

FEBRUARY 14, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 14, 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:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Juan J. Adame, Fire Chief
Uchechukwu Echeozo, Director of Planning & Development Services
Rudy Mora, Engineer
Ricardo Torres, Police Chief
Diana Gonzales, Director of Human Resources
Bill Donnell, Public Works Director
Deborah Balli, Finance Director
Joseph Ramirez, Engineers Assistance
Susan Ivy, Parks & Recreation Director
Janine Reyes, Tourism Director
Charlie Sosa, Purchasing Manager
Nicholas Daniels, Building Official
Mary Ann Trejo, Code Enforcement Officer
Kristina Phillips, Code Enforcement Officer
Mike Mora, Capital Improvements Manager

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 24, 2022

Motion made by Commissioner Alvarez to approve the minutes of January 24, 2022, as presented, seconded by Commissioner Torres. The motion was passed and approved by the following: Hinojosa, Alvarez, Lopez, Torres, Fugate voting “FOR”.

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

1. Public hearing on request to rezone Hoffman Addition, Block 7, Lots 17-19, also known as 200 block E. Miller, Kingsville, Texas from C4 (Commercial District) to R1 (Single-Family Residential District). William Dove & Associates LLC, applicant; Chuck Cramer, owner. (Director of Planning & Development Services).

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

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

Mr. Uchechukwu Echeozo, Director of Planning & Development Services stated that a Planning and Zoning Commission meeting was held on January 26th where all members voted to approve the recommendation for a rezone of said property from C4 to R1. Letters were mailed out to neighbors; city staff received no feedback.

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

2. Public hearing on request to replat Hoffman Addition, Block 7, Lots 17-19, also known as 200 block E. Miller, Kingsville, Texas. William Dove & Associates LLC, applicant; Chuck Cramer, owner. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:04 P.M.

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

Mr. Echeozo stated that Planning and Zoning Commission met on January 26th where all members voted to approve the recommendation for a replat of said property. Letters were mailed out to neighbors; city staff received no feedback. This replat will enable the applicant to carry out housing development that complies with the emerging zoning.

Mayor Fugate asked how many houses would be built. Mr. Echeozo responded three homes.

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

3. Public hearing on request to replat Flato, Block 18, Lot E/2, also known as 602 W. Nettie, Kingsville, Texas. Luis E. Ramirez, applicant; LOK Investments, LLC, owner. (Director of Planning & Development Services).

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

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

Mr. Echeozo stated that the Planning and Zoning Commission met on January 26th where they voted to approve the recommendation for a replat of said property into three lots. Letters were mailed with staff receiving one feedback from a lady who needed clarification on certain aspects of the application. Another citizen had some concerns about the closeness of the proposed development to his property. He was advised to check at the building permit stage but usually, the relevant setbacks would be implemented.

There being no further comments Mayor Fugate closed this public hearing at 5:06 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.”***

Ms. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for February 28, 2022. The deadline for staff to submit their agenda items is February 18, 2022. Ms. Alvarez further stated that as per the City Manager's recommendation, he would like for no discussion or action to be taken on agenda item #16 as he would like to be in attendance for this discussion and let the Commission know about his selection process. She further mentioned the following events: City office closed on Monday, February 21st in observance of President's Day; Trash-Off scheduled for March 26th; and Wings Over South Texas (Blue Angels) April 2nd and April 3rd.

Mr. Echeozo gave an update/presentation on Code Enforcement. He stated that the Code Enforcement goals are to make the City of Kingsville a safer and cleaner place to live, through a cooperative effort between the city and its citizens. To provide prompt, courteous, and professional service. To gain willing compliance through the voluntary effort of citizens. Current concentration areas are high grass/weeds, junked vehicles, outside placement, trash out too early, illegal dumping, and dilapidated fences and structures. He further stated that two structures were demolished last week. There are three demolished scheduled for March 1st and two condemnations complete and ready for City Commission approval. There is one property pending with the Historical Development Board. There are 94 properties with absentee owners to which there is a need for an ordinance to address vacant properties. The resource challenge is that the city currently has only two Code Officers addressing a city of about 26,000 population, with a building

inspector assisting periodically. The department has two filed operators but is down to one. He further stated that this division is in dire need of extra help.

Mayor Fugate commented that he appreciates the hard work that the Code Enforcement Division does. He further asked how many notices are sent out to residents?

Ms. Kristina Phillips, Code Enforcement Officer responded that due to COVID letters cannot be sent out as they are not getting signatures on certified mail which is required by law to continue the abatement process. What they are having to do is placard properties. After the property is placard then a letter can be sent. She stated that her department does about 50 letters per week and average about 25 cleanups per week. On peak season the average is about 40 cleanups per week.

Commissioner Alvarez asked for the protocol on taking out the rollout for sanitation services.

Ms. Phillips commented that rollouts can be placed out for service the night before the scheduled services date or before 7:00 a.m. on the scheduled day for service. The rollout would also need to be brought back in before 7:00 p.m. on the day of service.

Mr. Bill Donnell, Public Works Director gave a brief update on the streets. He stated that to add to the question about rollouts, if a citizen puts their rollout out on the street on a non-scheduled time and it gets damaged, it's on the property owner. If the rollout is out on the day for service and gets damaged by a vehicle, the city will be forgiven for that. The cost for a damaged rollout is \$95. Mr. Donnell continued with his presentation of the streets. He stated that two blocks on 9th street were sealed today and will continue tomorrow. The streets that are being prepared for seal coating are Mesquite and Avenue D from 6th to 14th Street. While this is going on, work orders for patching and mowing are still being taken care of. He further stated that staff is sweeping in Zone 7 with curb and gutter cleaning. Staff is also checking stop signs and trimming blind spots. Brush zone 3 was just started and once Zone 4 is started staff will schedule the demolishing of 1205 E. King. Mr. Donnell stated that the new Recycle Center located at Public Works should be up and running within about two weeks. Public service announcements will be made to notify the community of the new location.

Commissioner Torres commented that she recently visited a site where the patching of potholes was taking place. She hadn't realized the steps that needed to be taken for patching a pothole. Commissioner Torres further thanked city staff for their excellent work.

Deborah Balli, Finance Director stated that the Quarterly Report and Investment Report will be handed to the City Commission at the next City Commission meeting as the City Manager likes to make the presentation on those reports. She further reported that the Auditors have started their work and are 100% working on the city's audit. Mrs. Balli stated that a 30-day extension will probably be requested on a timeline from GFOA.

IV. Public Comment on Agenda Items.³

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

Mrs. Mary Valenzuela, City Secretary read the following public comment submitted by Mr. Lance Hamm, 912 South Creek, Kingsville, TX.: To All Kingsville and Kleberg County Traffic Safety Stakeholders including Kingsville City Commissioners, Mayor, and other City Officials; Hello to all. The time to act is coming up at the Kingsville City Commission meeting on 14Feb2022 and subsequent February/March meetings. I am hoping that, after all the talk about saving lives on US77, the Kingsville City Commissioners will have a first reading and then pass a city ordinance at the second reading for a regulatory speed limit of 45mph (maximum) on all US77 service/frontage roads, during construction and after construction has completed, within the Kingsville city limits. As previously discussed, and as the TxDOT documents have shown, a city has the authority to establish construction regulatory speed limits (and cities are "encouraged" to do so). Please, Commissioners, act to save lives and act on the mayor's (publicly stated) proposal to set 45mph as the regulatory speed limit on US77 frontage roads. Thank you all for your service to our community. Respectfully, Lance D. Hamm, Citizen Traffic Safety Advocate, 912 South Creek, Kingsville, TX.

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 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).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Hoffman Addition, Block 7, Lots 17-19, also known as 200 block E. Miller, Kingsville, Texas from C4 (Commercial District) to R1 (Single-Family Residential District). (Director of Planning & Development Services).

Introduction item.

3. Consider replat of Hoffman Addition, Block 7, Lots 17-19, also known as 200 block E. Miller, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Lopez to approve the replat of Hoffman Addition, Block 7, Lots 17-19, also known as 200 block E. Miller, Kingsville, Texas, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

4. Consider replat of Flato, Block 18, Lot E/2, also known as 602 W. Nettie, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Alvarez to approve the replat of Flato, Block 18, Lot E/2, also known as 602 W. Nettie, Kingsville, Texas, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

5. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's Criminal Justice Grant Program, FY2023; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the Kingsville Police Department is applying for an Eagle One Dispatch Console that is custom-built on-site. The console has an adjustable work surface with Axys Control System with fan, heat, task lighting in the amount of \$20,159.51. The grant does not require a cash match.

Motion made by Commissioner Lopez to approve the resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's Criminal Justice Grant Program, FY2023; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend funding from the Homeland Security Grant-Operation Lone Star #4385701 for police equipment. (Police Chief).

Chief Torres stated that the Kingsville Police Department was awarded a grant of \$248,696.03 to provide equipment and supplies in support of Operation Border Star activities. The grant is a reimbursement type and does not require any cash match.

Introduction item.

7. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate unspent grant funds for the purchase of medical equipment and supplies. (Fire Chief).

Mr. Juan J. Adame, Fire Chief stated that this item is for approval to carry over surplus funds from a grant from the Coastal Bend Regional Advisory Council for \$8,363. This grant will be used to purchase medical equipment and supplies.

Introduction item.

8. Consider awarding request for qualification (RFQ #22-10) for professional engineering services for drainage improvements at Paulson Falls Subdivision as per staff recommendation and authorize staff to negotiate a contract for same. (City Engineer).

Mr. Rudy Mora, City Engineer stated that on January 25, 2022, the city received responses to Request for Qualifications (RFQ) for engineering services for drainage improvements at Paulson Falls Subdivision that will be financed through the Texas Water Development Board, if funding is awarded to the city. The RFQ needs to be awarded and a contract negotiated with the engineering firm. The city received one Statement of Qualification which was from International Consulting Engineers (ICE). The Evaluation Committee reviewed the Statement of Qualification and recommends the RFQ be awarded to ICE. Once done awarding professional engineering services, the next step is to negotiate a contract.

Motion made by Commissioner Alvarez to approve awarding request for qualification (RFQ #22-10) for professional engineering services for drainage improvements at Paulson Falls Subdivision as per staff recommendation and authorize staff to negotiate a contract for same, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Section 3-Traffic Control Devices, providing for the authority to place a stop sign on Johnston Street at its intersection with 12th Street for eastbound traffic. (City Engineer).

Mr. Mora stated that Lamar Elementary has been closed since June 2009. On the south side of the school is an existing one-way street that begins at the intersection of 12th Street and E. Johnston Ave. due west to the intersection with 11th Street then is due south and ends at the intersection of 11th Street and E. Doddridge Ave. When the school was in service, a one-way flow of traffic was deemed safer for the public. In the time since the school has been closed, the public has been using the road for two-way traffic. The proposed ordinance change will allow the ordinance to mirror actual usage and enhance safety by adding a stop sign. Mr. Mora further stated that this ordinance will change the traffic flow on existing one-way streets into two-way streets. If the ordinance is approved the Streets Division will need to remove the existing One-Way sign at the intersection of 12th Street and E. Johnston Ave., remove the Do Not Enter sign at the intersection of 11th Street and E. Doddridge Ave., and install a new stop sign at the intersection of 12th Street and E. Johnston Ave. for eastbound traffic.

Introduction item.

10. Consider authorizing expenditure of ARPA Loss of Revenue Funds for park projects. (ball fields #4&6 sidewalks and splash pad holding tank repairs). (Parks Director).

Mrs. Susan Ivy, Parks Director stated that this is a request for use of ARPA funds authorized by loss of revenue calculations for the Parks & Recreation Department during COVID closures. Calculations prepared by the Finance Director total \$92,753.00. Staff is asking for up to \$41,105.38 to install sidewalks at the newly renovated Ball Fields #4 and #6 and to replace the failed holding tank at the Splash Pad located at Flores Park. The sidewalks at the ball fields were not a part of the grant as they don't provide recreation but are necessary to comply with TDLR Handicap Accessibility regulations. The Splash pad Tank failed for unknown reasons and is not under warranty, so the responsibility lies with us to replace and repair it. Mrs. Ivy further stated that they also may be able to get some of the digging out of the tank done in-house which could save some funds as well. For these reasons, staff is asking for a \$5,000.00 cushion in funding approval which if not spent on the splash pad repair would be used for other projects approved in future requests. These expenditures would not affect General Fund and would expend up to \$41,105.38 of ARPA Loss of Revenue funds for Parks & Recreation.

Commissioner Torres asked if sidewalks would be built near fields? Mrs. Ivy responded that sidewalks would go from the dugout, pass the bleachers, and onto the handicap parking area.

Motion made by Commissioner Lopez to authorize expenditure of ARPA Loss of Revenue Funds for park projects. (ball fields #4&6 sidewalks and splash pad holding tank repairs), seconded by Commissioner Torres. The motion was

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

11. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate ARP funding for Parks revenue replacement projects. (ball fields #4&6 sidewalks and splash pad holding tank repairs). (Parks Director).

Introduction item.

12. Consider authorizing the purchase of John Deere mowing equipment for the Golf Course from Austin Turf and Tractor via BuyBoard as per staff recommendation. (use ARP funds) (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the purchase of a new miscellaneous John Deere Mower Equipment for the Golf Course from Austin Turf and Tractor. The existing mower is 5 plus years old and has been in for repairs frequently. Funds are available through a budget amendment to the General Fund with ARP funds of which \$224,141.53 are available. It is staff's recommendation to purchase this equipment from Austin Turf and Tractor through BuyBoard Purchasing Cooperative Contract #611-20 for the City of Kingsville Parks Department.

Ms. Courtney Alvarez, City Attorney stated that there is an increase of a little over \$3,000 for this purchase, from the time this item was posted on the agenda.

Motion made by Commissioner Alvarez to authorize the purchase of John Deere mowing equipment for the Golf Course from Austin Turf and Tractor via BuyBoard as per staff recommendation. (use ARP funds), seconded by Commissioner Lopez.

Commissioner Torres asked if this had a warranty? Mr. Sosa responded yes.

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

13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate ARP funding for golf course equipment. (Finance Director).

Introduction item.

14. Consider authorizing staff to proceed with identifying funding sources for water meter replacement project. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that it has been identified that replacing our current water meters is necessary due to the failure rate and the remaining life expectancy of the current meters. Finance has located several companies that have a product that will be more closely reviewed, and their replacement costs will be determined. There are several funding sources that staff plans on looking into such as the Texas Water Development Board, grant opportunities, and the use of \$1 million of ARP funding. Mrs. Balli further stated that once staff receives authorization to begin searching for funding for the project, staff will move forward to identify the company with the best product for the city, determine its cost, and identify funding sources available.

Motion made by Commissioner Torres to authorize staff to proceed with identifying funding sources for water meter replacement project, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

15. Consider out of state travel to Mobile, Alabama for Mayor and City Manager to attend USS Kingsville keel-laying with travel from February 22-24, 2022. (City Manager).

Mayor Fugate commented that although he would have liked for all the Commission members to attend this important event, the U.S. Navy has limited the number of attendees, which would only allow the Mayor and City Manager to attend.

Commissioner Hinojosa asked if the travel would be reimbursed by the U.S. Navy. Mayor Fugate responded no.

Motion made by Commissioner Alvarez to approve out of state travel to Mobile, Alabama for Mayor and City Manager to attend USS Kingsville keel-laying with travel from February 22-24, 2022, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

16. Consider appointing five local businesspersons to Economic Development Grant Administrative Board for two-year terms. (City Manager).

No discussion or action was taken on agenda item #16.

17. Consider amending January 2022 minutes to add a document as exhibit one. (Commissioner Lopez).

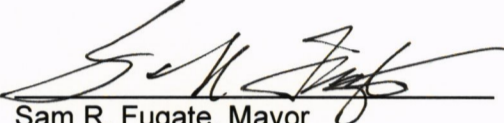
Mrs. Mary Valenzuela, City Secretary stated that she needed some direction from the City Commission on whether the email received by Mr. Lance Hamm dated back January 8, 2022, would be added to the minutes of January 10th or January 24th in its entirety.

Mayor Fugate and Commissioner Lopez both stated that the entire email received from Mr. Hamm dated January 8th was to be included in the minutes of January 10, 2022, as Exhibit One.

Motion made by Commissioner Alvarez to amend the January 10, 2022 minutes to add a document as exhibit one, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

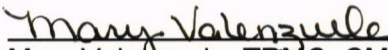
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:46 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary