

JANUARY 24, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 24, 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
Deborah Balli, Finance Director
Joseph Ramirez, Engineers Assistance
Susan Ivy, Parks & Recreation Director
Janine Reyes, Tourism Director
Kwabena Agyekum, Senior Planner/Historic Preservation Officer

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 – January 10, 2022

Commissioner Lopez commented that at the previous meeting Mr. Lance Hamm addressed the Commission on agenda item #9 and during his presentation, he asked if his email could be included on the record. She further stated that when she looked at the minutes it is not included and there is a notation there and she is just trying to make sure that when they tell somebody that it will be included, that someone speaks up if it can't be included and let them know so they can do something else. she further stated that at this time she would like to, which can be done by....

Mayor Fugate commented to Commissioner Lopez to read the email into the record.

Commissioner Lopez responded that it is a long email and further stated that the assembly can order by majority vote and unanimous consent that documents be attached to the minutes and further commented that she thought this is something that could be done as attachment blank so that it will not have to be read all and this is through the Robert's Rules of Order and wished that somebody would have said something to him, as he went home thinking that it would be done, but then decided later that it was not going to be done and she doesn't think it was right.

Ms. Courtney Alvarez, City Attorney commented that they may be a miscommunication or a misunderstanding with regards to something being in the minutes versus something being in the record of the meeting. She further commented that you have the agenda packet and all the backup items and those are things that are records of the meeting, things that you evaluate and take into consideration when you make a decision. Ms. Alvarez further commented that he advised that he had sent out an email a couple of days after the agenda was posted and he wanted that to be considered a record of the meeting. His initial email that was sent before the agenda posting was included in the agenda packet as a record of the meeting. When he said that and advised that he had sent it everybody had acknowledged that they had received it then that still like something that had been in the agenda packet versus something that was read aloud which would be included in the minutes as we typically don't put things in the minutes unless they are orally stated at the meeting. If the Commission wants to make this an item and vote on it can be placed at the next meeting. As we don't have anything posted for that tonight it is not appropriate to vote on something that is not posted.

Mayor Fugate commented that he was under the impression that it would be attached and made as part of the records of the minutes. Fugate further commented that talking with the City Secretary, City Attorney, and City Manager is not the proper procedure. Mayor Fugate further asked Ms. Alvarez, as it was told that it would be done, we need to make his email that he wants to be part of the minutes, and get it done at the next meeting. Mayor Fugate asked Commissioner Lopez if this would satisfy her, Commissioner Lopez responded yes. Mayor Fugate further commented that he doesn't think that there was any ill will or intention to deny him that, it was just procedurally we were off, and it will get fixed.

Commissioner Lopez commented that she was fine with it, so long as it is fixed.

Motion made by Commissioner Hinojosa to approve the minutes of January 10, 2022, as presented, seconded by Commissioner Alvarez and Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

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).

Mayor Fugate read and opened this public hearing at 5:05 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

Mr. Uche Echeozo, Director of Planning & Development Services stated the Planning and Development Services Department would like to apply for a Planning and Capacity Building Grant that would facilitate the review of the current Master Plan and the preparation of a Comprehensive Plan for the City. The grant will be for water study on distribution and supply, thoroughfare study. The grant 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. The water will include a city-wide study that will address the water pressure and potability. The thoroughfare study systems planning will show connectivity and try to include trails in the Master Plan. Mr. Echeozo stated that the special activities sustainability appraisal is something new in which it will consider the social-economic environmental issues in all the aspects of the planning. The money needed is \$75,000 with a match of 25%, due to population size. He further stated that in-kind administrative services will be added which is worth approximately \$18,000.00.

Commissioner Torres asked if there was another grant, for the trails, that the city was applying for?

Mr. Echeozo responded that there is a grant that the city has already received.

Ms. Alvarez responded that the item on this agenda is for a trail within Dick Kleberg Park. The one that the Planning Director was alluding to is more of a city-wide trail dating back to 2018 when the Master Plan was done. There had been some discussion on connecting certain parts of the city so essentially having a large trail loop around town.

There being no further comments Mayor Fugate closed this public hearing at 5:10 P.M.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water, And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mr. Mark McLaughlin, City Manager reported that he will not be attending the Coastal Bend Council of Governments meeting scheduled for Friday, January 28th, as he will be in San Antonio meeting with Mr. Mike Cook regarding city health options. He further reported that ICSC Red River Conference has been delayed until the week before the airshow which is at the end of March.

Mr. Uche Echeozo introduced Mr. Kwabena Agyekum, the new Senior Planner/Historic Preservation Officer.

Ms. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for February 14, 2022, with a deadline to submit agenda items by February 4, 2022.

Commissioner Lopez asked if the rail at the park has been repaired? Mr. McLaughlin responded no. He further stated that the Engineering Department is assessing the damages. Commissioner Lopez further asked how long this will take? Mr. Rudy Mora, City Engineer responded that it should take two weeks.

Mayor Fugate commented that he would like a report on demolitions and what is lined up in the future. He further stated that he would like for Code Enforcement to give the Commission a presentation on what they are doing. A few events are coming, including the Blue Angels, and would like for city staff to tidy up the city. He also stated that the cleanup is done twice a year, he would like it done a week before the Blue Angels arrive in Kingsville and wants to know what the city is going to do about litter.

Presentation of a proclamation was made for Teen Dating Violence and Prevention Month for February.

IV. Public Comment on Agenda Items.³

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

Lisa Bockholt, 1411 E. FM 1717 commented that for the last five days she has been involved with an emaciated livestock situation that does not involve the city directly. She stated that it does involve the city indirectly because of the separation of the City/County Health Department, as far as the animal control aspects. She further commented that she is still learning but does not have all the answers and doesn't understand if there is some kind of a formal agreement. She further stated that we as leaders of both entities, City and County, need to figure out ways to work together. Because there has been a disconnect and it is no fault of any as animal control has done their job and the Sheriff's Department doing their job. She sees some disconnects and lack of communication and would like to see if everyone can do better as there is an innocent animal that is caught in the fray. When one or the other entity is saying that it is not their jurisdiction, they need to rely on each other and work together. She stated that there is a neglected horse situation and is in Kleberg County and she hopes that it is something that everyone can look at in the future as to how the animals that are in the county are being serviced, as she is not sure if they are. She further stated that as we just went through a freeze last week, everyone was concerned and she shuttered to think of the animals in the county and the city, they are doing a good job of taking care of the animals in the city but is not sure if the same is being done in the county. She doesn't know if the city is picking up animals in the county and housing them. She stated that when it comes to livestock there is a big gray area and right now the big gray area is a mare which is located at the corner of 1030 and 2140 and it is atrocious of what happened in the last five days. She is working with the Sheriff's Department and County Judge and just wants to put this out and try to figure out some ways to work together for the good of the animal and make it about the animal and figure out ways to work together.

Dianne Leubert, 715 W. Nettie stated that she would like to share some pictures with the Commission. She stated that she receives calls from all over because of the following letter she is going to write and unfortunately, people are afraid of retaliation and being bullied by city officials. She further read a letter she received which states the following: Hello Dianne, I have attached pictures of the neighbor's dog that showed up on another neighbor's porch last night before the freeze. Lots of people in my neighborhood are coming together because they see how wrong all of this is. Before the law kicked in, on January 18th, she called animal control and told them about the dog that was tied up in the front yard on a very short leash/rope with no food or water, no love or attention, and left in the cold. They sent a unit and said the dog was fine and not malnourished. At 10:30 p.m. 1 a.m., the neighbors built a house to act like they were complying with the law that would kick in the following day. The house has a cardboard roof. I called animal control and the cops on the 18th the day the law became effective, and they said the rope was fine even though it clearly was not 10 feet. Again, yesterday before the freeze, another neighbor called the cops. Cops came to check on

the dog, had a long talk with the owner, and did nothing, which we all know they can't at this point. It didn't see the embedded rope and blood. A little later when I messaged you, another neighbor said the dog was loose so she took it inside because they were sure it wasn't going to even if they lied to the cops saying that they would. That's when she took these pictures of the neck and cleaned up the blood. The lady kept the dog overnight to get a picture of her on my driveway and now she's gone. The neighbor said she and her daughter took a walk not long ago and saw two more dogs in the backyard in a small pen surrounded by trash. These people are not fit to have dogs because they are being abused and neglected and in horrible conditions. She further stated that there is a Texas State Law that addresses negligence, food, water, and all that stuff. It affects the State. It supersedes the city, takes care of the Sheriff's Department, Police Department, and Animal Control, which a lot of individuals are not aware of it. She further commented that they have a Beeville cruelty situation and why they are getting them she is not sure, maybe because they are acting on them.

Lance Hamm, 912 South Creek commented that he would like to thank the Commission for approving the resolution for the 45mph speed limit for the service road on US 77. He further commented that he was speaking on behalf of petition signees, as the organizer for that petition, South Creek Subdivision, and Nature's Own RV Park, and thanks to the city for signing that resolution. He further stated that he knows that the County has signed their resolution as well as Ricardo ISD to which everyone is on board. He further commented that he was happy to hear Mayor Fugate's comments at the end of the previous meeting. He stated that the mayor is very enthusiastic about the safety of the residents on the highway. He stated that after the mayor's comments, he thought Mayor is on board and is passionate about it and all the City commissioners are on board with County and Ricardo ISD on board as well and thought that he could relax a bit and let it roll out, but that is not what he is hearing. He stated that he is here now and hoping that the mayor's idea about putting out an ordinance for 45mph was going to be presented at tonight's meeting, disappointed that it is not on the agenda. He commented that it seems that somebody is not onboard. He further stated that TxDOT has a procedure for this to go through. If the procedure is not used, it will not go through. TxDOT will put what they want and the city, county, and school board won't get what they want. The procedures have to be followed and until TxDOT gets that in their procedures, saying that the City of Kingsville is serious at this time and will not put up with crashes and injuries this time, they will not listen to us. He further commented that we have to follow the procedures. It's an interim speed limit study, which he is aware of, as he has been speaking with America Garza from TxDOT since the summer about the very same thing he is speaking about now, she has to do her study. The city has to make it clear to TxDOT that it wants 45mph and they have a procedure so let's use it and tell TxDOT that this time they will not get away with injuring any of our residents due to their speed being too fast. He further commented that the next crash that occurs at this location will hopefully be at 45mph or less and not 55mph which is what is hurting and killing people is the speed of the vehicles.

Jessica Gilliam, 1301 E. Caesar Ave. Apt. D commented that in addition to what Mrs. Leubert was commenting, there are people that are afraid as Animal Control told them that any animal that was picked up was going to be put down due to them being full. She further stated that the question was, were there animals left outside during this bad weather when they were being told that they couldn't bring in any more animals. She further commented that as KAA alone, they have transported 40 dogs out of the area as of today. They had 11 more come in and 4 more puppies that came in today which puts them at 56 as an organization. She further stated that they want to know how they can continue to help these animals without being backed.

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 to approve the consent agenda as presented, seconded by Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

1. Motion to approve the 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).

Mrs. Deborah Balli, Finance Director stated that Kleberg County Human Services has secured funding to provide a water assistance program for clients that meet the criteria and are eligible for funds from this program. The only financial impact would be the waiving of late fees for those individuals that qualify as funds would be received later than the due date.

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into a Low-Income Household Water Assistance Program "Water Provider Agreement" with Kleberg County Human Services, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

3. Consider a resolution authorizing the City to apply to the Texas Parks and Wildlife Department's Texas Recreational Trails Fund-Grant Program to request 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).

Mrs. Susan Ivy, Parks & Recreation Director stated that this is for consideration of a resolution authorizing the submission of a Texas Parks & Wildlife Department grant application. Staff also request the approval of this resolution authorizing the application and matching funds and in-kind by the City. 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. It will provide an alternate running and walking place to Santiago Park Lane which at times contains traffic. This section of trail will 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. While the Master Plan recommends the use of decomposed granite as did Texas Parks & Wildlife, the annual manpower, materials, and chemicals to maintain a natural trail like this, is not in the city's budget at this time. The decomposed granite is priced at \$75.00 per linear foot vs. \$25.00 per linear foot for the asphalt, which is what is being proposed by staff. The city can get much more trails and more amenities for their dollar with the choice to use asphalt. Funding provided by this program is on a cost-reimbursement basis. If awarded, the city must initiate the approved project with their own funds and be reimbursed up to 80% of the allowable costs, after submitting documentation of expenses. The city would be responsible for the match amount of 20% 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 and in-kind labor.

Commissioner Alvarez asked if the match of \$75,000 would be paid from this budget? Mr. McLaughlin responded no; it will be in the next fiscal year's budget as the city would be notified until late summer if it is awarded the grant but will be from the general fund.

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

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).

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

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).

Ms. Janine Reyes, Tourism Director stated that on November 22, 2021, the City Commission approved sponsorship for the Wings Over South Texas Air Show for \$25,000. Due to COVID-19, the event was canceled causing a significant loss of revenue for our community. She further commented that it has been identified this expense as a potential use for ARPA Funds based on loss of revenue in HOT funds in the 19-20 fiscal year. The ARPA Revenue Replacement Calculator shows a revenue reduction of \$173,544. Tourism staff recommends a budget amendment for \$173,544 for HOT revenue-related losses, \$58,000 in expenditures, and \$115,544 for unidentified. The amount of \$58,000 is for professional services to the air show for \$25,000 and wayfinding signs for \$33,000.

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

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).

Introduction item.

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).

Mayor Fugate read agenda items 7 and 8, Executive Sessions, and convened the meeting into executive session at 5:45 p.m.

Mayor Fugate reconvened the meeting into an open session at 6:20 p.m.

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).

Mayor Fugate read agenda items 7 and 8, Executive Sessions, and convened the meeting into executive session at 5:45 p.m.

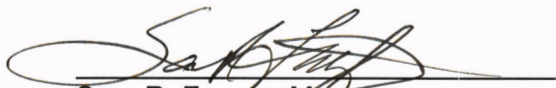
Mayor Fugate reconvened the meeting into an open session at 6:20 p.m.

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

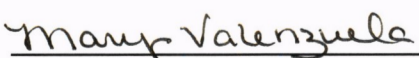
No discussion or action was taken on agenda item #9.

VI. Adjournment.

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


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary