

APRIL 25, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 25, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Hector Hinojosa, Commissioner
Sam R. Fugate, Mayor
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
Derek Williams, IT
Ricardo Torres, Police Chief
Emilio Garcia, Health Director
Bill Donnell, Public Works Director
Charlie Sosa, Purchasing Manager
Rudy Mora, City Engineer
Juan J. Adame, Fire Chief
Susan Ivy, Parks & Recreation Manager
Deborah Balli, Finance Director
Uchechukwu Echeozo, Director of Planning & Development Services
Kobby Agyekum, Senior Planner/HPO
David Solis, Risk Manager
Joseph Ramirez, Engineers Assistant

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with all five City Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – April 11, 2022

Motion made by Commissioner Lopez to approve the minutes of April 11, 2022, as presented, seconded by Commissioner Hinojosa. 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 regarding request to rezone Kingsville 25 Acres Ltd, Lot Tract A, 7.17 acres, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business District) to C2 (Retail District). John Culpepper on behalf of Alpha Lake Ltd., authorized applicant for Kingsville Retail Group, owner. (Director of Planning & Development Services).

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

Mr. Uche Echeozo, Director of Planning and Development Services stated this request is for a rezone of 7.17 acres from C3 to C2. The rezone application is for all of Tract A, even though the applicant only needs a small portion, 0.489 acres, of the Tract to join Tract G, which is the adjacent property. The applicant is looking at replating a portion of the property ceding some land to add to the adjacent property that is currently zoned C2.

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

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

2. Public Hearing on request to replat Kingsville 25 Acres Ltd, 0.489 acres of Tract A and Kingsville 25 Acre Ltd, 12.96 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas. (Director of Planning & Development Services).

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

Mr. Echeozo stated 0.489 acres is the portion that the requestor would like to move to the adjoining property.

Mayor Fugate asked what is the reasoning behind this rezone?

Mr. Mark McLaughlin, City Manager responded that this is the piece of property that Tractor Supply sits on, but wraps around the Shoe Department, Dollar Tree, and Hobby Lobby. Hobby Lobby built a commercial access ramp and when this was built Hobby Lobby thought they were keeping it on their property but went into the Tractor Supply property. He further stated that the Culpepper's worked with the owners of Tractor Supply to purchase the small piece of land where the ramp has already been built so that they won't have to redo their loading dock. To get this done, the property would need to be zoned the same.

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

There being no further comments Mayor Fugate closed this public hearing at 5:07 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. McLaughlin reported that the Finance Department has completed the first annual ARP Funds report which is a requirement as per the State.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled City Commission meeting will take place on Monday, May 9th, 2022. The deadline to submit agenda items for this meeting is Friday, April 29, 2022.

Commissioner Hinojosa commented that it is nice seeing all the attendees at this meeting and would like to see this many people attend future meetings.

Commissioner Alvarez and Commissioner Lopez commented that they would like to thank Mrs. Susan Ivy, Parks Director, and Ms. Janine Reyes, Tourism Director, and their staff for all the hard work that went into organizing this weekend's event, La Loteria Festival. The festival was very well attended, despite the heavy winds.

Mayor Fugate presented three proclamations; H.M. King High School Boys Golf Team and Santa Gertrudis Academy Boys Golf Team for advancing to the State Tournament and presented a proclamation for Public Service Recognition Week. Both members of the Golf Teams were present to receive their proclamation.

IV. Public Comment on Agenda Items.³

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

Mrs. Lisa Bockholt, 1411 E. FM 1717 commented that she is celebrating her 33rd year of residency in this community and is proud of being in this community for that long as it was not the plan. She stated that she has been in this community for a long time, and everyone knows her as a former business owner, Chamber of Commerce member, and an animal advocate as well as a local volunteer on many levels. She currently serves as Chairperson for the Nueces County Animal Services Advisory Board and has been personally appointed by Corpus Christi Mayor Paulette Guajardo to her personal Mayoral Ad Hoc Committee on animal welfare. She stated that this is a passion of hers and is something that she is very involved in, not only here locally, but throughout the

Coastal Bend. She is here tonight because she feels that our local animal shelter, her hometown, her community, in which she lives and pays taxes and cares about deeply. She further commented that she feels as if it is in crisis mode. She further stated that 51 dogs are housed in an outdated facility that has very small kennels which don't have access to the outdoors. This means that sometimes multiple animals have to be housed in these kennels which makes it very difficult for the staff to sanitize. She further stated that it is stressful for the animals and the employees and further stated that the employees work hard and do an amazing job with the tools that they have been given. Mrs. Bockholt further commented that the problems with our local animal shelter have are, first and foremost, and wants to be very clear about this, is because of the irresponsible citizens of this city and this county and to be clear if people would be responsible pet owners there wouldn't be 51 dogs crammed into less than adequate shelter conditions. She further commented that the result is that unfortunately all of us, responsible tax-paying citizens, are burdened with a full shelter, and our tax dollars are being used to house dogs for extended stays periods of time. It is not our city's fault that there is a stray and unwanted pet problem. But she does believe that the city can better manage the operations so that animals can be moved out faster and don't create such a backlog. Currently, some of the things she feels are lacking and where we could do better is that there is not a full-time live release position that focuses on getting the animals out in very short order. There is very little to no community outreach programs such as education, special events to promote adoptions or assistance in helping pet owners to rehome. There are really and truly no results-driven marketing programs in place as we all know the low spay and neuter options vaccination programs are not offered through the shelter or the city. She further commented that the shelter adoption screening protocol in her personal opinion and with her experience level very weak with no formally established volunteer support program. Reducing the length of stay should be the top priority along with an incorporation of a managed intake program in keeping with best practices standards and shelter management. Emphasis must be placed on full-time live release and rescue coordination efforts utilizing proven results-driven techniques. She further commented that she believes that everyone on the Commission clearly understands that our community has a stray and unwanted neglected problem and does not need to be hashed out. She also believes that we can all agree that the animal control facility was originally designed as a holding facility, aka dog pound, and is outdated and no longer meets the needs of the community, but more importantly, she believes that this commission wants solutions, as well as the communities, help to solve the stray and unwanted problem. She further commented that she is asking for the consideration of establishing an Ad Hoc Committee with a specific assignment to present recommendations and specific solutions to this commission for immediate implementation because action needs to be taken sooner rather than later. Mrs. Bockholt further commented that in her time here she has never seen this shelter so full, and she dates back to when Yvonne was in charge.

Ms. Sandra Rideout-Hanzak, 1530 Virginia Ave. commented that she would like to comment about the animal shelter. She stated that the current system, for whatever reason, is not working and needs immediate reform. She further stated that the last time they were here they were told that it was the culture and what can they do. She commented that it is the culture here and that is the problem. She stated that they are asking for some change and the change must come from the top and it's not the city's fault that they have a stray problem; It is the fault of irresponsible owners. She further commented that the only thing that will change, is some changes from the top down. She further stated that she is asking for ordinances, spay and neuter ordinances that will force people to be responsible. She further stated that one thing that would back that up and be a nice compliment to that is a low-cost spay and neuter program. She further commented that it's very important to have a dedicated individual to liaise between shelters and rescues. She also commented that these animals are not going to be adopted out in the shelter as people don't want them. The community has more than it can take, and they are not going to be adopted out, they need to go into rescue, so there needs to be someone to liaise with the rescues. She further commented that she asks that an ad hoc committee be formed so that they may work on these ideas and other ideas as there are a lot of great ideas out there, but there needs to be a committee to work on them.

Mrs. Mary Valenzuela, City Secretary read two public comments received from Ms. Laura Jimenez, 915 E. Mesquite, and Ms. Brigette Ramirez, 600 General Cavazos Blvd. #605. The comment read as followed:

Ms. Laura Jimenez, 915 E. Mesquite, Kingsville, TX. The reason for rezoning is that I eventually would like to build a duplex on the empty lot for rental purposes. I can't give an exact date as to when that will happen. There are steps I need to follow per city ordinance. After rezoning, I will need to file a petition to replat the area. If I am able to build a duplex, my intention is to hire a local property manager to manage the property. I have already spoken to someone. I will rent the duplex to anyone who will pass the

application process provided by the property manager. I know there was a complaint about only one trash can being available. The other property on 917 east Mesquite currently does not have a renter therefore there is no trash can! As for the tenant residing on 915 East Mesquite, I have already spoken to the tenant about the complaints I received from the neighbor. She is fully aware of the trash days and she will make every effort to make sure she puts her trash can out the night before. Thank you, Laura Jimenez.

Ms. Brigette Ramirez, 600 General Cavazos, 600 General Cavazos Blvd. #605, Kingsville, TX. City Comment Regarding the Baseball, Softball, and Soccer fields: Thank you, Mayor, and City Commissioners, for this opportunity to voice my concern regarding the Dick Kleberg Park Baseball and Softball fields. I have children who registered to play baseball and softball. I recently moved to Kingsville and am a military spouse and of course my children are military dependents, therefore, it is important that they participate in extracurricular events. I have been disappointed with the parking issues at the baseball, softball, and soccer fields, where there are no designated parking spots, and everyone parks wherever they like. I mean by them parking right up to the fields and giving no space for the teams to warm up. I can also see that there is also no room for emergency vehicles or personnel to get to a player if needed. I understand that it is a small park especially from other recreational parks I have seen but I would hope some of the registration money might be able to assist with cording off specific areas. The parking lots are horrendous and disappointing. The other issue I find is that there is no police presence when there are so many teams and people at these games. I have seen that there are at least over 200 people and that means so many differences of opinions. There have also been people arguing with umpires and other patrons. I do think that the parks and recreation department have done their best and it is amazing to see so many children and families finally active. However, I would think that safety is of the utmost importance for the City of Kingsville. Thank you for this opportunity and I hope that we can convince you to take care of these issues. Respectfully, Brigette Ramirez, Mother of a Softball, Baseball, and Soccer player.

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 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 Fiscal Year 2021-2022 Budget to accept and expend grant funds from the Criminal Justice Division for body-worn camera for hardware and software for downloading and storing camera footage. (Police Chief).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the Jet Engine Repair Training Program. (ARP Funds) (City Manager/EDC Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend funding from the Coastal Bend Regional Advisory Council for EMS Medical Supplies. (Fire Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider appointment of Chris Maher to the Kingsville Historical Development Board for the three-year term. (Senior Planner & Historic Preservation Officer).

Motion made by Commissioner Alvarez to approve the appointment of Chris Maher to the Kingsville Historical Development Board for the three-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

5. Discussion of Comprehensive Master Plan Steering Committee guidelines and introduction of members. (Director of Planning & Development Services).

Mr. Echeozo stated that the Planning Department has formally constituted the Steering Committee that will be providing advisory services towards the preparation of the City's Comprehensive Plan. Mr. Echeozo further announced the names of the individuals who will be part of the Steering Committee: Reverend Idotha Battle, Dennis Yaklin, Omar Morales, Nick Harrel, Victoria Esquivel, Maggie Salinas, Charlie Radley, Dr. Ambrose Anoruo, and Crystal Ramirez Garcia. Mr. Echeozo commented that these individuals have knowledge of Kingsville and its past.

Mayor Fugate thanked the selected committee for their time and for agreeing to serve on the Steering Committee.

Commissioner Torres asked if the members selected were all citizens of Kingsville?

Mr. Echeozo responded that they either work here or live here. He further stated that committee members are from all around such as NAS Kingsville and TAMUK.

Discussion item only.

Mayor Fugate asked that if there were no objections, he would like to take agenda item #9 before item #6. No objections were made; therefore, agenda item #9 was heard at this time.

6. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 3, Lot 7-11, also known as 915 E. Mesquite, Kingsville, Texas, from C4 (Commercial District) to C2 (Retail District), amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Commissioner Alvarez left the dais at 5:50 p.m. to speak to Mr. Tom Carlisle on a personal note.

Motion made by Commissioner Torres to approve the final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 3, Lot 7-11, also known as 915 E. Mesquite, Kingsville, Texas, from C4 (Commercial District) to C2 (Retail District), amending the comprehensive plan to account for any deviations from the existing comprehensive plan, seconded by Commissioner Hinojosa.

Mayor Fugate commented that he had some reservations on this at first, but it has since been satisfied.

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

7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Kingsville 25 Acres Ltd, Lot Tract A, 7.17 acres, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business District) to C2 (Retail District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Mayor Fugate commented that after the explanation from the City Manager, there is not much to this.

Mr. McLaughlin commented that all the parties involved in this are completely in agreement, as they want the small section. He further stated that Tractor Supply has reached out to their realtor, and they are fine with it.

Introduction item.

8. Consider replat of Kingsville 25 Acres Ltd, 0.489 acres of Tract A and Kingsville 25 Acre Ltd, 12.96 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Lopez to approve the replat of Kingsville 25 Acres Ltd, 0.489 acres of Tract A and Kingsville 25 Acre Ltd, 12.96 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas, seconded by

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

9. Consider authorizing renewal of All-Risk Property Insurance Coverage for the City of Kingsville for the period of May 1, 2022 through April 30, 2023, as per staff recommendation. (Risk Manager).

Mr. David Solis, Risk Manager stated that Mr. Tom Carlisle, President of Carlisle Insurance, city's insurance broker, is in attendance today. Mr. Solis stated that the city's current policy will be expiring April 30, 2022 and has contacted the city's insurance broker to go out and find the best deal for the City of Kingsville. Unfortunately, the property market continues to be hard and global capacity has lessened considerable amount which has made it difficult for everyone. The renewal proposal from Carlisle Insurance has the same terms and conditions except for the named storm deductible which will increase from 2% to 3%. It will have the same amount of value of \$58,464,658.00. The broker went out to seventeen different markets with the incumbent and risk having the best competitive quote and even though it had an increase of \$66,679.85 from last year, it was the best deal the broker came about.

Mr. Carlisle commented that he would like to thank the City of Kingsville for allowing him to be the city's agent. He further commented that his firm insures 72 public entities and has to say that this market is the hardest ever. He further stated that he and his staff have shopped market and with it increasing it is where the market sits now.

Commissioner Hinojosa asked if the values are replacement costs?

Mr. Carlisle asked Mr. Solis if he knew when was the last time the values were re-evaluated?

Mr. Solis responded that they did go through an exercise about two years ago. He further stated that he felt that the values were low considering the cost of commercial construction. He also stated that he met with Mr. Charlie Sosa, Purchasing Manager, and reviewed the entire list of scheduled values and increased the values considerably. He further commented that it is always better to be overinsured than underinsured. Mr. Solis further stated that the values now are good in terms of what it would cost to rebuild.

Mr. Carlisle responded to Commissioner Hinojosa's question by responding that the city does have replacement costs, the policy has no coinsurance. He further stated that you will never get more than the value that's in the schedule for that building, so the city will have replacement up to that value.

Mr. Solis stated that he will be overtaking an exercise beginning tomorrow where he will relook at all the values. He feels that some values may be able to be removed from the schedule that may total a million dollars and if the city can do away with that it may see a decrease.

Commissioner Torres asked that since the city will be re-evaluating the properties, will this change the price, and will we not be able to vote on this? She further asked if a change is expected?

Mr. Carlisle and Mr. Solis both responded that it will be for next year. It will not be re-evaluated for this renewal.

Commissioner Torres asked when was the last time it was evaluated? Mr. Solis responded it has been two years.

Mr. Carlisle stated that what Mr. Solis meant was that they are going to go through the schedule and remove some items that the city probably shouldn't be insuring which will lower the amount to be insured, which could create a credit.

Commissioner Torres asked what the normal schedule is for reevaluating. Mr. Solis stated that the total value is \$58 million.

Commissioner Torres stated that it is an increase of \$261,512.90 and further stated that her concern is... Mr. Solis responded that it is an increase of \$66,000 and it did not change from last year.

Commissioner Torres stated that the renewal quote of \$328,000 is an increase of \$66,679 for a difference of \$261,000 and asked if this was correct? Mr. Solis responded that the values are the values, this is the premiums for the values.

Mr. Carlisle stated that the premium last year was \$261,000 and has increased by \$66,000.

Commissioner Torres further asked if what she is reading was incorrect; the enclosed renewal quote of \$328,192.75 is an increase of \$66,000? Mr. Carlisle and Mr. Solis responded that this was correct.

Commissioner Torres asked if this is something that can be placed on the agenda for the next meeting, to re-evaluate as there may be some changes, especially with the increases and since it may change. Mr. Solis responded that it can be for the next renewal.

Mr. Carlisle commented that with inflation, they should be done every two years.

Motion made by Commissioner Alvarez to authorize the renewal of All-Risk Property Insurance Coverage for the City of Kingsville for the period of May 1, 2022 through April 30, 2023, as per staff recommendation, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

10. Consider authorizing a Letter of Intent with Performance Services Inc. to conduct an Investment Grade Audit. for water meters and AMI systems, via TIPS purchasing cooperative, as per staff recommendation. (Energy Savings Performance Services). (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the City Manager to sign a letter of intent with Performance Services Inc., from Round Rock, TX for an investment-grade audit to explore the replacement of water meters and AMI Systems for the city. The existing water meters and endpoints have met their end of life and a large percentage of the meters are not registering correctly. Once the audit is completed, it will be presented to the City Commission which can then decide at that time whether to move forward with some or all the projects identified in the audit or to do none of them and pay an audit preparation fee of \$28,965 to Performance Services Inc. He further stated that if an energy savings performance contract is entered into, no audit preparation fee would need to be paid.

Commissioner Lopez asked when was the last time meters were replaced? Mr. Sosa responded that it's been since 2006.

Mr. McLaughlin commented that the reason that this is coming forward is that the city knows that there is an issue. We know exactly how much the city's water wells pump and how many gallons the city bills for, which has a big gap there. He further stated that our water is going somewhere, and the city is not getting its revenue from it.

Commissioner Torres asked if staff looked at other companies, or is this the only one?

Mr. Sosa responded that this company gave a presentation to staff. Other companies were interested but they wanted the city to turn over the city's water system to them and after ten years, they would give it back to the city.

Motion made by Commissioner Lopez to authorize a Letter of Intent with Performance Services Inc. to conduct an Investment Grade Audit. for water meters and AMI systems, via TIPS purchasing cooperative, as per staff recommendation, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

11. Consider a resolution authorizing Change Order #1 for Phase I of the City-Wide Misc. Concrete and Drainage System Improvements Agreement between the City and Etech Construction Inc. (City Engineer).

Mr. Rudy Mora, City Engineer stated that the purpose of awarding this change order is to remove the scope of work for 19th Street as it will be covered by other funded projects and add the installation of curb & gutter and drainage improvements on W. Kenedy Ave. which will be funded from Fund 068 CO Series 2013, thus assisting to expend those funds. Mr. Mora then displayed a map of the current and future projects. He then stated the purpose to delete 19th Street is because there is a Safe Routes to School Grant that will take place later this year or early next year for sidewalks. There is also a stormwater drainage improvement system through the General Land Office and plan to use that money as an alternative to placing this curb and gutter. Mr. Mora further stated that he would like to Change Order in the addition of Kenedy Ave. The Change Order amount is less than \$80,000 and the contractor is asking for an additional 90 days to his contract. The city can spend up to 25% above the original contract amount

which is less than \$97,000. Change Order No. 1 will be funded by Fund 068 CO Series 2013 for an amount of \$78,928. Mr. Mora further commented that it is staff's recommendation to approve Phase 1 Change Order No. 1 which removes curb and gutter work along 19th Street and adds drainage improvements to W. Kenedy Ave. for \$78,928 and 90 days above the original contract time for Phase 1. Mr. Mora displayed a map of what W. Kenedy Street improvements would look like for that area.

Commissioner Hinojosa asked if this amount of money was leftover from 2013 CO?

Mr. McLaughlin responded that this would assist in spending that money as it is from 2013.

Commissioner Hinojosa commented that there is a time limit on when that money needs to be expended.

Mr. McLaughlin stated that the reason for this curb and gutter in this area is that the area is prone to flooding.

Commissioner Hinojosa asked Ms. Alvarez if Bond Counsel has approved this? Ms. Alvarez responded that this project qualifies within the 2013 issue.

Commissioner Torres asked if the city was still receiving money from the Coastal Bend Council of Governments (COG) for the drainage system?

Mr. McLaughlin responded that the COG has money available for several different projects, drainage is one of the projects. He further stated that this is not what he was anticipating using that money for, as he would like to have it for other projects, which will be presented to the Commission later.

Motion made by Commissioner Alvarez to approve a resolution authorizing Change Order #1 for Phase I of the City-Wide Misc. Concrete and Drainage System Improvements Agreement between the City and Etech Construction Inc., seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Section 3-3-127, providing for the Main Street Advisory Board to meet quarterly. (Downtown Manager).

Ms. Janine Reyes, Tourism Director stated that the Main Street Board meets monthly to develop and make recommendations to the City Manager regarding the Main Street District. Due to a lack of quorum at monthly meetings, the board met on March 22, 2022, where they considered and approved by a vote of 5 to 1 in favor of changing their meetings from monthly to once quarterly. Ms. Reyes further stated that it is the staff's recommendation to make this change.

Commissioner Torres if this board had any stipulation as to how many meetings a board member can miss.

Ms. Reyes responded yes, three meetings.

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate additional funding for Vehicle Maintenance for the Fire Department. (ARP Funds). (Fire Chief).

Mr. Juan J. Adame, Fire Chief stated that the Fire Department has experienced numerous equipment problems and with a budget for vehicle maintenance of \$25,000 of which those funds have been expended, the Fire Department is now requesting additional monies. The Fire Department is requesting a budget amendment for \$67,000 to complete the necessary repairs and maintenance to Fire Department equipment.

Introduction item.

14. Consider a resolution authorizing the City to submit an application to the Ed Rachal Foundation for grant funds for equipment for the Kingsville Police Department. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that this is a resolution authorizing to submit an application to the Ed Rachal Foundation for grants funds for equipment. The grant is for the purchase of eight bicycles and equipment to be used by the police officers as part of the patrol function. As part of their less-lethal response equipment, they are

needing to replace their PepperBall launchers. They are including the purchase of two new PepperBall launchers and associated equipment. As part of the field training program, they are requesting funds to purchase software to better track the progress of their police cadets. This will help them maintain critical training records to defend the city and the officers from litigation. The total cost of equipment is \$20,648.00. Chief Torres commented that the grant does not have a cash match, but the grant may only be partially funded.

Motion made by Commissioner Lopez to approve the resolution authorizing the City to submit an application to the Ed Rachal Foundation for grant funds for equipment for the Kingsville Police Department, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

15. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s application to amend its Distribution Cost Recovery Factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).

Mayor Fugate commented that this is the only time where he sees that AEP will pay the city's attorney fees for this situation.

Ms. Alvarez stated that every April they do their filing, and we are asked to join the other cities that AEP represents so that we can make sure that the filing is legal and have experts verify that the recovery that they are seeking is not excessive and beyond what is allowed. This does not incur a cost to any of the cities that participate. It will freeze the rates until the analysis is done, and the parties reach an agreement.

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

16. Discussion regarding process for handling receipt of citizen complaints. (Commissioner Torres).

Commissioner Torres commented that the reason for this item is that she has been on social media for quite a while and is aware that other commissioners have been tagged on several complaints regarding the city. These complaints have been heard and know the city does not have a proper social media complaint center. She has done some research and knows that the City of Longview, TX has social media where they go on social media and introduced... Commissioner Torres read off her phone the following: We know you love social media and so do we. Not only do Facebook, Twitter, Instagram, YouTube, and others let us talk to our residents in a more personal way. She further stated that she knows that the city also receives from TML an email regarding social media as well. Torres further stated that social media is not going away. It's not going to be something that will be backtracked and not utilized soon. The technology is there, and she thinks that some of the citizen's complaints, not all of them, but some viable complaints are coming in through social media. She further stated that it has been said that it is someone hiding behind a computer, but some social media accounts are from actual citizens who display their names on their accounts. She further stated that this is a concern and is aware that information has gone out but feels that the city is behind. The city needs to find a way to catch up on some of the technology that is out there, especially with what the city just saw happen with COVID. Commissioner Torres further stated that this is a realm that is needed to be looked into. Whether it be hiring a full-time PAO that will look at complaints or having some type of tab on the city's social media pages that generates the complaints that will send them directly to an individual. Torres further commented that this is something that the city seriously needs to look into and not just say yes, we will look into it, and then six months a report is not given, and the city still hasn't gotten into whether or not this is an option. Commissioner Torres stated that this is the reason she brought this agenda, as there was a complaint on two issues, and she knows that some of the comments that were put out there she disagrees with and feels that our citizens deserve that. She further

stated that a lot of the citizens are younger, and their technology is so much more advanced than hers, but this is the way they communicate. She further stated that we need to capture the audience, that is not just for the older citizens but for the younger generation to change different things and hear them out, which is something that the city needs to look into.

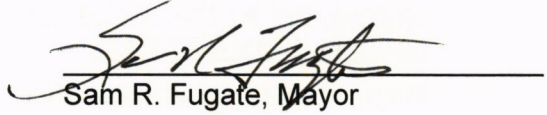
17. Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the evaluation and duties of the City Manager. (Commissioner Torres).

Mayor Fugate announced the executive session and convened the meeting into closed session at 6:19 P.M.

Mayor Fugate reconvened the meeting into open session at 7:29 P.M.

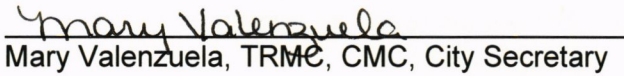
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:30 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary