the terms of the LIHWAP grant and to accept payment from LIHWAP agencies only for eligible LIHWAP clients to whom Water Provider continues to provide Water Services. The Water Assistance Provider (Agency), agrees to make payments only for eligible LIHWAP clients.

PARTIES. This Water Provider Agreement is by and between:

Kleberg County Human Services
Water Assistance Provider (Agency)

City of Kingsville
Water Services Provider (Water Provider)

The Agency and Water Provider are each a Party to the Water Provider Agreement and collectively known as the Parties.

Water Provider and Agency agree to assist eligible LIHWAP clients in the following Texas counties:

Kleberg - (Kingsville)

WATER SERVICES. Water Services provided and billed by Water Provider:

- ☒ Water Fees
- ☐ Stormwater Fees
- ☐ Wastewater
- ☒ Sewer Fees
- ☐ Groundwater Fees
- ☐ Other: _____

TERM. This Water Provider Agreement shall be effective from the ____ day of _____, in the year _____, for a period not to exceed one year from the effective date, although the Parties can agree in writing to extensions for up to one additional year. Either Party may terminate this Water Provider Agreement by written notice. Such written notice of termination shall not affect any obligation by either Party incurred prior to the receipt of such notice.

NOTICE. Notice shall be sent via certified mail to the addresses below with return receipt requested.

City of Kingsville
(Water Provider Name)

P.O. Box 1458, Kingsville, TX 78364
(Water Provider Mailing Address)

(Water Provider Certificate of Convenience and Necessity # (CCN))

Kleberg County Human Services

(Agency Name)

1109 E. Santa Gertrudis

(Agency Mailing Address)

AGENCY REPRESENTATIONS. The Agency named above represents and warrants to Water Provider that it is an entity under contract with the Texas Department of Housing and Community Affairs (TDHCA) and as such is authorized and has received funding from the TDHCA to provide bill payment assistance service for eligible LIHWAP clients. In addition, the Agency further represents and warrants to Water Provider that it has determined eligible LIHWAP clients to be eligible under the LIHWAP guidelines. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection, or prevention of disconnection of service, and to pay either partially or in full an eligible LIHWAP client's current due water bill, known as "Eligible Costs" related to Water Services.

WATER PROVIDER'S REPRESENTATIONS. The Water Provider named above represents and warrants that it will apply any payments received from Agency to the eligible LIHWAP client's account related to Eligible Costs.

Both parties acknowledge that this Water Provider Agreement and the services provided by the Water Provider are governed by and subject to the federal and state laws and regulations in accordance with the LIHWAP.

AMENDMENTS. Any and all amendments to this Water Provider Agreement shall be in writing, approved by TDHCA, and agreed upon by both Parties.

WATER PROVIDER'S RESPONSIBILITIES. Water Provider will, with reference to an eligible LIHWAP client:

- Provide the Agency with at least one designated contact person who shall be available to respond by telephone and email to all reasonable inquiries regarding eligible LIHWAP clients and client accounts including but not limited to bills, payments, and services.
- Provide water services to each eligible and approved household for which payment is provided under LIHWAP.
- Extend the potential LIHWAP application for water services for up to ten calendar days while the Agency determines whether the potential LIHWAP applicant is eligible pursuant to the LIHWAP.
- Upon accepting payment from Agency for the eligible LIHWAP client, continue or restore water services to eligible LIHWAP client with no increases in charges, service charges or other charges or fees affecting the total cost of the bill, except as allowed by the stated tariff cost registered with the Public Utility Commission "PUC".
- In the event the Agency requires the eligible LIHWAP client to pay a portion of the bill prior to having a pledge made on their account on or before the disconnect date, as stated in the client's Disconnect Notice as required by PUC regulations, nothing in this agreement requires the Water Provider to delay a disconnect if the eligible LIHWAP client has not paid their required portion.
- Invoice the eligible LIHWAP client in accordance with Water Provider's normal billing practices.
- Upon verbal or written request from Agency, provide at no cost to the Agency the eligible LIHWAP client's billing and usage history for previous twelve months, or available history plus monthly estimates if less than twelve

months of billing history and usage is available. Water Provider will transmit such billing history via electronic mail or facsimile as soon as possible, but no later than forty-eight hours following the request.

- Work with Agency and eligible LIHWAP client to explore the feasibility of offering flexible payment arrangements that may include, without limitation, waiving security deposits, reconnect fees, application fees, and all other fees whenever possible.
- Not discriminate against eligible LIHWAP client in price or services, including the availability of deferred payment plans, level or average payment plans, discount, budget, advance payment or other credit plans.
- Not refuse to provide water service or otherwise discriminate in the marketing and provision of water service to any eligible LIHWAP client because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, level of income, disability, financial status, location of client in an economically distressed geographic area, or qualification for low-income or water-efficiency services.
- Allow Agency forty-five days from the date of pledge for assistance payment to forward payment to the Water Provider. Water Provider agrees not to consider the portion of the eligible LIHWAP client's account to be paid by the Agency delinquent if said payment is received within the above mentioned forty-five day period, and Water Provider is provided with a verbal or signed pledge from the Agency within forty-five days of identifying an eligible LIHWAP client.
- Not interrupt service if eligible LIHWAP client is eligible under PUC regulations, or other state agency regulations (as applicable), and enters into an agreement with the Water Provider concerning how the eligible LIHWAP client will pay the balance owed Water Provider and the eligible LIHWAP client is meeting the obligation under such agreement.
- If the Agency has paid for an initial deposit or similar refundable instrument, upon the termination of service to the eligible LIHWAP client, the Water Provider shall return funds including interest (after any balance owed) to the Agency in accordance with PUC regulations or 10 Texas Administrative Code §6.312(f) (as applicable).
- Not apply LIHWAP payments to account balances that have previously been written off or paid with other funds.
- Not apply LIHWAP payments to commercial accounts. LIHWAP payments must only be applied to residential accounts.
- Clearly enter, on LIHWAP household bills, the amount of LIHWAP payment(s) received in a manner which identifies the payment as received from LIHWAP or at least the amount paid by LIHWAP shown as credited.
- Continually maintain accurate records of LIHWAP credit balances and annually reconcile accounts. After one year, credit balances must be refunded to the Agency, in compliance with LIHWAP Water Provider Refund Policies.
- Not exchange the household's credit authorization for cash or give any cash equivalent for excess credit.
- Cooperate with any Federal, State, or local investigation, audit, or program review. Understand that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in the LIHWAP.
- Water Provider's application materials should include language that authorizes the Water Provider to release the applicant's information as described below to the Agency, Texas Department of Housing and Community

Affairs, Texas State Auditor's Office, Office of the Attorney General of Texas, U.S. Department of Health and Human Services, the U.S. Department of Health and Human Services Internal Auditor, or the designee of any of these governmental agencies.

- Data related to a eligible LIHWAP client's Water Services and payments must be provided within a timeframe specified by the Agency at no cost and must be provided in the format requested by the Agency. The data must be provided to the Agency for the purposes of verification, research, evaluation, analysis, and reporting. The eligible LIHWAP client's signed LIHWAP application will authorize the Water Provider to release this information to the Agency.

AGENCY RESPONSIBILITIES. The Agency will:

- Accept written referrals for LIHWAP benefits by the Water Provider, and evaluate whether the referral is eligible as an eligible LIHWAP client.
- Obtain written permission for Agency to request and have access to eligible LIHWAP client information, including confidential or personal account information, credit and payment history, from eligible LIHWAP client's seeking Agency assistance. Social Security numbers are not required for the LIHWAP program and may not be disclosed to Agency.
- Provide to Water Provider, at Water Provider's request, eligible LIHWAP client's written permission for Agency's access to eligible LIHWAP client's information as stated above.
- Review invoice(s) submitted by the Water Provider. The Agency may request additional documentation and/or clarification of charges as needed. No payment will be made without all required documentation/clarification of charges.
- Not provide payments on behalf of an eligible LIHWAP client to Water Provider without having adequate funds to pay such payments.
- Provide payment to the Water Provider after receipt of proper invoices, and any additional required documentation or clarification, for services rendered pursuant to this Water Provider Agreement, upon full compliance by the Water Provider with the terms herein within 45 days.
- Determine if a client is LIHWAP eligible within ten calendar days of contacting Water Provider.
- Provide Water Provider a list of names, telephone numbers and e-mail addresses of Agency staff designated to make payments on behalf of the Agency and eligible LIHWAP clients, if requested from Water Provider.
- Comply with all relevant state and federal laws and regulations in its implementation of the LIHWAP. Follow all supplemental terms and conditions as set forth by the U.S. Department of Health and Human Services. The Agency shall provide notice of any changes or amendments to policies or guidelines for the LIHWAP.

CONFIDENTIALITY. The terms of any confidential transaction under this Water Provider Agreement or any other information exchanged by the Agency and Water Provider relating to any transaction shall not be disclosed to any person not employed or retained by the Agency or Water Provider, their affiliates, or brokers, except to the extent disclosure is 1) required by law; 2) necessary to disclose to the other Party in connection with a dispute between the Parties; 3) otherwise permitted by written consent of the other Party; 4) required by guarantors to be disclosed; 5) information which must be disclosed to a third Party to transmit water; 6) to meet reliability council, regulatory, administrative, judicial, governmental, or regulated commodity exchange requirements where necessary; or 7) information which was or is hereafter in the public domain (except by breach of this Water Provider Agreement).

Authorized Water Provider Signature

Date

Mark McLaughlin

City Manager

Typed Name of Authorized Signature

Title

(361) 595-8002

Water Provider Telephone Number

m.mclaughlin@cityofkingsville.com

Water Provider Email Address

Becky Graif

Authorized Agency Signature

12/16/21

Date

Becky Graif

Typed Name of Authorized Signature

Office manager

Title

(361) 595-8572

Agency Telephone Number

rprado@co.kueberg.tx.us

Agency Email Address

AGENDA ITEM #3

City of Kingsville Parks & Recreation

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Susan Ivy, Parks Director

DATE: January 12, 2022

SUBJECT: Resolution authorizing the submission of a Texas Parks & Wildlife Department grant application for the Texas Recreational Trails Fund.

Summary:

This item is to consider a resolution authorizing the submission of a Texas Parks & Wildlife Department grant application; and authorizing the City Manager to act as the executive officer and Parks Director as authorized representative in all matters pertaining to the participation in the Texas Recreational Trails Fund – Grant Program. We also request the approval of the attached resolution authorizing the application and matching funds/in kind by the City of Kingsville.

Background:

The City of Kingsville intends to apply for the Texas Parks & Wildlife Department grant under the Texas Recreational Trails Fund. The application will be for up to \$300,000 of grant funds to carry out the creation of a public-use trail at Dick Kleberg Park. Parks staff has begun seeking funding to complete the priorities listed in the plan. One of the most requested projects is recreational trails. The installation of trail around the perimeter of DKP would be a great start to a new trail system in the park. It would provide an alternate running/walking place to Santiago Park Lane which at times contains heavy traffic. This section of trail would go along Escondido Road from East to West entrances of the park further along to Business 77, south behind the baseball fields and wrapping over to meet the existing trail along the creek. The trail would then resume at the end of the existing trail by the pier area and follow the road up by the Dog Park and over behind the Adult Softball Complex and back around to the loop road to run back to the Dog Park and return the way they came. Phase 2 of the Trail would allow for more trail to connect by the Dog Park and run up the middle of the big field area inside the loop road up all the way to Escondido Road and will include a cut over to the right in the middle to meet the trail coming from behind the Adult Softball Complex. While the Master Plan recommended the use of Decomposed Granite as did Texas Parks & Wildlife, the annual manpower, materials and chemicals to maintain a natural trail like that is not in our budget at this time. In addition to that reasoning is the cost of the trail installation. The Decomposed Granite was priced at \$75.00 per linear foot vs. \$25.00 per linear foot for the asphalt. We will get much more trail and more amenities for our dollar with the choice to use asphalt.

Financial Impact:

Funding provided by this program is on a cost reimbursement basis. If awarded, the City must initiate the approved project with our own funds and be reimbursed up to 80 percent of allowable costs after submitting documentation of expenses. The City would be responsible for a match amount of 20 percent of the total award equaling to \$75,000. The project total for Texas Parks & Wildlife grant will be \$375,000 with \$300,000 being reimbursed by TPWD and the rest matched by City funds/in kind labor.

Recommendation:

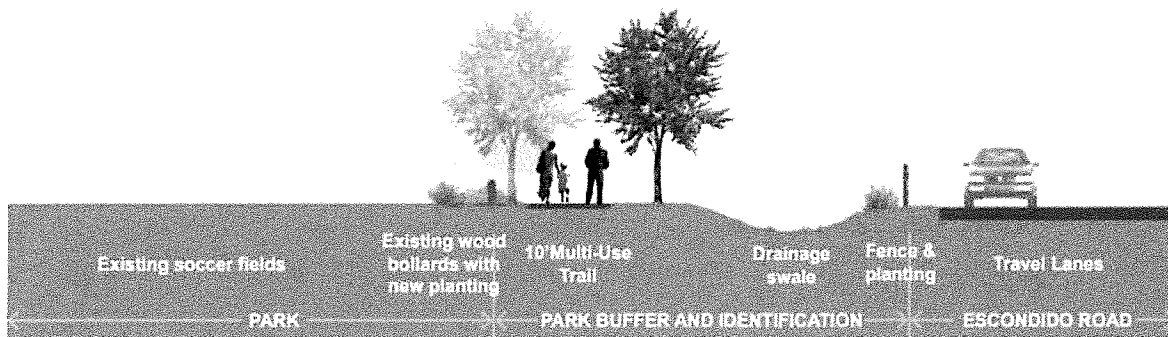
City staff recommends that the City Commission approve the resolution for the submittal of a grant application to TPWD Trails Grant Program requesting \$300,000 in funding and authorizing \$75,000 cash and in-kind labor and equipment as matching funds which could be offset by sponsors at a later date.

Dick Kleberg Park Trail Phase 1 Budget

Engineering Cost(12% of Total Constr. Costs)	TOTAL ENGINEERING COSTS	\$ 40,178.25
	APPLICATION GRANT TOTAL	\$ 374,997.00

unique to the park.

ESTABLISHING THE BOUNDARY FOR DICK KLEBERG PARK



Currently Dick Kleberg Park has a permeable boundary that detracts from the park's formality. Vehicles will park along the right-of-way on Escondido Road (or even encroach into play spaces), negatively impacting the drainage infrastructure and damaging ground cover. To improve this park boundary and make the park more accessible to pedestrians and bicyclists, a multi-use path and fencing is proposed to provide a defined park boundary and to discourage ad-hoc parking. This multi-use trail may connect to a city-wide trail system (see page 56). Roadside treatments within the park should also employ similar park boundary treatments.

RESOLUTION # 2022-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT'S TEXAS RECREATIONAL TRAILS FUND-GRANT PROGRAM FOR THE PURPOSE OF REQUESTING FUNDING FOR RECREATIONAL TRAILS AT DICK KLEBERG PARK FOR THE KINGSVILLE PARKS DEPARTMENT WITH AN ANTICIPATED \$75,000 MATCH; AUTHORIZING THE CITY MANAGER TO SUBMIT THE GRANT AND THE CITY PARKS DIRECTOR AS THE GRANT OFFICIAL TO ACT ON THE CITY'S BEHALF WITH SUCH GRANT PROGRAM.

WHEREAS, the Texas Parks and Wildlife Department (hereinafter "Department") has a Texas Recreational Trails Fund Grant Program (hereinafter "Program") that can provide monetary assistance for such improvements to public parks; and

WHEREAS, the City of Kingsville, Texas (hereinafter "City") adopted a Parks Master Plan on March 27, 2017 that contains projects for proposed improvements to all city parks, including Dick Kleberg Park, which is the site for the proposed improvements to be requested through the Program and the plan included the conceptual design for recreational trails at the park; and

WHEREAS, multiple people daily walk Santiago Park Lane and makeshift paths along roadways or in ditches at Dick Kleberg Park and a secure path would alleviate the safety concerns and may promote additional recreational use for improved fitness of our citizens;

WHEREAS, Dick Kleberg Park is a public park where the proposed permanent public park and recreational uses would be located; and

WHEREAS, the City is fully eligible to receive assistance under the Program; and

WHEREAS, the City is desirous of authorizing an official to represent and act for the City in dealing with the Department concerning the Program; and

WHEREAS, the City has in-kind services and/or funding to meet any required cash match for this grant; and

WHEREAS, the Kingsville Parks Department would like to apply for approximately \$300,000.00 in funding for recreational trails through the Program and has identified funding sources for parks improvements to meet the anticipated \$75,000.00 match with in-kind services and/or cash.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City certifies it is eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

II.

THAT the City certifies that the matching share for this application is readily available at this time.

III.

THAT the City hereby authorizes and directs the City Manager to submit a grant application and the City Parks Director as the grant official to act for the City in dealing with the Department for the purposes of the Program.

IV.

THAT the City specifically authorizes the official to make application and execute all contract documents and grant forms to the Department concerning the site to be known as Dick Kleberg Park in the City of Kingsville, Texas or use as a park site and is hereby dedicated for public park and recreation purposes in perpetuity or for the lease term if legal control is through a lease. Projects with federal monies may have differing requirements.

V.

THAT the City Commission approves the submission of a grant application for \$300,000.00 and approval of the grant agreement, if awarded, for the public park improvements in Dick Kleberg Park on behalf of the Kingsville Parks Department to the Texas Parks & Wildlife's Texas Recreational Trails Fund Grant Program on the City's behalf, with a match that is *anticipated* to be approximately \$75,000.00 which will be covered by in-kind services and/or cash.

VI.

THAT this Resolution shall be and become effective on or after adoption.

VII.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

PASSED AND APPROVED by a majority vote of the City Commission the 24th day of January, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #4

City of Kingsville
Planning and Development Services Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Uche Echeozo, Director

DATE: January 13, 2022

SUBJECT: Request for a Public Hearing on the submission of a Planning and Capacity Building Grant (PCB) from the Texas Department of Agriculture as part of the Texas Community Development Block Grant (TXCDBG) Program.

Summary: The Planning and Development Services Department of the City of Kingsville wishes to apply for a Planning and Capacity Building (PCB) Grant that would facilitate the review of the current Master Plan and the preparation of a Comprehensive Plan for the City of Kingsville. Consequently, a request is made for a Public Hearing geared towards engaging members of the community.

Background: The Planning and Development Services Department of the City of Kingsville is reviewing the current Master Plan that is overdue for a review with a view to preparing a Comprehensive Plan for the City. They had introduced the subject earlier during a presentation on the Master Planning Process in July 2020. In order to adequately fund this exercise, they wish to submit an application for a Planning and Capacity Building (PCB) Grant that gives a maximum of \$75,000 (with a 25% cash match) which would be employed in carrying out the relevant studies and some professional services needed in the plan preparation. A public hearing is part of the requirements needed to ensure members of the community are adequately briefed on the details of the plan.

Financial Impact: None.



City of Kingsville
Planning and Development Services Department

Recommendation: Approve the request for a Public Hearing.



RESOLUTION # 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE PLANNING AND CAPACITY BUILDING GRANT; 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.

WHEREAS, the City Commission of the City of Kingsville, Texas, (hereinafter referred to as "City of Kingsville") desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Kingsville to apply for funding under the Texas Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

1. That a Texas Community Development Block Grant Program application for the Planning and Capacity Building Grant is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Planning and Capacity Building Grant Fund.
3. That the application be for \$75,000 of grant funds to provide for services that include planning studies towards the preparation of a new Comprehensive Master Plan for the City of Kingsville.
4. That the City Commission directs and designates the Mayor, City Manager as the City's Authorized Representatives to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that the City of Kingsville is committing \$18,750 in cash for services that include planning studies towards the preparation of a new Comprehensive Master Plan for the City of Kingsville of this Planning and Capacity Building Grant Fund project.

7. That this Resolution shall be and become effective on or after adoption.
8. That all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

PASSED AND APPROVED by a majority vote of the City Commission the 24th day of January, 2022.

Sam R. Fugate, Mayor

ATTEST:

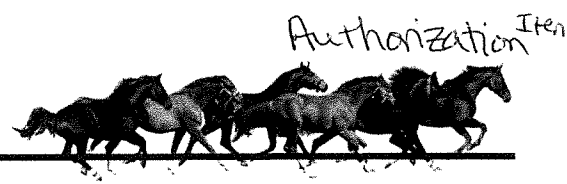
Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #5

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: January 11, 2022

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

Summary: Kingsville City Commission approved presenting sponsorship for the Wings Over South Texas Air Show in the amount of \$25,000 on November 22, 2021. Because this bi-annual event was cancelled due to the COVID-19 pandemic in 2020, causing a significant loss of revenue for our community, City Manager Mark McLaughlin has identified this expense as a potential use for ARPA funds based on loss of revenue in HOT funds in the 19-20 fiscal year. Funds began to decline in March 2020 and continued to show lower than average levels through January 2021.

The ARPA Revenue Replacement Calculator shows a revenue reduction of \$173,544. Tourism staff recommends a budget amendment from Intergovernmental Revenue (205-4-0000-94000) in the amount of \$173,544 for HOT revenue related losses.

At this point in time, staff recommends a total of \$58,000 in expenditures with ARPA funds, leaving a balance of \$115,544 for unidentified ARPA funds from tourism lost revenue. Staff will present future recommended expenditures to commission as they arise.

The City Manager has suggested up to an additional \$25,000 for other needs associated with the Wings Over South Texas Air Show such as comfort stations and port-a-potties for the event scheduled to be hosted at NAS-Kingsville on April 2nd and 3rd of 2022. Staff will request funding for these and other specific needs and expenditures as they arise.

Recommendation: The current recommended expenditures are:

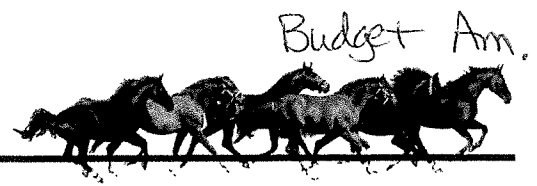
205-5-1071-31431 - Professional Services - Air Show - \$25,000

205-5-107152201 - Wayfinding Signs - \$33,000



AGENDA ITEM #6

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: January 11, 2022

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

Summary: Kingsville City Commission approved presenting sponsorship for the Wings Over South Texas Air Show in the amount of \$25,000 on November 22, 2021. Because this bi-annual event was cancelled due to the COVID-19 pandemic in 2020, causing a significant loss of revenue for our community, City Manager Mark McLaughlin has identified this expense as a potential use for ARPA funds based on loss of revenue in HOT funds in the 19-20 fiscal year. Funds began to decline in March 2020 and continued to show lower than average levels through January 2021.

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At this point in time, staff recommends a total of \$58,000 in expenditures with ARPA funds, leaving a balance of \$115,544 for unidentified ARPA funds from tourism lost revenue. Staff will present future recommended expenditures to commission as they arise.

The City Manager has suggested up to an additional \$25,000 for other needs associated with the Wings Over South Texas Air Show such as comfort stations and port-a-potties for the event scheduled to be hosted at NAS-Kingsville on April 2nd and 3rd of 2022. Staff will request funding for these and other specific needs and expenditures as they arise.

Recommendation: The current recommended expenditures are:

205-5-1071-31431 - Professional Services - Air Show - \$25,000

205-5-107152201 - Wayfinding Signs - \$33,000



ORDINANCE NO. 2022-_____

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE
ARP FUNDING FOR TOURISM REVENUE REPLACEMENT PROJECTS.**

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#10

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 205-Tourism ARP Funding					
<u>Revenues - 4</u>					
0000	Non Dept	Intergovernmental Rev	94000	\$173,544	
<u>Expenditures - 5</u>					
1071	Tourism Adm	Prof Svc-Air Show	31431	\$25,000	
1071	Tourism Adm	Wayfinding Signs	52201	\$33,000	

[To amend the City of Kingsville FY 21-22 Budget to appropriate ARP funding for Tourism revenue replacement projects. Funding will come from the ARP funding received.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of January 2022.

PASSED AND APPROVED on this the 14th day of February 2022.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

AGENDA ITEM #8

AGENDA ITEM #9