

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION MONDAY, SEPTEMBER 26, 2022 REGULAR MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.**

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

**OR**

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

### **I. Preliminary Proceedings.**

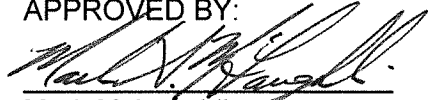
#### **OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

#### **MINUTES OF PREVIOUS MEETING(S)**

Special Meeting - August 15, 2022  
Regular Meeting - August 22, 2022  
Special Meeting - September 6, 2022  
Regular Meeting- September 12, 2022

APPROVED BY:

  
Mark McLaughlin  
City Manager

### **II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public hearing regarding request to rezone Vista Alegre, Block 2, Lots 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services). Lupe Alvarez, owner/applicant. (Director of Planning & Development Services).

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

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

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

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

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to provide additional funding for overages that cannot be covered by the current budget. (Finance Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend grant funding for the 2022 Local Border Security Program (LBSP). (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to provide additional funding for wastewater utilities and sanitation vehicle maintenance and motor gas and oil. (Public Works Director).
4. Motion to approve a resolution authorizing the City Manager to enter into a Clinical Affiliation Agreement between the Kingsville Fire Department and HALO Flight EMS Training Academy. (Fire Chief).

##### **REGULAR AGENDA**

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

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

5. Consider introduction of an ordinance amending the zoning map in reference to Vista Alegre, Block 2, Lots 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

6. Consider appointment of Taulia Laureno to the Historical Development Board for a three-year term. (Historic Preservation Officer).
7. Consideration and approval of a resolution accepting a petition for and calling for a public hearing on the creation of Somerset Public Improvement District Number 1 within the City of Kingsville, Texas pursuant to Chapter 372 of the Texas Local Government Code and authorizing the mailing and publication of notice of the public hearing. (City Manager/ City Attorney).
8. Consider a resolution authorizing the use, closing, and barricading of PFC Daniel Alarcon Street from W. Yoakum Ave. to W. Lee Ave. from November 8-14, 2022, for the Vietnam Memorial Traveling Wall. (Purchasing Manager).
9. Consider a resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2021-2022 Fiscal Year Audit. (Purchasing Manager).
10. Consider awarding RFP Bid #22-14 for annual bid for HVAC Services as per staff recommendation and authorizing the City Manager to execute a contract for same. (Purchasing Manager).
11. Consider awarding RFQ #22-13 for 2022 Bridge Repairs-N. 6<sup>th</sup> Street and Tranquitas Creek as per staff recommendation and approving a resolution authorizing the City Manager to execute a Professional (Engineering) Services Agreement with International Consulting Engineers for 6<sup>th</sup> Street Tranquitas Creek Bridge Inspection and Repair Recommendations. (City Engineer).
12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV; providing for amendment to Sections 15-9-2 and 15-9-3; revising the type of street lighting to be used. (City Engineer).
13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to provide additional funding for line items that cannot be covered by other line items. (Finance Director).

## **VII. Adjournment.**

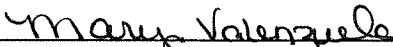
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

### **NOTICE**

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

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

September 23, 2022, at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

  
\_\_\_\_\_  
Mary Valenzuela, TRMC, City Secretary  
City of Kingsville, Texas

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

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas



# **MINUTES OF PREVIOUS MEETING(S)**

**AUGUST 15, 2022**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 15, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 4:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Hector Hinojosa, Commissioner (leaves meeting at 4:25 p.m.)  
Norma N. Alvarez, Commissioner  
Edna S. 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  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Janine Reyes, Tourism Director  
Rudy Mora, Engineer  
Michael Mora, Capital Improvements Manager  
Diana Gonzales, Director of Human Resources  
Susan Ivy, Parks Director  
Kobby Agyekum, Senior Planner/HPO  
Bill Donnell, Public Works Director  
Juan J. Adame, Fire Chief  
Ricardo Torres, Police Chief  
David Bodiford, Accounting Manager  
Charlie Sosa, Purchasing Manager  
Avelino Valadez, Street Supervisor  
Cameron Whittington, Water Supervisor  
Deral Mills, Landfill Supervisor  
David Solis, Risk Manager  
Joe Casillas, Water Production Supervisor  
Joseph Ramirez, Engineers Assistant  
Arturo Perez, Garage Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 4:00 p.m. with all five Commissioners present. Commissioner Hinojosa left the meeting at 4:25 P.M.

**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)**

**Special Meeting – August 4, 2022**

**Motion made by Commissioner Lopez to approve the minutes of August 4, 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).<sup>1</sup>**

None.

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

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

Ms. Courtney Alvarez, City Attorney reported that the next City Commission is scheduled for Monday, August 22, 2022, beginning with the budget workshop at 3:00 p.m. and continuing into the regular agenda at 5:00 p.m. If needed a third budget workshop will take place on Tuesday, August 23, 2022. Ms. Alvarez further reported that there is a special meeting scheduled for September 6, 2022, at 5:00 P.M. During this meeting the Commissioner will have a public hearing on the proposed tax rate and the proposed City Manager's Budget. The Tax Rate Ordinance and City Manager's Proposed Budget will be introduced on September 6, 2022. Final passage of the Tax Rate and City Manager's budget will take place on September 12, 2022.

Commissioner Lopez commented that the City of Kingsville will be hosting its monthly Q&A Session, Facebook Live, on Tuesday, August 16, 2022, at 8:15 A.M.

Mayor Fugate commented that he attended his 50<sup>th</sup> High School Reunion this past weekend. He further commented that some of the classmates had the opportunity to tour City Hall.

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

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

No public comments were made.

**V.**

**Consent Agenda**

**Notice to the Public**

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*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 Alvarez and 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 zoning ordinance by changing the zoning map in reference to Garcia Ind Ac, Block 11, Lot 1 (Property ID 21326), (1.2 acres), also known as E. Santa Gertrudis; Garcia Ind Ac, Block 11, Lot 2, (Property ID 13682), (1 acre), also known as E. Santa Gertrudis; Garcia Ind Ac, Block 11, Lot 3, (Property ID 22101), (1 acre), also known as E. Santa Gertrudis, Kingsville, Texas, from AG (Agricultural District) to I2 (Heavy Industrial District). (Planning & Development Services Director).**

**2. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to rezone KT&I Co, Block 2, Lot Pt 9 (Tract 8), (5.47 acres), also known as 1526 Young Drive, Kingsville, Texas from AG (Agricultural District) to R1 (Single Family Residential District). (Planning & Development Services Director).**

**REGULAR AGENDA**

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

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

**3. Review and discuss proposed fiscal year 2022-2023 budget for departments of the City of Kingsville. (City Manager).**

Commissioner Hinojosa stated that he would like to ask questions before the beginning of the budget workshop, as he will need to leave the meeting. Commissioner Hinojosa stated that for the last three years, he has been storing a lot of stuff that he does not agree with the budget process and has lost confidence in the budget process. He further stated that we wait until the very end to get the budget, which consist of over 400 pages and the Commission only has a week to prepare to approve or disapprove some of the expenses. He further stated that he does not like this as it doesn't give him enough time to go over the budget. The excuse received is that staff is waiting for the Appraisal District to certify the tax roll. These only effects two funds and one line item in each fund, and it's the tax rate. Commissioner Hinojosa asked why the budget process could not be started earlier than scheduled such as in June or July. Why does it have to wait until the very end to begin the process. He further commented that it is overwhelming for him to go over 500 pages of the budget. A week is not enough time for him to review the budget. Commissioner Hinojosa further commented that what he about to say, he hopes that it doesn't hurt anyone's feelings as he is speaking as a business. He stated that some changes need to be made on the budget process. He further commented that he feels that this budget has been shoved down their throats as staffs waits until the very last minute to give the Commission a complete budget. He also stated that it is very easy to plug in the tax rate that was used in the prior year as this is only an estimate budget that can be changed at the time the city receives its certified appraisal tax roll. Hinojosa further stated that he is not

given enough time to review the budget and he is a very detailed individual. He further stated that there are some things in the budget that he does not disagree and further stated that he does not like the process and has lost confidence in it.

Mayor Fugate commented that maybe the process can begin earlier than usual, so that the Commission can have more time.

Commissioner Lopez asked if the process could start earlier than normal? She further commented that it would be great to begin the process during the summer as it would give the Commission enough time to review.

Mr. McLaughlin commented that this is the normal timeframe that budget process takes place. It's been done like this for many years.

Commissioner Hinojosa commented that he would have preferred to have known about the proposed Cost of Living Adjustment (COLA). He further stated that if the Commission votes no on this, it will make them look bad. In the past, the employees received a 3% COLA and feels that they have been employee friendly and now it is time to be taxpayer friendly. Commissioner Hinojosa stated that he is against the 4% COLA for employees but is not saying that employees shouldn't get a cost of living and understands that Social Security gave a 5.9% increase. He further stated that those on Social Security, it has been projected that they will receive a 9.6% increase this year. This is based on consumer price index for July, August, and September. Inflation was up prior to these dates but it seems to be stabilizing or decreasing now. He further stated that everyone needs money to survive, due to inflation, but he does not like the 4% increase across the board but doesn't mean he won't settle for something less. He further stated that he may settle for 4% but is not sure, as he doesn't like the numbers used to build the budget. Hinojosa further made a statement on the tax rate. There is a proposed rate of \$.840000 built into the budget, which is the same rate that was approved last year. With values increasing by 10%, the property tax will increase for the citizens. He further stated that it is time to assist the taxpayers of this community. He also stated that the no tax increase was \$.81 for the truth and taxation that was received. He further stated that the \$.81 would have been the correct amount in order to collect the same amount of tax, based on last year's. The law allows the city to go with the voter's taxable rate up to 3% which is \$.84, which is why he would like it under the \$.84. Commissioner Hinojosa further stated that the way staff is presenting the budget to him, he will be voting no. Only if there are changes made, he may change his mind. He also stated that the General Fund is in the negatives at this time; expenses are more than the projected revenue. He further stated that as for the tax rate, the city has been banking some money to the property tax. At the beginning of the year there was over \$150,000 in the fund balance. The city used \$225,000 of that money and put it into revenue. He also stated that if the city agrees to a lesser tax rate, the city can tap into this fund as there is over \$200,000, after the \$225,000 is taken out. Commissioner Hinojosa further commented that these are his concerns on the tax rate, and it is up to the Commission to decide how they would like to proceed. He also talked about budget amendment reserves. He stated that there is \$600,000 in the budget, \$300,000 in general fund, and \$300,000 in utility fund. If a budget amendment is needed it will be taken from that fund. He further stated that he wouldn't agree to any budget amendments from that fund. He stated that the budget has enough in it and Finance and City Manager can go in and find those funds. Hinojosa stated that his other concerns are with the classification plan, which he doesn't like its setup as the Commission has no control on how administration can move an employee from one step to the maximum step. He would hate for the city to be held hostage and someone applies at another facility that they may want to go to. For the employee to stay, that employee gets moved into a higher paying step within the compensation plan, which he doesn't think is correct. He further stated that he found out about this through rumors and because the employee says they will be receiving this or that, it needs to be verified. When the employee files the application with the other entity, and it is asked if their former

employer can be contacted, why doesn't the city get an agreement from the employee where the Commission can go back and ask the employer if this is correct. Hinojosa stated that he hopes to see some policy changes on this. He also stated that there are some department heads that are not on the classification plan but are on the salary schedule that they received, and one is the Garage Supervisor, Water Production Supervisor, and Wastewater Supervisor. He further stated that there are other things that are going on that he does not agree with. He stated that he is not aware of the city has a stipend policy, to which he doesn't mind giving a stipend, but is there is a policy that is being followed. He understands that some employees may be doing extra duties, but will they be doing the extra duties for the rest of the year. He stated that the stipend policy needs to be addressed. Commissioner Hinojosa further spoke about military pay. It is in the salary schedule that the commission received but didn't see who the employees are that are on military pay. He also stated that there are a lot of other things on the salary schedule that he does not agree with. As for clothing allowance, there are only certain individuals that receive clothing allowance which includes a department head. He also commented that staff is asking for an aquatic manager which he doesn't agree with as the city already has enough employees on staff and he will not be approving that position. Hinojosa went on to talk about the EDC Fund. He stated that the city has been funding this at \$100,000 which started in the past three years. That money is given to the EDC with no accountability. He stated that it was broken down on how the funds would be spend, but he would like to see accountability before agreeing to provide the funds. Hinojosa's final comment was that he has expressed his feelings on the proposed budget and would now like to be excused from the meeting. Hinojosa stepped out of the meeting at 4:25 p.m.

Mr. Mark McLaughlin, City Manager commented that he would like to thank staff on their hard work in preparing the Fiscal Year 22-23 proposed budget. He further apologized if the Commission felt that this budget was pushed into them, as stated by Commissioner Hinojosa, but this is the process the city has taken in the past. If the Commission wishes to change the process, they just need to let staff know so the process can be changed. He further stated that it takes staff some time to determine outside of the core budget. Core budget is numbers given to staff by the Finance Department that gives staff the normal amount they are expected to work with. Anything outside of the normal budget will need to be submitted as a supplemental, which is asking for additional funds that would not be included within their core budget. Some supplementals require significant investigation into the total cost. While staff works on their supplementals they also need to figure out where they are in their current budget and determine their Expected Annuals (EA's) for the remainder of the fiscal year.

Mr. McLaughlin stated that this is the 7<sup>th</sup> year in a row that the city's Finance Department receives the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). Due to new requirements, city will no longer submit its budget to GFOA. McLaughlin further stated that the following are changes that have occurred outside the normal budget. Inflation increased in FY 2020-2021 by 5.3%, city only gave staff a 3.5% Cost of Living Adjustment (COLA), which inflation out pays the buying power of the city staffs raise. This year, through August 15<sup>th</sup>, inflation has risen an additional 7.4% and he is proposing a 4% COLA, across the board, for this upcoming fiscal year. The COLA of 4% across the board, there is a place holder for both Fire and Police collective bargaining agreements. The city has a tentative agreement with Fire for the 4% COLA, Police has not agreed at this time, so staff is still working with them to come into an agreement. He further discussed the percentage to which social security has increased, calendar year they increased by 9.6% and it is projected to increase for calendar year 2023 by 9.6%. The proposed tax rate remains unchanged at \$0.8400 per \$100 of valuation. Staff's recommendation regarding to the city health insurance, is to switch from Entrust self-insurance medical to fully insured United Health Care. One big change in the proposed budget is staff working on a vehicle leasing program through Enterprise Fleet Leasing

Services. The leasing program is used by many cities around the country. He has spoken with another city in area that is using the leasing program and they have stated that they are very pleased with the program. Mr. McLaughlin stated that what he would like to do for our city is lease 12 pickup trucks for Public Works, through the utility fund. Quality used vehicles will be transferred to the general fund departments as replacements. Mr. McLaughlin further stated that the proposed budget also includes 1 KPD Officer and 2 Firefighter positions. Tourism has requested a part-time change to a full-time and adds 4 part-time positions for special events, which will be out of the Tourism Budget. Included in the general fund is \$174,982 for a street sweeping contract, vendor is through BuyBoard. The contract will provide sweeping the Downtown area monthly and quarterly everywhere else, to include residential streets.

Commissioner Alvarez commented that in the budget book, it shows street sweeper contract 1x, and further asked what that meant.

Mr. McLaughlin explained that it is for only this upcoming year and will be updated for the next fiscal year. The contract is a per year contract. He further stated that this is part of the beautification that the commission has requested in the past.

Mayor Fugate asked what's the plan for the employees that were doing the street sweeper.

Mr. McLaughlin stated that those employees are from the Street Department.

Commissioner Torres asked if there will be a scheduled within the street sweeping contract.

Mr. McLaughlin responded yes and further commented that the historic downtown will be swept every two weeks or every four weeks. All residential streets will be done on a quarterly basis.

Mayor Fugate asked for the cost of a new street sweeper.

Mr. Charlie Sosa, Purchasing Manager responded that it's estimated at \$600,000.

Commissioner Lopez asked if the funds are available to start this contract this year.

Mr. McLaughlin responded yes, as it is budgeted for the upcoming fiscal year. He further stated that other funds included in the upcoming budget are funds of \$15,435 for water well transducers to monitor water well health. There are also funds of \$322,085 for a TCEQ required Landfill Drainage Plan, but there is no requirement as to when this needs to be done. The upcoming budget will also add 2 Chevy Tahoe's for KPD and a Street Department Rotary Broom to the fund 115 General Fund Tax Note. In the ARP fund, staff has earmarked \$726,872 of Utility Fund ARP funds for wastewater treatment plant improvements. There is a \$7,000 increase to Health Department budget specifically for vet care to include sterilizations.

Mayor Fugate asked how many dogs and cats these funds will sterilize. Mr. McLaughlin responded about 100.

Mr. McLaughlin further stated that he received a request from Kleberg County Judge Madrid for COVID Testing site, he is requesting payment for this year for \$50,000. Staff went into the current budget to see if it had been budgeted and weren't able to locate the funds. An agenda item for an interlocal agreement did not come before the Commission for approval. Mr. McLaughlin further stated that he recalls discussion on this but was never brought to Commission for approval. It was probably overlooked by staff, but it's something that can be corrected, possibly through ARPA funds.

Mayor Fugate commented that the new CDC regulations have changed to where certain requirements are no longer required.

Commissioner Lopez commented that the Kingsville Independent School District (KISD) will more than likely bring back where if you have contracted COVID the employee will be

out for about five days and may be required to get a COVID test result of negative that would need to be done by a clinic.

Mr. McLaughlin commented that Judge Madrid will still be paying for the COVID Testing site to continue for the upcoming fiscal year.

Commissioner Lopez asked if services are free to employees from the COVID Testing site due to the city's insurance.

Mrs. Diana Gonzalez, Human Resources Director responded that the last time she checked with the facility, they were charging over \$100 if you did not have insurance. If the individual did have insurance, they would file it through them.

Mr. McLaughlin stated that the total of \$100,000 had not been budgeted for last year and this year's payment and feels that it needs to be added to the budget for the upcoming year and see if it could be paid from ARPA funds. Mr. McLaughlin further stated that the cost for housing inmates in the Kleberg County Jail has increased.

Mayor Fugate asked if the County Jail were taking in any city inmates at this time?

Mr. Ricardo Torres, Police Chief responded that they were not taking inmates on city warrants or Class C's.

Mr. McLaughlin commented that what the County Judge was asking for is when the city has an inmate in their jail, since the jail is fully staffed, he is going to open it back up, so when the city has an inmate, that inmate can be housed in jail. He further stated that the cost to maintain an inmate is more than the cost the city has paid in the past.

Commissioner Lopez stated that the city has an agreement for this and further asked what the deadline was on the agreement.

Mr. McLaughlin stated that what the County Judge is asking is to renegotiate the agreement and the cost.

Chief Torres stated that the agreement is perpetual. At this time the city is being charged \$55.00 per bed whether they are used or not. Anything over that is \$75.00 per day. The question on that contract is what exactly a city prisoner is. He further stated that at one point, if an individual was taken into custody for murder and that individual had a city warrant, they would be considered a city prisoner. Chief Torres further commented that this needs to be remedied as it is obvious that the individual would not be a city prisoner. If an individual is strictly being held on city Class C misdemeanors, then this would be considered a city prisoner. Chief Torres stated that his direction to his staff is to go out to the jail and see if there are inmates and are being held on a felony charge, PR them out so that they are not being held for any city charges, as the jail will still hold that inmate on the felony charge.

Mr. McLaughlin stated that staff has budgeted \$140,000 per year for the seven beds that the city has to have every day. He further stated that the County Jail cannot keep inmates at \$55.00 per day, therefore the County Judge is asking the city to renegotiate the interlocal agreement.

Commissioner Alvarez asked for clarification on the cost per bed.

Mr. McLaughlin responded that the city pays \$55.00 for the first seven beds, and any additional beds are at a cost of \$75.00 per day.

Chief Torres commented that this is agreeable so long as the County provide the calculations on what they would like to charge the city. The city is not looking a shortchanging them but would like to know exactly what the city is paying for.

Mr. McLaughlin stated that he was told that the cost to maintain the County Jail this year was about \$4 million and in the past is has barely come close to \$2 million. He further



stated that readdressing the jail contract would be the best thing to do as the last time it was looked at was back in 2018.

Commissioner Lopez commented that the city would need to renegotiate the contract as the city does not have its own jail to house its inmates.

Mr. McLaughlin further commented that the Council of Governments had stated that the city would be receiving \$3.946 million but has not been included into the budget but will be done through a budget amendment. He further stated that the city would need to figure out is how these funds will be used.

Commissioner Lopez asked if this amount of funds were part of the funds that the County Judge assisted in getting for the city? Mr. McLaughlin responded yes; the County Judge called the GLO directly to get the city this amount.

Mr. McLaughlin continued with the overview of the Fiscal Year 22-23 budget. The proposed tax rate of \$0.8400/\$100 of property valuation, which is the same as last year. Fiscal Year 22-23 proposed budget is \$94,224,776.21. The normal budget for the city is usually around \$53 million to \$55 million. Total proposed budget is \$14,378,874.77 less compared to Fiscal Year 21-22 current budget of \$108,603,650.98. The decrease in total budget is mainly due to the spending down of grant and federal funding. The ad-valorem is expected to raise an additional \$287,868 over Fiscal Year 21-22 amount. There is an additional \$83,541 added to Fund 21, Property Tax Reserve.

Commissioner Alvarez commented that she is concerned with the tax rate of \$.8400 and would like to see it decrease to \$.825.

Commissioner Lopez commented that she agrees with Commissioner Alvarez regarding lowering the tax rate from \$.8400 to \$.825.

Mr. McLaughlin stated that staff can rework the numbers and see how things would look if the tax rate was lowered as Commission suggest.

Mr. McLaughlin continued with the budgets overview. He stated that Operating vs. Capital Expenditures, total funds \$4,772,720.95 deficit and operating funds \$1,194,037.24 deficit. Known changes coming in the following funds: Revenues; Funds 001, 087, and 138. Expenditures; Funds 001, 087, and 120. Fund balance requirements are met at 25%. General fund is at \$507,853 above minimum requirements at 27.29% and Utility fund is at \$816,010 above minimum requirements at 32.97%. Utility fund revenues, proposed budget does not include any increases to water or sewer rates.

Commissioner Lopez asked if the rate study for both water and sewer rates were caught up? Mr. McLaughlin responded that it is by 1% to 2%.

Mr. McLaughlin further stated that the second year since 2011 deficit budgeted due to approved supplementals and increased personnel costs. The general fund revenues, sales tax and ad valorem revenues are budgeted to increase. Mr. McLaughlin stated that the next item to discuss is the city's compensation plan. In the compensation plan he has included a 4% Cost of Living Adjustment (COLA) and raising the possibility of raising the hourly rate to \$15.00 per hour, which is something the Commission has been asking for about three years ago. He further stated that this plan will show how everything was moved in order to get the lowest paid employee to \$13.00 per hour.

Commissioner Lopez commented that staff will need to start looking at the \$15.00 per hour sooner rather than later.

Mr. McLaughlin commented that it could be expensive to migrate to \$15.00 per hour. If the \$15.00 becomes the law by next year, the jump the city would have to make will not be as expensive if we had not raised the starting wage to \$13.00 per hour.

Mayor Fugate commented that he watched what city employees do, from the water department, and what they do only a daily basis. All that they go through while fixing a water leak or main break in our city.

Commissioner Alvarez commented that regarding the 4% COLA, maybe not this budget year, but what she would like to see the non-exempt employees to receive a higher percentage increase than the exempt employees. She further stated that this is something that was done in the school district. She also stated that this would be fair to the non-exempt employees.

Mayor Fugate commented that everyone in the meeting tonight are all exempt employees.

Commissioner Lopez commented that a COLA would need to be given across the board, as it is the law.

Commissioner Alvarez responded that if it is not called a COLA and call it a rate increase, then it can be done legally. Give the non-exempt employees a 3% and exempt employees a 2% so that the non-exempt employees can receive more as they are lower paid employees.

Commissioner Lopez asked if the City Attorney can look into this, as it may be that everyone would need to receive the same amount as it is considered a COLA.

Commissioner Alvarez commented that it is not a COLA it would be a salary raise increase, as this is how the school district has done it in the past.

Mayor Fugate commented that the does not agree with this and would like for everyone to receive a 4% increase.

Commissioner Torres asked if it is required to a COLA at certain percentage? Mayor Fugate responded no; the Commission does not have to give anything at all.

Mr. McLaughlin stated that it has always been done by percentage but there have been years that the employees haven't received a COLA.

Commissioner Lopez commented that since Mr. McLaughlin has been City Manager, the employees have received a COLA but previous years they hadn't received anything.

Mr. McLaughlin commented that the year before last was a 2% and last fiscal year it was at 3.5%. He further stated that the way he determines the percentage is by tracking the Consumer Price Index (CPI) as that is the rate of inflation and he wants the employees to not lose the purchasing power of their dollar. He further stated that the tries to match it to CPI, but he is almost 12% behind on inflation to what they are making now, but he is not proposing a 12%, so he is only proposing a 4% increase.

Commissioner Torres stated that she has looked at the pay scale and noticed that one employee who has been an employee of the city for 19 years and is concerned about how he and his family are surviving on that pay. She further stated that the 4% would increase this employee hourly but does not know how that family can survive on his hourly rate. She further stated that she is aware that employees go to school and attend educational courses, but for employees that do the hands-on work and for this particular employee to be with the city for 19 years and earn what he is earning is shocking to her. She further stated that she knows that his hourly rate will be increased to \$1.24 per hour, but another thing that she looked at was the police officers pay. If her son wanted to become a police officer, she would wonder how he would be able to survive on that pay.

Commissioner Lopez commented that police officers pay is different as they negotiate a collective bargaining agreement with the city.

Mr. McLaughlin commented that the police officer's current agreement, which is a two year contract ending this fiscal year, the contract states that the second year they are to receive

the percentage stated on the contract for the second year or whatever the rest of the employees received.

Commissioner Lopez commented that with regards to the lower paying positions, this has been a discussion a couple of years ago, but she would like to see if everyone can receive the same COLA and give the lower paying positions a stipend that would increase their hourly rate.

Mr. McLaughlin stated that the proposal is a 4% COLA for the upcoming year. He further stated that staff has taken the compensation plan and moved it up and over to the right, which moved the hourly rate from \$12.00 to \$12.50 per hour. The non-exempt received more than the exempt class as they only received a 3.5% last year. The non-exempt received the 3.5% but when the scale was moved up, they actually received more. It would be hard to take the bottom scale of hourly employees and move them to \$15.00 per hour, new employees, as you could have some employees that have been there for 15 years and making \$15.00 per hour.

Mayor Fugate commented that an issue we have is that discussions began with dropping the tax rate to \$.825 which will bring in less money to work with and now there are discussions about adding extra funds to the budget. If the Commission wants to give more money, then the tax rate would need to remain at \$.84.

Commissioner Alvarez commented that if the city keeps the tax rate at \$.84, those employees that need to pay their property taxes, will be paying their raise.

Mayor Fugate commented that there aren't any problems that money can't solve, it just needs to be figured out; but you can't cut revenues and increase expenses.

Commissioner Lopez commented that this has been a discussion every year since she has been on this commission, and Mayor Fugate is correct.

Mrs. Diana Gonzales, Human Resources Director gave a presentation on the compensation plan. She stated that you need to think about total compensation as it is not only hourly pay, but it also includes all the other benefits an employee receives. Conversations had been done regarding raising the wage to \$15.00 per hour a couple of years ago as it looked like the government was going to do something because Texas is under federal and so whatever the federal government does Texas has to do. At that point, they were looking at doing the increase within a five-year span. If the city keeps on track, as it is going, the city will be at the \$15.00 per hour in another two years. She further stated that what was done last year was a COLA increase, across the board, but there were also some salary adjustments done which gave the lower pay class positions anywhere from a 7% to 14% increase. She further stated that in the Fiscal Year 22-23 proposed compensation increase summary there are the following: Non Civil Service 4% COLA increase base wages which will affect 221 employees which will total to \$393,000 including fringe benefits; Non-Exempt Non Civil Service with compensation plan movements and \$13.00 will affect 47 employees totaling \$17,481; one new non-exempt position for the Health Department totaling \$39,828; one non-exempt position for police officer totaling \$55,698; two non-exempt positions firefighters totaling \$134,339; one non-exempt position for Recreation Coordinator totaling \$40,737; one non-exempt position for Plant Helper for Wastewater totaling \$37,164; and upgrade of 3 part-time positions to full-time positions totaling \$68,980. For the employee anniversary program, the upcoming year there are 92 employees that will receive their anniversary increase for a total of \$88,716. The 92 employees break down to 14 exempt employees, 63 non-exempt employees, and 15 civil service-police employees. For the class change summary, there are a total of 51 positions that will be changed, 36 full-time positions and 15 part-time positions. The total budgeted personnel costs have increase from last year. Last year the cost was \$20,621,956 to this upcoming year proposed at \$20,765,707. The fiscal year 23 proposed position summary is at 348 total employees which includes full-time, part-time, and temporary/seasonal. This

number has increased by 9 since last year, being at 339 total employees. The nine additional employees are as follows: 1 full-time police officer; 2 full-time firefighters; 1 full-time Recreation Coordinator; 1 full-time Animal Service Specialist; 1 full-time plant helper; 1 full-time Maintenance Worker; and 1 Administrative Assistant 1.

Commissioner Torres asked if part-time employees receive health benefits. Mrs. Gonzales responded no; only full-time employees receive those benefits.

Mrs. Gonzales further moved on compensation plan. The proposed changes/additions are as followed: 4% COLA for Non-Exempt Non-Civil Service positions for a total of \$393,949; Police and Fire Collective Bargaining Agreements, Kingsville Law Enforcement Association has not agreed on a contract at this present time and Kingsville Professional Firefighters Association has tentatively reached an agreement but is pending presentation to the City Commission; Health Insurance change from self-funded to fully-funded plan; and compensation and classification plan adjusted to migrate toward the \$15.00 per hour for lowest paid city employees. She further stated that this plan gets the city to \$13.00 per hour. Mrs. Gonzales further went over the compensation and classification plan and where certain positions would be placed within the compensation and classification plan. There are no proposed changes to the certification pay.

Commissioner Lopez asked if what is listed on the certification pay list is all that is paid, which is required for an employee's employment? Mrs. Gonzales responded that it is either a requirement or benefit to the city for an employee to have these certifications. Commissioner Lopez asked if the City Secretary's certification included in the plan. Mrs. Gonzales responded yes.

Commissioner Alvarez asked how many Customer Billing Specialist positions are there? Mrs. Gonzales responded that there are two. Mr. McLaughlin commented that one fills in as the supervisor when the Collections Manager is out.

Commissioner Torres asked if the one employee that fills in when the Collections Manager is out, do they receive extra pay during that period? Mr. McLaughlin stated yes, this is a change that has been made this upcoming fiscal year, which moves them up to a new step.

Mrs. Gonzales stated that with the new supervisor in the division, the duties are being reviewed so there was sufficient information to justify in moving that position one step up.

Mr. McLaughlin commented as there was discussion on the tax rate, the current tax rate is at \$.84 for the current year, and it has been proposed to remain at \$.84 for the next fiscal year. The no new revenue tax rate is \$.81303, and the voter approved tax rate is \$.84485.

Mayor Fugate asked if the tax rate is lowered to \$.82.5 will it make it harder for the city to raise taxes in the future? Ms. Alvarez responded yes.

Mr. McLaughlin stated that the tax rate that the city has is part of the calculation. Lowering the tax rate can be hard on the city if it chooses to increase it later.

At this time, Mayor Fugate called for a dinner break at 5:40 P.M.

Mayor Fugate reconvened the meeting from the dinner break at 6:10 P.M.

Mr. McLaughlin stated that he would like to respond to Commissioner Hinojosa's comment, made at the beginning of the meeting, regarding the pay scale. The pay scale has three columns, the bottom, midpoint, and highpoint of the pay scale. Other than the three employees that are on the list, City Manager, City Attorney, and Municipal Court Judge, all other employees fall under the City Manager. By approval of the compensation plan by the City Commission, it is the understanding that the City Manager has the authority to move employees between the pay scale. He further stated that he has done this one time after doing a rate study to determine what the employee should be paid compared to their peers, but it was also done as there were some things that the employee was doing and not being

compensated for. Mr. McLaughlin further stated that when Commissioner Hinojosa asked to have a say in the matter, he has already given the City Manager to the approval by approving the compensation plan.

Mayor Fugate asked what's the percentage loss if the tax rate is lowered. Mr. McLaughlin responded that the city will lose about \$100,000 in revenue by dropping the tax rate from \$.84000 to \$.82500.

Commissioner Alvarez asked if the city decides to go with a tax rate of \$.82500 for the upcoming year will it be possible to increase it for the following fiscal year? Mr. McLaughlin responded that the city may not if it is more than 3.5% increase minus what needs to be taken out for sales tax.

Mr. McLaughlin continued the discussion with the tax rate. He stated that the Legislative change, this is the third year the voter approved tax rate percentage is 3.5% above the new revenue tax rate. City's percentage is reduced by a certain portion of sales tax revenues. The tax rate scenario is, and average home value in Kingsville for 2021 was \$97,003 has increased to \$102,050 for 2022 which is a 5.2% increase. Property tax for 2021 for an average residence in the city is \$814.83 per \$97,003 valuation at \$.84000 tax rate. For 2022, the property tax for average residence in the city projected to be \$857.22 per \$102,050 valuation at \$.84000 tax rate. The net increase in ad valorem is \$42.39, which is the city's portion of ad valorem.

Mayor Fugate commented that with supply problems around the world and the price of materials increasing, Kingsville will be affected by it.

Mr. McLaughlin moved forward with the presentation of supplemental requests. The following supplementals were submitted and approved under the following categories: Personnel, 23 submitted with 8 approved; expenditures had 85 supplementals submitted with 20 approved; Information Technology had 18 submitted with 7 approved; and Capital Outlay had 37 submitted with 32 approved. There was a total of 163 supplementals submitted and 67 of those were approved. In personnel, the approved amount does not include any supplementals submitted which was included in the compensation plan movements or COLA/Anniversary increases. The Capital Outlay, the city will be entering into an Enterprise Fleet Lease and the approved supplementals include 12 new vehicles that will go to the Utility Fund. The Utility Fund will transfer their best used vehicles to the General Fund divisions that requested vehicles for next fiscal year 22-23.

Commissioner Lopez asked that with regards in the Tourism Department, the Special Events Downtown Manager salary increase it includes COLA and associated benefits. Then there are several other positions such as Accounting Manager, Finance Director, IT Manager, does that include the COLA, is this the amount that is being asked for plus the COLA?

Mr. McLaughlin stated that it just doesn't note it, but there weren't very many personnel issues that were approved.

Commissioner Lopez commented that it needs to be placed in there as it seems deceiving as she thought those positions would get an increase plus the COLA.

Mr. McLaughlin commented that none of the supplementals submitted for those position increases were approved, as it is shown on the documentation provided to the Commission. It was requested, but not granted.

Commissioner Alvarez asked about the \$100,000 for the rollout dumpsters and whether the customer has to pay for the rollouts.

Mr. McLaughlin responded that the customer pays for the service of those rollouts, the city purchases the rollouts. The customer will pay the rollout replacement fee if the customer

damages or loses the rollout. The only time the customer does not pay for a broken rollout is for normal wear and tear.

Mrs. Deborah Balli stated that the proposed transfers to the general fund are as followed: Tourism 002 \$35,000 for administration costs; Utility fund 051 \$1,485,000 for administration costs, which is an increase due to inflation factor of 10%; General Fund Capital Projects 091 \$2,494.02 to close out fund; Street Fund 092 \$150,000 for street crew payroll cost reimbursements; Tax Note Series 2021 fund 115, \$24,985 for cost of issuance savings; Property Tax Reserve Fund 120, \$225,000 to assist in balancing General Fund budget; and General Fund Tax Note Series 2022 Fund 126, \$119,453.45 debt service payments not needed in fiscal year 21-22, which will be moved back from where it came from. Proposed Transfer to Tourism General Fund 001: \$12,054 for the PIO Stipend. This was formerly budgeted in General Fund, but it required a split funding in the payroll system. Since it is paid through Payroll, the charge follows where the employee resides and General Fund still pays for the cost, but through a transfer. Proposed Transfer to GO Debt Service: Solid Waste Capital Projects Fund 087 - \$201,571 for payments on (3) Garbage Trucks purchased through the 2021 Tax Note and the Wheeled Trash Compactor purchased through the 2022 Tax Note. Proposed Transfer to UF Debt Service: Utility Fund 051 - \$1,753,552.24 for debt service obligations; Storm Water Drainage Fund 055 - \$111,000 for the TWDB 2021 Taxable Bond Issue; UF Tax Note Series 2022 Fund 126 - \$93,523.76 for the debt service payments that were budgeted in this fund in FY 21-22 but not needed till FY 22-23. Proposed Transfer to Golf Course Maintenance Fund: General Fund 001 - \$10,020 for the required 3% of budgeted revenues to be set aside for Golf Course related maintenance projects. Proposed Transfer to Utility Fund: General Fund 001 - \$92,705 for 50% cost of personnel in Division 8000 and 8020 offset by 50% Personnel Costs of Division 3000 and the welder in Division 3030. Proposed Transfer to Landfill Closure Fund: SW Capital Projects Fund 087 - \$95,758.15 for the City Hall Payback Payment Schedule. Proposed Transfer to Park Maintenance Fund: General Fund 001 - \$25,000 for the annual allocation for park maintenance projects. Proposed Transfer to Economic Development Fund: General Fund 001 - \$251,000 for additional economic development assistance (\$100,000) and estimated tax incentive payments (\$151,000). Proposed Transfer to Safe Routes to School Fund: CO Series 2013 Drainage Fund - \$200,000 for grant cash match requirements. Proposed Transfer to Vehicle Replacement Fund for the Police Department: General Fund 001 - \$10,000 for annual allocation. Proposed transfer to vehicle fleet management Utility Fund: General Fund 001, \$10,000 for annual allocation. This fund was formerly the vehicle replacement fund for Public Works and is being used not for the vehicle fleet maintenance. This transfer will change from fund 106 to the new Fund 139. Other proposed transfer to vehicle fleet management is from utility fund 051, \$89,642 for the estimate cost of year 1 of the fleet management lease for 12 Utility Fund vehicles. Proposed transfer to Tax Note Series 2021: Vehicle Replace Fund-PD \$30,000 for partial costs of 2 police vehicles. There was savings in the tax note series 2021 and the \$30,000 was combined with that savings for the purchase. Proposed transfer to Texas Severe Weather-Mobile Generator will have a transfer from Utility Fund Capital Projects Fund 054 of \$35,456 for the grant cash match. Proposed transfer to Texas Severe Weather-Backup Generator from Utility Fund Capital Projects Fund 054 of \$68,894 for the grant cash match.

Commissioner Torres asked if there were two different backup generators? Mrs. Balli responded yes, one is mobile generator and the other is a backup generator.

Mr. McLaughlin went over the proposed budget. Total proposed revenues is \$89,452,055.26. Total proposed expenditure budget is \$94,224,776.21. Usage of operating funds fund balance is \$1,194,037.24; this is the amount that budgeted revenues do not cover budgeted expenditures on all funds classified as operating. Non-operating funds surplus is \$3,578,683.71 which is the amount of budgeted revenues that exceed budgeted expenditures on all funds classified as non-operating.

General Fund Balance: the city's fund balance policy requires a minimum of 25% of budgeted expenditures. The city sets an additional \$300,000 above the minimum to cover budget amendments. In the proposed general fund, these requirements have been met at 27.29%. General fund 001 revenues, eliminate transfer from property tax reserve fund 120 as it is no longer needed to balance general fund. Expenditures, add transfer to fund 087 to cover costs on new commercial side loader garbage truck of \$65,000, which is a capital outlay supplemental request. Fund balance change will now change to \$21,913,163 with \$217,523 over minimum requirement; minus \$150,000 if the city lowers the tax rate to \$.82.5 for the upcoming fiscal year.

Mrs. Balli discussed the non-department general fund revenues. Non-departmental revenues are revenues that do not belong to any specific division and include rents, transfers in, sale of city property, publications, open records, interest earnings, and miscellaneous revenues. The original budget for fiscal year 21-22 was \$1,696,980.00, and the proposed budget for fiscal year 22-23 is \$2,133,845.47 with a change of \$436,865.47 which is made up from increase in rentals of \$744.00; transfers increase by \$414,225.47; fees decreased by \$604.00; and interest and other \$22,500.00 for a total of \$426,865.47.

Commissioner Torres asked about the rent for EDC offices. Mrs. Balli responded that the rent is more for the water towers and other types of rentals.

The budget presentation continued with departmental budgets.

**City Commission:** Changes within this budget are as follows: Personnel changes due increase in health insurance coverages; supplies, line added to cover costs of apparel for the City Commission; and in services, increase in training and travel for each commission member for the upcoming costs of the USS Kingsville trip. No supplementals were approved for fiscal year 22-23.

**City Manager's Office:** the organizational chart has two full-time employees within this department, City Manager and City Secretary. Changes to this budget are as follows: 4% COLA for City Secretary; longevity increases due to additional year of service for City Secretary; and decrease in health care costs due to change in provider and plans. There is a decrease in supplies and decrease in professional services and subscriptions. No supplementals were approved for fiscal year 22-23.

**City Special:** changes to this fund are as follows: increase in supplies; decrease in postage & freight, printing & publishing, equipment rent, claims costs, CC Disc Fees. There is an increase in professional services, appraisal district fees, special event costs, property insurance, tax office fees and miscellaneous. No supplementals approved for fiscal year 22-23.

**Human Resources Department:** this department has 4 full-time employees. Changes in personnel include the following: 4% COLA, additional year of service for each employee, one anniversary increase, and decrease in health care costs due to change in provider and plans. In supplies, there is an increase in employee recognition supplies and a decrease in supplies, safety incentives, and educational materials. Under services, there is an increase in memberships & catering and a decrease in printing & publishing, employment ads and subscriptions. There is a removal of prior year one time supplemental for Collective Bargaining negotiations. Leases is split funded lease is now 100% paid by this department. No supplementals were approved for the fiscal year 22-23.

**Legal Department:** this department has two full-time employees. Changes under personnel are 4% COLA, additional year of longevity for each employee, and decrease in health care costs due to change in provider and plan. Under services, there is an increase

in communications and a decrease in professional services and subscriptions. Leases has a decrease in operating lease costs. No supplementals were approved for the fiscal year 22-23.

**Planning & Development Services:** this department has 11 full-time employees and 2 part-time employees. Proposed budget for the Planning Department is \$410,430. Changes under personnel are 4% COLA, additional year of longevity for each eligible employee, three anniversary increases, and decrease in health care costs due to change in provider and plans and a decrease in supplies. In services, there is an increase in postage & freight and a decrease in communications, professional services, grant cash match, printing & publishing, and subscriptions. In leases, there is an increase in operating lease due to correction of where the lease was previously charged. No supplementals for fiscal year 22-23 were approved.

**Building Services:** Personnel changes are as follows 4% COLA, additional year of longevity for each eligible employee, 1 anniversary increase, and a decrease in health care costs due to change in provider and plan. Under supplies there is an increase in motor gas & oil. Services has an increase in memberships & dues, and a decrease in communications and professional services.

**Code Compliance:** personnel changes are as follows: 4% COLA, additional year of longevity for each eligible employee, 2 anniversary increases, and there is a decrease in health care costs due to provide and plan change. In supplies there is an increase in motor gas & oil and minor equipment. Services has an increase in communication, Professional Services GPA, clean-up events, laundry, beautification, and demolitions. Services has a decrease in professional services, printing & publishing, travel, memberships, and Keep Kingsville Beautiful. In this division there is the removal of prior year one-time supplementals for travel and minor equipment. Repairs has a decrease in equipment maintenance. No supplementals for Fiscal Year 22-23 were approved.

**Solid Waste Division:** this division has 16 full-time employees. The proposed budget for this division is \$3,309,200. Personnel changes are as follows: 4% COLA, additional 1 year longevity for all eligible employees, 6 anniversary increases, compensation plan increases for recycling technician. There is a decrease in health care costs due to change in provider and health plan. Supplies has an increase in supplies and motor gas & oil and a decrease in uniforms. Services has an increase in communications, laundry and a decrease in printing & publishing and utilities. Repairs has a decrease in vehicle & rollouts/dumpster maintenance. Prior year adjustments are a decrease of bad debt allowance. There were no supplementals approved for Fiscal Year 22-23.

**Landfill:** changes in personnel, 4% COLA, additional year of longevity for each eligible employee, 3 anniversary increases and a decrease in health care costs due to provider and plan changes. Supplies has an increase in chemicals, motor gas & oil with a decrease in uniforms and minor equipment. Services has a decrease in communications, printing & publishing, travel, equipment rent, state fees, and utilities and laundry. Repairs has a decrease in vehicle and equipment maintenance. Maintenance has a decrease in grounds and permanent fixtures. Leases has a decrease in capital lease payments due to payoff. No supplementals were approved for Fiscal Year 22-23.

**Finance Department:** changes in personnel, 4% COLA, additional year of longevity for each eligible employee, 6 anniversary increases, and a decrease in health care costs due to provider and plan changes. There is a decrease in supplies and computers and associated equipment. Services has an increase in communications, actuary services, and audit services. Services also has a decrease in professional services, software maintenance, travel, memberships, and subscriptions. Supplementals approved for fiscal



year 22-23 are as follows: one-time diesel laptop for garage for \$10,183; recurring debtbook software for Finance \$9,750; recurring software maintenance for Human Resources for \$5,906; and recurring software maintenance cost for IT for \$10,000.

**Municipal Court:** changes in personnel, 4% COLA, additional 1 year longevity for all eligible employees. Decrease in health care costs due to change in provider and plan. Supplies has a decrease in supplies, uniforms, and minor equipment. Services has an increase in postage and freight with a decrease in printing & publishing, and travel. No supplementals were approved for the new fiscal year.

**Facilities Maintenance General Fund:** supplies have an increase in motor gas & oil and a decrease in supplies, janitorial supplies, uniforms, and minor equipment. Services has an increase in communications for Municipal Building, utilities for Municipal Building and City Hall, and laundry. There is a decrease in services for communications for City Hall. Repairs has an increase in vehicle maintenance and a decrease in equipment maintenance. Maintenance has a decrease in grounds and permanent fixtures. In capital outlay, FY 21-22 supplemental for small conference room conversions for \$5,000 was removed.

**Police Department - Police Administration:** changes in personnel, 4% COLA, additional 1 year longevity for all eligible employees, 2 anniversary increases, and a decrease in health care costs due to provider and plan changes. Supplies has a decrease in motor gas & oil, and minor equipment. A one-time supplemental for FY 21-22 was removed for minor equipment and 3 new office chairs. Services has a decrease in travel. No new supplementals were approved for the new fiscal year.

**Police Patrol:** changes in personnel, 4% COLA, additional 1 year longevity for all eligible employees, 12 anniversary increases. Decrease in health care costs due to provider and plan changes. Supplies has an increase in uniforms, and motor gas & oil and a decrease in supplies and minor equipment. Services has a decrease in professional services, printing & publishing, travel, laundry, and jail contract. Repairs has an increase in vehicle maintenance and a decrease in equipment maintenance. Supplementals approved for Fiscal Year 22-23, 1 Police Patrol Officer position added for a cost of \$55,840.

**Communications:** changes in personnel, 4% COLA, additional 1 year longevity for each eligible employee, 4 anniversary increases and a decrease in health care costs due to changes in provider and plans. Supplies has a decrease in uniforms, motor gas & oil, and minor equipment. Services has a decrease in communications, and travel. No supplementals approved for the new fiscal year.

**Criminal Investigations:** changes in personnel, 4% COLA, additional 1 year longevity for all eligible employees, 3 anniversary increases, and a decrease in health care costs due to provider and plan changes. Supplies has an increase in motor gas & oil, computer & associated equipment, and a decrease in supplies, minor equipment, and animal care. Services has an increase in communications and utilities and a decrease in professional services, printing & publishing, and travel. Repairs has an increase in vehicle & equipment maintenance. Leases have an increase and capital outlay has a decrease from the removal of FY 21-22 one-time supplemental vehicle license plate reader system for \$10,665.

**Community Services:** decrease in motor gas & oil as there is no vehicle assigned to this division. Services has an increase in utilities and repairs has a decrease in vehicle & equipment maintenance.

**Warrants Enforcement:** changes in personnel, increase in longevity and overtime with a decrease in health care costs due to change in provider and plans. Supplies has an

increase in motor gas & oil and a decrease in computers & associated equipment. Repairs has a decrease in vehicle maintenance. No supplementals were approved for FY 22-23.

**Fire Department:** changes in personnel, 4% COLA, additional 1 year longevity for each eligible employee, 3 anniversary increases, 2 new firefighter positions approved, and decrease in health care costs due to provider and plan changes. Supplies has an increase in motor gas & oil and a decrease in supplies, uniforms, chemicals, minor equipment, and medical supplies. Services has an increase in utilities and a decrease in communications, postage, professional services, professional service-ambulance, printing, travel, catering, laundry, medical treatment, and CC discount fees. Repairs has an increase in vehicle maintenance and a decrease in equipment maintenance. Capital Outlay has an increase in operating lease and a decrease in capital lease. Supplementals approved for FY 22-23 2 new firefighters for \$134,481.

**Volunteer Fire:** personnel changes are minor increases in all line items. Supplies has an increase in motor gas & oil and a decrease in uniforms, minor equipment, medical supplies. Services has a decrease in uniforms, minor equipment, and medical supplies. Services has a decrease in communications, postage, travel, utilities, and medical treatment. Repairs has a decrease in vehicle maintenance.

**Public Works Administration:** changes in personnel, 4% COLA and additional 1 year longevity for each eligible employee and a decrease in health care costs due to change in provider and plans. Services has a decrease in travel. No supplementals approved for FY 22-23.

**Service Center:** decrease in supplies, services, and repairs. Leases has an increase in operating leases. Approved supplementals for FY 22-23 is a one-time supplemental ice maker and bin for \$7,540.

**Garage:** changes in personnel, 4% COLA, additional 1 year of longevity for each eligible employee, 3 anniversary increases and a decrease in health care costs due to change in provider and plans. Supplies has a decrease in motor gas & oil and minor equipment. A one-time supplemental for FY 21-22 was removed for 9,000lb jack for \$3,800. Services has a decrease in communications. Leases has an increase in copier lease and capital outlay has a decrease in machinery & equipment. Removal of FY 21-22 one-time supplemental A/C Recovery Machine for \$6,000. No supplementals were approved for FY 22-23.

**Street:** changes in personnel, 4% COLA, additional 1 year longevity for all eligible employees, 8 anniversary increases, compensation plan increases for Maintenance Workers, and a decrease in health care costs due to change in provider and plans. Supplies has an increase in motor gas & oil and a decrease in supplies, uniforms, chemicals, and minor equipment. Services has an increase in travel and utilities and a decrease in communications and equipment rent. Maintenance has a decrease in signs, signals, and drainage. No supplementals approved for FY 22-23.

**Health:** changes in personnel, 4% COLA, additional 1 year longevity for all eligible employees, 5 anniversary increases, compensation plan increases for Animal Care Specialists, Customer Service Representative 1 and Kennel Attendants. Personnel has a decrease in health plans costs due to changes. New Animal Care Specialist position added. Supplies has an increase in motor gas & oil and animal care. Services has an increase in communications, professional services, and printing & publishing and a decrease in utilities, laundry, and other services. Repairs has an increase in vehicle maintenance and a decrease in equipment maintenance. Maintenance has a decrease in building maintenance. Leases has an increase in operating lease. Supplementals approved, new animal control specialist position added.

**Parks Administration:** changes in personnel, 4% COLA, Additional 1 year longevity for each eligible employee, 1 anniversary increase, and a decrease in health care costs due to change in provider and plans. Supplies has an increase in minor equipment and a decrease in supplies and uniforms. Services has an increase in professional services, memberships, and utilities with a decrease in communications and travel. Supplementals approved for the FY 22-23 one-time office equipment for \$400, permanent datafy information collection service for \$3,000, and permanent – Rotary Club Association Dues for \$1,056.

**Golf Course:** personnel changes, 4% COLA, additional 1 year longevity for all eligible employees, 5 anniversary increases, compensation plan increase for Maintenance Workers, and a decrease in health care costs due to plan changes. Supplies has an increase in fertilizer and motor gas & oil and a decrease in supplies, irrigation supplies, pro shop supplies, maintenance supplies, golf course accessories, green maintenance, uniforms, and minor equipment. Services has an increase in professional services and utilities and a decrease in communications, printing & publishing, travel, and equipment rent. Maintenance has a decrease in building maintenance, grounds & permanent fixtures. Leases has a decrease in operating & capital lease. No supplementals approved for FY 22-23.

**Parks Maintenance:** personnel changes, 4% COLA, additional 1 year longevity, 3 anniversary increases, compensation plan increases for Maintenance Workers, and a decrease in health care costs due to changes. Supplies has an increase in weed control chemicals, pesticide chemicals, and motor gas & oil with a decrease in health care costs. Supplies has an increase in weed control chemicals, pesticide chemicals and motor gas & oil with a decrease in supplies, uniforms, minor equipment. Services has an increase in communications and a postage, professional services, travel, memberships, and equipment rent. Repairs has a decrease in vehicle and equipment maintenance. Maintenance has a decrease in building maintenance and all individual park line items. Leases has an increase in operating lease. Capital has an increase in equipment which is a one-time Shade Structure for Kleberg Park Playground for \$10,000.

**Golf Course Pro Shop:** personnel changes, 4% COLA, additional 1 year longevity for all eligible employees, 1 anniversary increase, compensation plan increases for Pro Shop Attendants, and a decrease in health care costs. This division only records personnel costs of the Golf Course Manager and Pro Shop employees.

**Parks Recreational Programs:** personnel changes 4% COLA, additional 1 year longevity for all eligible employees, anniversary increases, new position created for full-time Aquatics Manager, and increase in health care costs due to the new position. Supplies has an increase in supplies and uniforms. Supplies has an increase in supplies and uniforms and a decrease in minor equipment and safety/first aid. Services has a decrease in all items except CC discount fees. Supplementals approved for FY 22-23 New Aquatics Manager position for \$42,175.

**Softball League:** proposed budget remains the same as FY 21-22.

**General Fund Transfers Out:** Transfer to Tourism Fund 002 - \$12,054; PIO Stipend – An FY 21-22 stipend was budgeted in the City Manager's budget which resulted in split funding to occur in the payroll system. In order to eliminate the need of the Payroll System to split fund this payment, it is budgeted in the Tourism payroll section and then General Fund covers the cost through a transfer. Transfer to Golf Course Maintenance Fund 026 - \$10,020; General Fund is required to send over 3% of budgeted Golf Course revenues for specific capital maintenance projects. Budgeted revenues are  $\$345,000 \times 3\% = \$10,350$ . The budget needs to be adjusted by \$330. Transfer to Utility Fund 051 - \$92,705; General

Fund and Utility Fund share personnel costs for Facilities Division 1805, Public Works 3000, Engineering 8000. In an effort to keep from splitting employees in the payroll system, Division 1805 employees are recorded in Utility Fund in Division 8020, Division 8000 employees are recorded partly in GF Division 3000 & UF Division 8000. *This transfer will need to be adjusted due to change in health care costs; 50% of 8000 Engineering Personnel Costs (in UF) - \$517,311 x 50% = \$129,327.75; 50% of 8020 Facilities Personnel Costs (in UF) - \$168,820 x 50% = \$84,410; Offset 50% of 3000 Public Works Personnel Costs (in GF) - \$176,251 x 50% = (\$88,125.50); Offset 50% of Welder in Division 3030 (in GF) - \$65,816 x 50% = (32,908). Transfer to Park Maintenance Fund 093 - \$25,000; This is an annual allocation to ensure that General Fund sets aside this specific amount for Park Maintenance related projects. Transfer to Economic Development Fund 098 - \$251,000; \$100,000 Prior fiscal year and this fiscal year, the General Fund has transferred over this amount to assist the EDC with their efforts, \$10,000 – The Retail Coach \$20,000 – Housing Impact Studies, \$5,000 – Zac Tax Sales Tax Database \$15,000 – Economic Impact Studies, \$25,000 – Business Development Staff \$20,000 - Housing & Retail Developer Recruiter, \$5,000 – Economic Development Website \$151,000 are for the estimated payments on the tax incentive agreements. Transfer to PW Vehicle Replacement Fund 105 - \$10,000, Annual amount set aside to build up funding for vehicle replacements; Transfer to PD Vehicle Replacement Fund 106 - \$10,000, Annual amount set aside to build up funding for vehicle replacements.*

**Building Security Fund 025:** FY 22-23 Estimated Beginning Fund Balance - \$36,708; Budgeted Revenues - \$13,000 and Budgeted Expenditures - \$18,330. FY 22-23 Estimated Ending Fund Balance - \$31,378. Expenditures - \$18,330, Door Access Project for the Municipal Court, which is an eligible expenditure for this Fund.

**Golf Course Capital Maintenance Fund:** This fund is used to account for 3% of budgeted revenues at the Golf Course to be used on golf course capital maintenance. FY 22-23 Estimated Beginning Fund Balance of \$68,511. Budgeted Revenues of \$10,020 and Budgeted Expenditures of \$0. FY 22-23 Estimated Ending Fund Balance of \$78,531. Known changes are, revenues need to be adjusted by \$330 due to budgeted revenues were increased to \$345,000 and 3% of \$345,000 is \$10,350; Revenues will increase to \$10,350; Estimated FY 22-23 Ending Fund Balance will increase to \$78,861. In FY 21-22, there was a major greens maintenance project undertaken by the city with contributions committed by the county. The project will be carried forward to next FY 22-23. Expenditures were not budgeted for FY 22-23 as no specific project was identified.

**Solid Waste Capital Projects Fund 087:** Residential \$4.30 of the \$21.00 Fee-Ordinance 2009-01. Commercial fees vary by the size of rollout & number of pickups. The intent was to set aside funding for the replacement of garbage trucks. FY 22-23 estimated beginning fund balance \$283,219 and budgeted revenues \$583,500 and budgeted expenditures \$619,911. FY 22-23 estimated ending fund balance \$246,808. Known changes: Revenues transfer in from General Fund 001 \$65,000 to cover the cost of a new Commercial Side Loader Garbage Truck. Expenditures, Commercial Side Loader Garbage Truck purchase \$308,529. Revenues will increase to \$648,500. Expenditures will increase to \$928,440. FY 22-23 Estimated Fund Balance will decrease to \$3,279. Solid waste capital projects fund 087; Expenditures for FY 22-23 are budgeted at \$619,911.48 vs \$908,660.16 for last fiscal year. Rollouts & Dumpsters \$100,000 annual budgets for rollouts and dumpsters; Capital Lease \$146,582.33 for the principal and interest payments on the Articulated Dump Truck & Garbage Trucks; Vehicle Maintenance \$26,000 for the Excavator Arm Repairs FY 22-23 supplemental; Street & Bridge Alley - \$50,000 Annual allocation; Transfer to Fund 011 \$201,571 for 2021 & 2022 Tax Note payment; and Transfer to Fund 090 \$95,758.15 for the City Hall payback payment.

**Landfill Closure Fund 090:** This is a \$3.00 landfill fee on both residential and commercial accounts. This funds the closure and post-closure landfill costs. FY 22-23 estimated beginning fund balance \$1,996,314. Budgeted Revenues are \$367,958 and budgeted expenditures are \$532,966. FY 22-23 Estimated Ending Fund Balance of \$1,831,306. Budgeted expenditures for Landfill Closure Fund 090, Expenditures for FY 22-23 are budgeted at \$532,966. FY 22-23 Supplemental, TCEQ Required Southside Landfill Drainage Plan \$322,085. TCEQ Permit Requirement of \$200,000 and FY 22-23 Supplemental for Parts for Portable Windscreens \$10,881.

**General Fund Capital Projects Fund 091:** This fund accounts for capital projects approved each budget. Transfers are made from the General Fund. FY 22-23 Estimated Beginning Fund Balance is \$2,494 with budgeted revenues of \$0. Budgeted Expenditures are \$2,494. Fiscal Year 22-23 estimated ending fund balance of \$0. Expenditures will transfer to general fund of \$2,494.02 to close out fund.

**Street Maintenance:** This fund accounts for the street maintenance fees collected from property owners. Expenditures for this fund are handled within this fund. No proposed fee increases for FY 22-23. Fiscal Year 22-23 estimated beginning fund balance is \$332,921. Budgeted revenues are \$1,035,000 and budgeted expenditures are \$1,274,982. Fiscal Year 22-23 estimated ending fund balance of \$92,939. Budgeted for street maintenance fund are, Expenditures of \$1,274,982; Street Sweeping Contract-SCA \$174,982; and Street & Bridge \$950,000. The list of streets will be provided in a separate correspondence at a later time. Transfer to General Fund 001 \$150,000 to reimburse payroll costs of the street construction crew.

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 8:17 P.M.

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Sam R. Fugate, Mayor

#### **ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

**AUGUST 22, 2022**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 22, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 3:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Norma N. Alvarez, Commissioner  
Ann Marie Torres, Commissioner

**CITY COMMISSION ABSENT:**

Hector Hinojosa, Commissioner  
Edna S. Lopez, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Janine Reyes, Tourism Director  
Rudy Mora, Engineer  
Michael Mora, Capital Improvements Manager  
Diana Gonzales, Director of Human Resources  
Susan Ivy, Parks Director  
Kobby Agyekum, Senior Planner/HPO  
Bill Donnell, Public Works Director  
Juan J. Adame, Fire Chief  
Ricardo Torres, Police Chief  
David Bodiford, Accounting Manager  
Charlie Sosa, Purchasing Manager  
Cameron Whittington, Water Supervisor  
Derral Mills, Landfill Supervisor  
David Solis, Risk Manager  
Joe Casillas, Water Production Supervisor  
Joseph Ramirez, Engineers Assistant  
Frank Garcia, Wastewater Supervisor  
Manny Salazar, Chamber of Commerce President/CEO  
Alicia Tijerina, Main Street Manager  
Nicholas Daniels, Building Official

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 4:00 p.m. with three Commissioners present. Meeting started late due to Commissioner Torres arriving at 4:00 p.m. Commissioner Hinojosa and Commissioner Lopez were absent from this meeting.

**CONVENE INTO BUDGET WORKSHOP At 3:00 P.M.:**

Review and discuss proposed fiscal year 2022-2023 budget for departments of the City of Kingsville. (City Manager).

Day two of the budget workshop began at 4:00 p.m. due to Commissioner Torres running one hour late to the meeting.

**Park Maintenance:** This fund accounts for specific park maintenance projects. The General Fund annually sends over \$25,000 for this specific purpose. Fiscal Year 22-23 estimated beginning fund balance is \$21,001. Budgeted revenues are \$25,000 and budgeted expenditures are \$46,000. Fiscal Year 22-23 estimated ending fund balance is \$1. Expenditures are \$46,000 for Grounds & Perm Fixtures for \$12,000 and fiscal year 22-23 one-time supplemental for a Red Dirt for Ball Fields. Machinery & Equipment for \$34,000; FY 22-23 one-time supplemental for (2) 72" Deck JD Mowers \$22,000 and a FY 22-23 one-time supplemental for a JD Utility Gator for \$12,000.

**Vehicle replacement fire fund 097:** This fund is used to accumulate funds for future vehicle purchases for the Fire Department. Funds for this fund are received through General Fund transfers and through the Ambulance Supplemental Grant Program when the program is available for application. FY 22-23 estimated beginning fund balance is \$170,628. Budgeted revenues of \$0, (looking at using Property Tax Reserve, or GF Fund Balance, this year to move \$45K; need this amount for the next four years to fund a Medic Unit). Budgeted Expenditures is \$0 with FY 22-23 estimated ending fund balance of \$170,628. Expenditures from this fund are not planned for FY 22-23. Targeting 2026 to purchase/lease a new Medic Unit to replace the 2011 Reserve Medic Unit (M-3). A Medic Unit is the most pressing need for KFD looking forward to when the 3<sup>rd</sup> Fire Station becomes operational.

**Economic Development Fund:** This fund accounts for the revenues and expenditures related to economic development. Funds come in from transfers from General Fund and outside companies who pay In Lieu of Taxes. FY 22-23 estimated beginning fund balance \$98,900. Budgeted revenues of \$355,600 and budgeted expenditures of \$341,000. Fiscal Year 22-23 estimated ending fund balance of \$113,500. Personnel, by contract, the city contributes \$65,000 for salaries and benefits. The EDC picks up all salary costs above \$65,000.

**Vehicle Replacement Police Fund 105:** This fund is used to accumulate funds for future vehicle replacements for the Police Department. Funds are received through General Fund transfers. Fiscal Year 22-23 estimated beginning fund balance is \$20,000. Budgeted revenues are \$10,000 and budgeted expenditures are \$30,000. Fiscal Year 22-23 estimated ending fund balance of \$0. Revenues are \$10,000 for FY 22-23. This fund started three years ago. Fiscal Year 22-23 estimated ending fund balance will be \$0 due to transfer out to cover costs of a supplemental for Police vehicles. The General Fund will continue to make an annual transfer of \$10,000. These funds will continue to build up until there is enough funding to purchase vehicles. Expenditures are \$30,000 for FY 22-23. Transfer to the 2021 Tax Note Fund 115 to cover costs of (2) Police vehicles. After all planned FY 20-21 expenses, there was extra money in the 2021 Tax Note Fund.

**Tax Note Series 2021 Fund 115:** This fund was used to account for tax note proceeds used to purchase FY 20-21 capital outlay of police vehicles, fire command vehicle, garbage trucks and golf course backhoe. The beginning fund balance was due to purchase cost savings. Fiscal Year 22-23 estimated beginning fund balance is \$206,854. Budgeted Revenues are \$30,000 (from Fund 105 – Vehicle Replacement Fund - Police) and budgeted expenditures of \$236,854. Fiscal Year 22-23 estimated ending fund balance of \$0. Revenues of \$30,000, transfer from Vehicle Replacement Fund 105 Police \$30,000 to cover purchase costs of (2) Police vehicles. Expenditures of \$236,854; two Police vehicles for \$137,078, and machinery & equipment for \$74,791. Fiscal Year 22-23 one-time supplemental for a new Street Rotary Broom. Transfer to General Fund of \$24,985 for Issuance Costs Savings sent over by General Fund. All insurance paid from general fund.

**Property Tax Reserves Fund 120:** This fund is used to accumulate funds to be used to address future budget shortfalls. Funds are transferred from General Fund based on a calculation that are part of the tax rate. Traditionally, this fund is those Tax Revenues raised from the tax rate above

\$ .83000. Fiscal Year 22-23 estimated beginning fund balance of \$432,231. Budgeted Revenues are \$83,541 based on \$.84000 tax rate. These revenues will not be recorded as the adjusted proposed tax rate has dropped to \$.82500. Budgeted Expenditures are \$225,000 (this transfer will no longer be needed). Fiscal Year 22-23 estimated ending fund balance is \$290,772 (Will adjust to \$432,231).

**GF ARP State & Local Fiscal Recovery Fund 121:** The total allotment for the City of Kingsville was \$6,272,701.30. The city received the first tranche of \$3,136,350.65 at the end of September 2021. The 2nd tranche will be received at the end of September 2022 (budgeted in FY 21-22). The following projects have been funded, or earmarked, for funding from Fund 121: General Fund; Hazard Pay, PD Tasers & Dispatch Station, Golf Course Greens. Economic Development Grant; Fire Vehicle Repair, Broadband Project, Broadband Feasibility Study, Golf Course Equipment, Parking Lots, Jet Engine Program, Parks Revenue Replacement, PD Canopy, PD & Fire Roof, Body Worn Cameras Grant Cash Match, Door Access Project, COVID Testing Clinic \$50,000 for FY 21-22 & \$50,000 for FY 22-23. The final rule includes a simplified lost revenue provision that gives each local government a \$10 million standard allowance for lost revenues. This means that the first \$10 million of your ARP dollars can be spent on nearly anything that would normally be paid for from your general fund, including roads and bridges. FY 22-23 estimated beginning fund balance is \$606,925. Budgeted revenues are \$0 and budgeted expenditures are \$606,925. Fiscal Year estimated ending fund balance is \$0. Revenues \$0 (All revenues will be received by the end of FY 21-22). Expenditures of \$606,925 for the following: Computers & Associated Equipment \$20,670 for Door Access Project; Professional Services \$521,465 for Broadband Initiative \$400,000, COVID Testing Clinic \$100,000, and set aside for cost overruns \$21,465 Grounds & Perm Fixtures \$64,790 for Remaining balance of Parks Revenue Replacement Allotment

**Economic Development Grant Program Fund 123:** This fund has been created to record and manage the economic development grant program that is using ARP funding. Fiscal Year 22-23 estimated beginning fund balance of \$500,000. Budgeted revenues are \$0 and budgeted expenditures are \$500,000. Fiscal Year 22-23 estimated ending fund balance are \$0. Revenues are \$0, the seed money for this grant program was transferred in FY 21-22. Expenditures are \$500,000, this amount is what has been allocated for this grant program to be awarded based on applications submitted. Four applications currently under review by the Grant Administrative Board.

**GF Tax Note Series 2022 Fund 126:** This fund is used to account for the tax note proceeds used to acquire the FY 21-22 capital outlay purchases from the General Fund of the (3) police vehicles, Bobcat Skid Steer, Excavator, Pneumatic Roller, Wheeled Trash Compactor and Ford F250 Regular Cab truck for Code Compliance. The beginning fund balance is due to purchase costs savings. Fiscal Year 22-23 estimated beginning fund balance are \$183,505. Budgeted revenues are \$0 and budgeted expenditures are \$183,505. Fiscal Year 22-23 estimated ending fund balance is \$0. Revenues are \$0, all revenues were received in FY 21-22. Expenditures are \$183,505 for: Machinery & Equipment \$7,885 for FY 22-23 one-time Supplemental for a Diesel Tank With Trailer for Garage to fill generators and equipment (off-site); Machinery & Equipment \$47,120 for FY 22-23 one-time Supplemental for Street Batwing Shredder; Machinery & Equipment \$9,047 for FY 22-23 one-time supplemental for Health 6 Stall Slide In Animal Control Unit; and transfer to General Fund 001 of \$119,453 for Tax Note Payments budgeted for FY 21-22 that were not needed. Note Payment in FY 21-22 was interest only.

**Certificates of Obligation Series 2016 Fund 033:** This fund is used to account for the transactions of the CO Series 2016. Eligible expenditures of the bond series includes: design, planning, acquisition, construction, equipping, expansion, repair, renovation and/or rehabilitation of certain City-owned public property, including (1) park and golf course improvements, (2) downtown revitalization improvements, including streets, sidewalks, lighting, and property acquisition (3) street repairs; (4) improvements to municipal buildings, (5) Public Works department equipment; (6) emergency department vehicles and equipment and (7) payment of



contractual obligations for professional services in connection with the issuance of the Certificates. This fund will be closed in FY 22-23. Fiscal Year 22-23 estimated beginning fund balance is \$28,893. Budgeted revenues are \$0 and budgeted expenditures are \$28,893. Fiscal Year 22-23 estimated ending fund balance is \$0. Revenues are \$0, all revenues have been received. Financial advisors recommend we close this fund in FY 22-23. Expenditures are \$28,893 for FY 22-23 one-time supplemental for Chamberlain Park Bathroom of \$23,293 and one-time supplemental for swing set for Flato Park for \$5,600.

**General Obligation Debt Service Fund 011:** This fund is used to account for the payment of General Fund debt service. Revenues are generated from the I&S portion of the Ad Valorem Taxes. Fiscal Year 22-23 estimated beginning fund balance is \$601,939. Budgeted revenues are \$1,960,347 and expenditures are \$1,817,452. Fiscal Year estimated ending fund balance is \$744,834. Revenues are \$1,960,347 for a breakdown of, estimated current tax revenues based on next year's GF debt service payments are \$1,679,776; estimated delinquent tax revenues are \$45,000; estimated penalty & interest revenues are \$32,000; and transfer from Solid Waste Capital Projects Fund 087 of \$201,571 from 2021 tax note payment for the 3 Garbage Trucks and 2022 tax note payment for the Wheeled Trash Compactor; and Interest Income of \$2,000. Expenditures for GO Debt Service is \$1,817,452 for breakdown of \$1,570,949 for principle, \$240,503 in interest, and \$6,000 for paying agent fees.

**Tourism Fund 002:** This fund is used to account for revenues and expenditures for tourism activities. Revenues are received from Hotel Occupancy Taxes (HOT) and expenditures are based on State Tax Code Chapter 351. Fiscal Year 22-23 estimated beginning fund balance is \$597,164. Budgeted revenues are \$667,554 and expenditures are \$678,663. Fiscal Year 22-23 estimated ending fund balance \$586,055. Personnel changes are 4%COLA, additional 1 year longevity for each eligible employee, 4 anniversary increases, part-time administrative assistant increased to full-time position, Special Events Downtown Manager salary increase; 4 part-time seasonal workers added, and a decrease in health care costs due to provider and plan changes. This department has increases in parade float setup, contractual services, memberships, catering, utilities, and advertising. The department has the following decreases: supplies, uniforms, motor gas & oil, promo supplies, communications, professional services, and special events. Supplementals approved, permanent part-time Administrative Assistant to full-time, permanent Special Events Downtown Manager salary increase, and 4 part-time seasonal workers added. Transfers to Fund 001 is \$35,000. Annual allocation covers administration services by the following divisions: City Manager, Finance, Human Resources, IT, Facilities.

**Tourism ARP State & Local Fiscal Recovery Fund 205:** This fund accounts for the ARP allotment for Tourism Revenue Replacement Projects. Fiscal Year 22-23 estimated beginning fund balance is \$108,588. Budgeted Revenues are \$0 and expenditures at \$0. Fiscal Year 22-23 estimated ending fund balance is \$108,588. Funds will be appropriated through budget amendments as projects are identified. Original ARP funding for revenue replacement projects is \$173,544. Fiscal Year 21-22 Projects total \$64,956; Office Furniture \$10,800, Promo Supplies \$8,656, Train Depot Improvements \$12,500, and Wayfinding Signs \$33,000. Potential FY 22-23 Projects for \$108,588 (will Budget Amend as details are worked): Cartoon Map rendering of the city, Sunshades for Tourism Butterfly Garden seating area, Mural for Tourism, and Mini-dog park at Tourism.

**PD State Seizure Fund 005:** This fund is used to account for revenues and expenditures resulting from state seizure awards. Fiscal Year 22-23 Estimated Beginning Fund Balance of \$1,116,794. Budgeted revenues are \$1,500 estimated interest and expenditures are \$221,827. Fiscal Year 22-23 estimated ending fund balance is \$896,467.

**PD Federal Seizure Fund 028:** This fund is used to account for revenues and expenditures resulting from federal seizure awards. Fiscal Year 22-23 estimated beginning fund balance is \$136,339. Budgeted revenues and expenditures are \$0. Fiscal Year 22-23 estimated ending fund balance is \$136,339.

**Municipal Court Technology Fund 031:** This fund is used to provide for technology needs of Municipal Court. Revenues are generated from consolidated court fees. Fiscal Year 22-23 Estimated Beginning Fund Balance is \$42,845. Budgeted revenues are \$11,000 and expenditures are \$9,354 for professional services for notification calls \$4,500 and copier lease for \$4,854. Fiscal Year 22-23 estimated ending fund balance is \$44,491.

**HS Operation Lone Star Grant Fund 059:** This grant is for Police Equipment. The beginning fund balance has been adjusted for all purchases to occur in FY 21-22. Fiscal Year 22-23 estimated beginning fund balance is \$33,157 (Now changes to \$0). Budgeted revenues and expenditures are \$0. Fiscal Year estimated ending fund balance is \$33,157, now changes to \$0.

**DEAAG Grant Fund 084:** This fund is used for a potential Defense Economic Adjustment Assistance Grant (DEAAG). This fund currently holds the cash match for future grant applications. Fiscal Year 22-23 estimated beginning fund balance is \$507,500. Budgeted revenues are \$0 and budgeted expenditures are \$500,000. Fiscal Year 22-23 estimated ending fund balance is \$7,500. Expenditures are \$500,000: Grant Cash Match for application due August 31<sup>st</sup> for November 2022 award and application is for expanded fire bays to house four new ARFF trucks at NAS Kingsville.

**Texas Parks & Wildlife Grant Fund 094:** This fund is used to account for the Texas Parks & Wildlife Grant for improvements to Dick Kleberg Park and includes playgrounds, interpretive signage/kiosks, sensory maze, picnic tables and shelters, exercise equipment, ballfield renovations, multipurpose field renovations and grant signage. Grant ends December 2023. Original Allocation of \$448,000 for Grant Funding \$224,000, Cash Match \$195,125, City In-Kind (Work) \$14,625 (now becomes \$19,625). County was supposed to provide \$5,000 in Work In-kind and is no longer going to provide. Donations/Outside In-Kind \$14,250 (now becomes \$9,250). FY 22-23 estimated beginning fund balance is \$31,665. Budgeted revenues are \$66,910, grant funding. Budgeted expenditures are \$98,575, projects carried forward. Fiscal Year 22-23 estimated ending fund balance is \$0. Projects to be carried forward to FY 22-23 are as follows: Wildlife photo kiosk along the trail for \$4,500; clean rivers kiosk/water conservation for \$3,500; sensory maze for \$13,000; 10 picnic tables and 10 grills at \$4,000; exercise equipment for \$22,000; shelters for \$6,000; baseball windscreens \$5,000; football field goals & pads \$5,000; girls' softball wheelchair accessible dugouts \$12,000; girls' softball shade structures & windscreens \$17,000; history of baseball exhibit for \$3,000; final signage for \$3,575. All projects total to \$98,575.

**Fiscal Year 22-23 Safe Routes to School Grant Fund 100:** this fund accounts for grant proceeds for the projects identified in the Safe Routes to School grant. The grant will connect Harvey Elementary to Jubilee Academy and Brookshire Poll/Skate Park to the Boys and Girls Club and extend to 14<sup>th</sup> Street with 6-foot-wide sidewalks. ADA ramps and crosswalks. This is a reimbursable grant with a \$0 match. Engineering services will be done in-house. Project is expected to start the Fall of 2022. Fiscal Year 22-23 estimated beginning fund balance is \$77,602. Budgeted revenues are \$974,520 and budgeted expenditures at \$852,122. The fiscal year estimated ending fund balance is \$200,000.

Mr. Rudy Mora, City Engineer stated that this was an application that was awarded in 2019, but prices have increased for material since then. The scope of work has been reduced. Originally there were 6-foot-wide sidewalks and with price of material increasing staff asked TXDOT if the width of the sidewalks could be decreased to 5-foot-wide, TXDOT responded yes. With increases pricing, what was removed from this project was the northside sidewalk on Lott Street between 14<sup>th</sup> Street and 20<sup>th</sup> Street. This would have to be a separate grant application. Mr. Mora stated that the grant pays for \$700,000 with the estimate from the Engineer is about \$880,000 which 10% is contingency with a request for \$200,000 to cover the difference.

Commissioner Torres asked if one of the projects was taken out from going to the school? Mr. Mora responded yes. He further explained that the original plan had sidewalks on 19<sup>th</sup> Street, Kenedy, and Lott. The portion of the sidewalk on Lott was removed because the estimated price

from the Engineer was about \$1.3 million. Once this was removed, it decreased the cost for the project. Commissioner Torres further asked if this would affect the grant. Mr. Mora responded no.

Mr. Mora stated that the revenues are \$974,520; construction reimbursements as per grant award are \$774,520 and transfer from CO Series 2013 Drainage Fund 068 \$200,000. Expenditures are \$852,122 for construction costs of \$795,214. This cost includes \$20,694 for matching funds which may not be needed since it ended up being a \$0 cash match. In kind engineering services are \$56,908.

**Assistance to Firefighter Grant Fund 107:** FY 22-23 estimated beginning fund balance of \$1,870. Budgeted revenues and expenditures are \$0. Fiscal Year 22-23 estimated ending fund balance is \$1,870.

**Patrick Leahy Bullet Proof Vest Fund 108:** This fund accounts for the proceeds of the Patrick Leahy Bulletproof Vest Grant. This grant is awarded for a 2-year period. The amount budgeted includes an award of \$9,170 from 2020 and \$10,000 from 2021 with a 50% cash match. The estimated beginning fund balance has been adjusted to \$9,585 due to recording additional purchases in FY 21-22. FY 22-23 estimated beginning fund balance is \$14,170 (Adjusted to \$9,585). Budget revenues and expenditures are \$0. Fiscal Year estimated ending fund balance is \$0.

**Citywide Wastewater Collection System Improvements Grant Fund 113:** This fund is used to account for the grant proceeds of the General Land Office Citywide Wastewater Collection System Grant Fund. This grant includes the following 7 activities: Activity 1, three pump lift station are 14<sup>th</sup> street line replacement; Activity 2, 78 manhole repairs; Activity 3, utility line replacement parallel to IH69 from Corral to Santa Gertrudis; Activity 4, utility line replacement, Johnston & Fordyce, from 17<sup>th</sup> to 18<sup>th</sup>; Activity 5, utility line replacement, Lott Street to 10<sup>th</sup> Street; Activity 6, utility line replacement, 10<sup>th</sup> Street from Ragland to Santa Gertrudis; and Activity 7, lift station rehabilitation. Fiscal Year 22-23 estimated beginning fund balance is \$1,233,198. Budgeted revenues are \$5,693,110 from grant funding and budgeted expenditures are \$5,693,110. Fiscal Year 22-23 estimated ending fund balance is \$1,233,198. Original grant allocation, grant proceeds of \$7,293,110.

**Southwest Border Rural & Tribal Assistance Grant Fund 114:** this fund is used to account for grant proceeds of the SWB Rural & Tribal Assistance Grant Fund awarded for two license plate reader packages, which includes a Rapiscan Detection Unit. Fiscal year 22-23 estimated beginning fund balance is \$13,125 with budgeted revenues and expenditures at \$0. Estimated ending fund balance for FY 22-23 is \$13,125.

**TWDB Drainage Master Plan Location 7 Improvement Project #40135 Fund 116:** This fund is used to account for the grant and loan proceeds for location 7 of the Drainage Master Plan. This location will relieve drainage issues along Pasadena Drive and in Glover Park Subdivision on the southwest side of the city. It includes upsizing approximately 1,600 linear feet of stormwater drainage, adding 17 curb inlets and completing 2,900 linear feet of channel excavation to improve flow hydraulics. Original grant allocation funds \$602,000 and loan proceeds of \$754,000. Fiscal year 22-23 estimated beginning fund balance is \$186,134. Budgeted revenues are \$602,000 with expenditures of \$754,000. Estimated ending fund balance of \$34,134.

**TWDB Drainage Master Plan Location 1 Improvement Project #40142 Fund 117:** This fund is used to account for the grant and loan proceeds for Location 1 of the Drainage Master Plan and is approximately 85 acres, fully developed and includes approximately 125 homes in Fairview Heights and San Jose Estates subdivisions in the northeast side of the City. It includes installing 2,400 linear feet (LF) of a stormwater drainage system, adding 16 curb inlets, and completing approximately 1,000 LF of channel excavation to improve flow hydraulics. Original allocation, grant proceeds \$602,000 and loan proceeds of \$754,000. Fiscal year 22-23 estimated beginning

fund balance is \$184,881. Budgeted revenues are \$602,000 and budgeted expenditures of \$754,000. Estimated ending fund balance of \$32,881.

**TWDB Drainage Master Plan Location 3 Improvement Project #40143 Fund 118:** This fund is used to account for the grant and loan proceeds for Location 3 of the Drainage Master Plan and will relieve drainage issues in the Forest Park 2 subdivision on the east side of the City. It includes replacing approximately 900 linear feet (LF) of an existing stormwater drainage system and installing 2,800 LF of new stormwater drainage system, 10 additional inlets, and seven curb inlet extensions. Original allocation, grant proceeds \$645,000 and loan proceeds \$811,000. FY 22-23 estimated beginning fund balance of \$37,989. Budgeted revenues are \$645,000 (Grant Funding) and budgeted expenditures are \$645,000 (Grant Project Costs). Estimated ending fund balance for FY 22-23 is \$0.

**TWDB Drainage Master Plan Location 4 Improvement Project #40144 Fund 119:** This fund is used to account for the grant and loan proceeds for Location 4 of the Drainage Master Plan and will relieve drainage issues in Sarita Park 4, Sarita Park 5, and Southmore Acres subdivisions on the south-central side of the City. It includes completing approximately 1,600 linear feet (LF) of channel excavation and installing 3,150 LF of new stormwater drainage system. Original allocation of grant proceeds \$817,000 and loan proceeds of \$1,039,000. Estimated beginning fund balance for FT 22-23 is \$59,718. Budgeted revenues are \$817,000 and budgeted expenditures are \$817,000. Estimated ending fund balance for FT 22-23 is \$59,718

**General Land Office (GLO) Hurricane Harvey Mitigation Grant Fund 122:** This fund is used to account for the grant proceeds of the GLO Hurricane Harvey Mitigation grant that includes the following: 675 ft of 36 inch reinforced concrete pipe (RCP), 6 inlets - \$1m - E Santa Gertrudis Ave; 300 ft of 7 ft x 4 ft, 1,600 ft of 7 ft x 5 ft box culverts, 5 inlets - \$1.2m - 7th Street 900 ft of 8 ft x 6 ft, 884 ft of 10 ft x 6 ft box culverts, 5 inlets - \$2.4m - E Caesar Avenue; 800 ft of 6 ft x 3 ft, 8,535 ft of 10 ft x 6 ft box culverts, 25 inlets - \$9.1m - S Brahma Blvd; 850 ft of 9 ft x 7 ft, 700 ft of 10 ft x 7 ft box culverts, 9 inlets - \$2.4m - E Caesar Ave; 300 ft of 12 in RCP - \$0.2m - E Carlos Truan Blvd; 3,200 ft of 8 ft x 4 ft box culverts, 10 inlets - \$2.4m - S 6th Street; 200 ft of 24 in RCP - \$0.2m - Paulson Falls Blvd; 2,000 ft of 9 ft x 5 ft, 1,585 ft of 10 ft x 6 ft, 1,800 ft of 10 ft x 7 ft box culverts - \$5.6m - US 77 Hwy; 360 ft of 36 in RCP inlet laterals, 15 inlets - \$0.9m - N Armstrong; 1,565 ft of 36 in RCP, 20 inlets - \$1.6m - E King Ave; 1,600 ft of 48 in RCP, 20 inlets - \$1.3m - S 14th Street; 1,600 ft of 18 in RCP, 2 inlets - \$0.6m - W Johnston Ave; 2,750 ft of 24 in RCP, 13 inlets - \$1.1m - W Santa Gertrudis Avenue; Grant Allocation, construction - \$30m, Engineering - \$4.5m, Administration - \$2,178,716, for total grant award of \$36,678,716. Local match of \$366,787 and grant funding of \$36,311,929. FY 22-23 estimated beginning fund balance of \$366,787. Budgeted revenues are \$34,308,314 and budgeted expenditures of \$34,308,314 which consists of professional services for \$4,675,101 and drainage for \$29,633,213. Estimated ending fund balance for FY 22-23 is \$366,787.

Mr. McLaughlin commented that all of these will take over a year to get done, which will be going into the next fiscal year. The engineers are looking at all these roads to determine which roads are being torn up enough that will get the repavement done.

Ms. Alvarez asked if the Commission would like to recess the budget workshop and reconvene it after the scheduled regular meeting tonight.

The Commission decided to reconvene the budget workshop after the normal scheduled meeting tonight.

Mayor Fugate recessed the meeting at 4:57 P.M.

**REGULAR MEETING RESUMES AT 5:00 P.M.:**

Mayor Fugate opened the regular meeting at 5:00 P.M. with three Commission members present. Commissioner Hinojosa and Commissioner Lopez absent for this meeting.

### **INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

### **MINUTES OF PREVIOUS MEETING(S)**

#### **Regular Meeting-August 8, 2022**

**Motion made by Commissioner Alvarez to approve the minutes of August 8, 2022, as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Fugate voting “FOR”.**

### **II. Public Hearing - (Required by Law).<sup>1</sup>**

#### **1. Conduct a Public Hearing regarding the advisability of the improvements to be financed by the Somerset Public Improvement District No. 1. (City Manager/City Attorney).**

Public hearing not heard. Ms. Alvarez explained that the city's Bond Counsel has advised that they were requesting the cancellation of the public hearing on the PID. They are still working through some numbers with the developer. The developer will be submitting a new PID petition to the City Commission to restart the process and at that point in time there will be a new public hearing date announced with a new notice published in the newspaper. The current petition is being withdrawn.

#### **2. Public hearing regarding condemnation proceeding for structures (rear structure only) located at 518 W. Ragland Street, Kingsville, Texas. (Director of Planning & Development Services).**

Mr. Nicholas Daniels, Building Official stated that this process started back in 2021. Notices have been sent the electrical service is no longer functional. The structure exterior walls are dilapidated and show signs of wear with structure integrity failing. The original landing and stairway going up shows extreme signs of wear. The structure is no longer stable or acceptable for any type of human habitation. Found the overall condition of the rear structure to be dilapidated and hazardous. It is unsecured and dangerous allowing easy access to animals, vagrants and criminal activity. The 2<sup>nd</sup> story flooring is rotted and unstable. Windows have been open allowing weathering and access for animals. The walls are showing signs of decay and rot. Mr. Daniels stated that this is only for the rear structure on this property.

Mayor Fugate asked when was the last time property taxes were paid for this property?

Ms. Alvarez responded that 2020 and 2021 are due as of March 9, 2022.

Mr. Curtis Albright, 518 W. Ragland commented that the property belongs to his family which are in Chicago. He stated that he does not have the funds to demolish the property or to fix it.

Mayor Fugate commented that this is something that could be done through the city and have the city demolish it for Mr. Albright and possibly workout a payment plan.

Mr. Albright stated that he does not want to lose his property if the city does the demolition.

Ms. Alvarez commented that the property owner can have the city demolish the property through a voluntary demolition and then work a payment plan with the city. If

the payment plan is not followed through, then the city can process a lien on the property. The other option is, if the city commission decides to condemn the property tonight, then the property owner has 30 days, after the condemnation is ordered by the commission, to get the structure demolished. At the end of the 30-day period if the structure is not removed then the city has the authority under state statute to go in and demolish the property. At that time, an invoice will be prepared access that as a lien for the property. She further stated that the city doesn't take the real estate, only the substandard structure. So, the choice would be voluntary or involuntary.

Commissioner Alvarez asked if for the taxes, are both structures considered as one? Ms. Alvarez responded that it is on the same property ID number. Commissioner Alvarez further asked if the lien would affect both structures? Ms. Alvarez responded that it would go against the property, the legal description. Commissioner Alvarez commented that the property would not be able to be sold due to the lien being placed.

Mr. Albright commented that he is not able to sale the property as it is a homestead and left to his dad's brothers which include his father and a uncle who have now since passed away.

Mayor Fugate commented that the problem is that neighbors live next to this property and have to see this each and every day. The property needs to be condemned and if Mr. Albright does not have the funds to demolish the property, he needs to allow the city to do it for him, then workout a payment plan with the city. This is a health and safety issue for the owner and its neighbors. Mayor Fugate further commented that Mr. Albright that the city will not remove him from his home, but the rear structure needs to be demolished.

Mayor Fugate closed this public hearing at 5:12 P.M.

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

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

Mr. Mark McLaughlin, City Manager reported that the Health Department will be spraying for mosquitos. Health Department have trapped some mosquitos for testing and results have come back negative. He further introduced and welcomed the new Commanding Officer for NAS Kingsville, Captain Eric Brumley.

Mr. Jerry Martinez, County Commissioner stated that the Vietnam Memorial Wall will be displayed in Kingsville from November 9<sup>th</sup> through November 14, 2022. The wall will be temporarily stationed on Daniel Alarcon Street.

Ms. Courtney Alvarez, City Attorney reported that the Bond Counsel has advised for the PID public hearing be cancelled as a new petition will be submitted at a later time. Ms. Alvarez further reported that there is a special commission meeting scheduled for tomorrow, August 23<sup>rd</sup>, if the needed. The next City Commission meeting is scheduled for September 6, 2022, at 5:00 p.m. During this meeting the Commission will have a public hearing on both the proposed budget and tax rate. It will also contain the introduction ordinances to both the budget and tax rate. Following that meeting, there will also be a regular meeting on September 12, 2022, and on that agenda the Commission will be voting on both the budget and tax rate with other ordinances needed for the upcoming fiscal year.

Commissioner Torres reported that she and Mayor Fugate and City Manager Mr. McLaughlin met with Congresswoman Mayra Flores regarding ideas for the City of Kingsville.

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

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

Mr. Terry Fitzwater, 231 E. Kleberg commented that Congresswoman Flores will be opening an office in Kingsville. He further stated that the Vietnam Memorial Wall will be brought to Kingsville in November 2022. There will be a ceremony on November 9<sup>th</sup> with Kleberg County Judge Rudy Madrid laying a wreath commemorating those that loss their lives during the Vietnam War. November 10<sup>th</sup>, the wall will be constructed with a ceremony opening the wall to all. There will be a flyover and the playing of TAPS during the ceremony.

Carola Serrato, 501 Billy Evans commented that it may be that she is not informed of the Somerset PID so she doesn't know what kind of information has been shared. She understands that the public hearing has been cancelled but is not certain if the other information that will be revealed at the actual public hearing will go into detail such as whether it will affect the through traffic or if any of the streets in the Chandler Acres Subdivision will be extended or will they go through Brahma Blvd, will it affect their drainage, or sewer or water service. She further commented that it would be helpful if she could reach out to someone within the city to get some of this information.

Norma Collins, 3311 S. Brahma Blvd. commented that she is concerned about the Somerset PID. She would like to see the plans for this development to make sure that it is not abutting up to their property making them loose their privacy. She further commented that she needs to see a plan and would like for the developer to consider a green space between the existing properties and the new development as there is a lot of residents that have resided within this area for more than 40 years. They are used to seeing the sunset and cows and with this new development they will be seeing houses. Will this development devalue their property and with them already having a sewer problem how will this be considered.

Mrs. Mary Valenzuela, City Secretary read the following public comments on behalf of the following individuals: Jose Cameron, Jason Mendez, Brenda Kress, and Joseph Melendez. The comments read as follows:

Jose Cameron, 514 E. Kenedy, since the commission meetings have been broadcast online, I have become concerned by how often a member of commission has taken an adversarial approach toward an employee or employees. Last night was another

example. I am confused by comments regarding a modest pay increase for all employees to help fight the higher prices we all have now. I don't see how commissioners could not see the need for an adjustment for all employees and if they can't they aren't in touch with the people. I have a good job that pays well, but lately my grocery and gas bills are almost twice what they were last year. I imagine it is the same for most people and I don't see how depriving city employees helps me as a taxpayer. If the employees don't get more money and the tax rate goes down how much does that save a taxpayer? \$10 a month? \$20 a month? That isn't a life changing savings. There are those where that amount of money would help a little, but it isn't going to take them out of poverty. The decision to save them that money will however hurt the employee's ability to provide services and create new problems for taxpayers when they can't get service. The proposed budget looks like it has some big cuts, a lower tax rate seems like it would create a budget that doesn't work and if employees can't get paid enough to pay their bills, then they will leave.

Jason Mendez, 1204 W. Lee, I would like to thank city staff for putting the budget hearings on Facebook. It is much more convenient for those of us who work evenings and can't attend meetings. I am concerned by Commissioner Hinojosa's comments about the COLA and tax rate and urge the other members of commission to consider logic and the city as an organizations best interest rather than their own agendas. The commissioner said he was against a COLA for employees and wanted a lower tax rate in order to be more "tax-payer friendly", but I ask this in response: who provides city services to taxpayers? City employees are the conduit by which services reach citizens. If they are hamstrung by a diminished budget or distracted by personal financial issues, then the quality of service to taxpayers will decline rapidly. The COLA and tax rate appear to have been arrived at through logic rather than politics. It is nice to say that taxes have been lowered, but it is even nicer to have my trash collected by working trucks, police to keep me safe, and clean water to drink. Those are things given to us taxpayers by city employees not elected officials. I also heard the discussion of excluding salaried employees from a COLA, which makes little sense. Regardless of pay everyone is being hurt by inflation and without knowing every person's financial situation you can't possibly say that excluding them won't hurt them. Perhaps they care for a disabled family member or loved one and despite higher pay have higher bills through no fault of their own. I urge the commission to please remember that employees are real people regardless of their pay or position and not simply lines in a ledger.

Brenda Kress, 1910 Louisiana I want to thank Ernie and the other animal control people for responding so quickly to a call of dangerous dogs. They were very kind and efficient and made a bad situation so much easier. They have a difficult job, but they do it with professionalism and a big heart. Thank you again.

Joseph Melendez, 900 S. 23<sup>rd</sup>, I am not a resident of Kingsville, but I do bring my kids to see their tia and primos nearly every week of the summer since you have a good pool and skate park near their house. This last week me and my kids got chased by a Pitbull and German Shepherd that were just running loose. The dogs were trying to attack my sisters outside cats. I kicked at them to scare them away and they turned and ran up on me. Luckily, I got my kids in the truck, but the dogs had no fear of people and were very aggressive. I wasn't sure who to call to report it, but something needs to be done about these owners letting their animals just run around.

Diana McLaughlin, 3403 S. Brahma Blvd. commented that she would like to know the new date for the PID public hearing. Ms. Alvarez responded that a date has not been set yet, but once staff receives the new petition, it will have the new date in it. Ms. McLaughlin asked that with the city receiving a large amount in sales tax revenue, will this affect their tax rate.



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)*

None.

### **REGULAR AGENDA**

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

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

**1. Consider condemnation of structures (rear structure only) located at 518 W. Ragland Street, Kingsville, Texas. (Director of Planning & Development Services).**

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

**2. Consider resolution accepting funding from the Texas General Land Office, Regional Mitigation Program for projects benefiting low to moderate income persons. (City Manager).**

Mr. McLaughlin stated that the city has been awarded \$3.9 million from the Texas General Land Office Regional Mitigation program for projects benefiting low to moderate income households. This resolution would allow the acceptance of those funds.

Motion made by Commissioner Torres to approve the resolution accepting funding from the Texas General Land Office, Regional Mitigation Program for projects benefiting low to moderate income persons, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Alvarez, Fugate voting "FOR".

**3. Consider awarding RFP #22-15 for Group Medical Employee Benefits Program as per consultant's recommendation. (Employee Health Insurance). (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes RFP 22-15 Group Medical Employee Benefit Programs for the City of Kingsville. The city advertised RFP 22-15 on June 9<sup>th</sup> and June 23, 2022, where six potential vendors

submitted proposals. All proposals received by the deadline of June 28, 2022, at 2:00 p.m. were opened. Proposals were received from United Health Care Group, TML Health Benefits Pool, Maesrto Health, Deer Oak EAP Services, Interflex Payments, LLC, DBA Ameriflex, and 90 Degree Benefits. The city's consultants, Carlisle Insurance agency reviewed all proposals submitted in response to RFP22-15. Each proposal was broken down for easier review and comparison. On August 4, 2022, a city commission meeting was held to discuss some of the proposals received. During the workshop, several options were proposed and discussed with the Commission with no formal action taken. Carlisle Agency is recommending to the city to select United Health Care as its Group Medical Employee Benefits Program. The city's consultant will customize plan design benefits and amounts with the vendor and bring those options to commission for consideration at a future meeting. It is staff's recommendation to award RFP 22-15 to United Health Group.

**Motion made by Commissioner Alvarez to award RFP #22-15 for Group Medical Employee Benefits Program as per consultant's recommendation. (Employee Health Insurance), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Fugate voting "FOR".**

**4. Consider awarding project to American Integrated Solutions (AIS) for access control systems for City Hall, Cottage Building, and Municipal Building via Goodbuy Purchasing Cooperative, as per staff recommendation and authorizing the City Manager to execute a contract for same. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the City Manager to execute a contract with American Integrated Solution (AIS) for access control systems for City Hall, Cottage Building, and Municipal Building. The company is a member of Goodbuy Purchasing Cooperative Contract No. 22-23-7A000. The current access control is out of date and can no longer be updated with the latest software. Discrepancies in the system have led to multiple false alarms where the building has been compromised and not secure. The new access control will allow the IT Department to be notified if any door is left unsecure. The total amount of \$41,385.00 will be split funded through multiple GL accounts. It is staff's recommendation for the City Manager to execute a contract with American Integrated Solutions for the access control systems.

**Motion made by Torres to award project to American Integrated Solutions (AIS) for access control systems for City Hall, Cottage Building, and Municipal Building via Goodbuy Purchasing Cooperative, as per staff recommendation and authorizing the City Manager to execute a contract for same, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Fugate voting "FOR".**

**5. Consider authorizing the use of ARP Funds for part of the access control systems project for City Hall, Cottage Building, and Municipal Building. (Purchasing Manager).**

**Motion made by Commissioner Alvarez to authorize the use of ARP Funds for part of the access control systems project for City Hall, Cottage Building, and Municipal Building, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Fugate voting "FOR".**

Mayor Fugate called for a recess the meeting at 5:43 P.M.

Mayor Fugate reconvened the meeting into the budget workshop at 6:07 P.M.

At this time, staff continued their presentation of the upcoming FY 22-23 proposed budget.

**Ed Rachal Foundation Grant Fund 124:** This grant will be closed out in FY 22-23 if no additional transactions occur. Fiscal Year 22-23 estimated beginning fund balance of \$19. Budget revenues and expenditures are \$0.

**TX Severe Winter Storm-Mobile Generator Fund 129:** This is a new grant that has been applied for and there is a good possibility of it being awarded. This fund sets aside a cash match in anticipation of the award. FY 22-23 estimated beginning fund balance is \$0. Budgeted revenues are \$35,456; transfer from Fund UF Capital Projects Fund 054 for grant cash match. Budgeted Expenditures are \$0. FY 22-23 estimated ending fund balance is \$35,456.

**TX Severe Winter Storm Backup Generator Fund 130:** This is a new grant that has been applied for and there is a good possibility of it being awarded. This fund sets aside a cash match in anticipation of the award. FY 22-23 estimated beginning fund balance is \$0. Budgeted revenues are \$68,894; transfer from Fund UF Capital Projects Fund 054 for grant cash match. Budgeted expenditures are \$0. Fiscal year 22-23 estimated ending fund balance is \$68,894. This is the generator for waterwater well #14.

**UF Debt Service Fund 012:** This fund is used to account for payments on the Utility Fund Debt Service. Revenues are generated by transfers in from the Utility Fund 051 and the Storm Water Drainage Fund 055. Fiscal year 22-23 estimated beginning fund balance is \$1,256,100. Budgeted revenues are \$1,958,276. Budgeted expenditures are \$1,652,077. Fiscal year 22-23 estimated ending fund balance is \$1,562,299.

**Utility Fund 051:** This fund is used to account for activities of the utility fund which includes fees for water, and wastewater services. Fiscal year 22-23 estimated beginning fund balance is \$3,782,798. Budgeted revenues are \$10,135,830 and expenditures are \$10,542,094. The estimated ending fund balance for fiscal year 22-23 is \$3,376,533. The City's Fund Balance Policy requires a minimum of 25% of budgeted expenditures. In addition, the city has always kept an additional \$300,00 above the minimum to cover any unexpected budget amendments and is now included in the actual budget to provide transparency in how much has been used. In the proposed budget for Utility Fund, these requirements have been met at 32.968%.

**Utility Fund Revenues:** Account Code 051-4-0000-75001 through 051-4-0000-91503; revenues are \$96,205. Transfer from General Fund 001 of \$92,705 for 50% split for personnel costs of Engineering Division 8000, and Facilities Division 8020; Offset by 50% of Personnel costs for Public Works Division 3000 and the Welder in Division 3030. Interest Earnings is \$3,500.

Mayor Fugate commented that this fund has a healthy fund as it is not being used as much as in the past for other funds.

Mr. McLaughlin commented that for years, it was limited to \$1.35 million and this year, due to inflation, the city's auditor has allowed the city to raise it 10% which is why there is a budget transfer from utility fund to general fund.

Mrs. Balli stated that the budgeted revenue for water is \$5,147,875. Revenues are \$76,450 for account 91300. These revenues are offset from credit card fee expenditures in Division 6201.

Mayor Fugate asked if the city is due for another utility increase? Mr. McLaughlin responded that he did not recommend an increase for the upcoming fiscal year due to

inflation. With property values going up for the year, having an increase in utilities would affect the citizens. He further stated that city staff met with ICE Engineering to do a preliminary assessment of the water department. He further stated that staff is looking at going after a large amount of funds to do water line replacement for everything that is cast iron and asbestos concrete, drilling two new wells, elevated storage tank in Well #25 and refurbishing the ground water storage tanks and elevated storage tanks. An agenda item will come forth to the Commission for approval in submitting this application.

Mr. Bill Donnell, Public Works Director presented the Water Department budget.

**Water Construction:** changes in personnel are 4% COLA, additional 1 year longevity for all eligible employees, 4 anniversary increases, compensation plan increases for Utility Workers, and decrease in health care costs due to change in provider and plans. Supplies has an increase in motor gas & oil.

**Water Production:** changes in personnel are 4% COLA, additional 1 year longevity for all eligible employees, 1 anniversary increase, compensation plan increases for Maintenance Workers, and a decrease in health care costs due to change in provider and plans. Supplies has an increase in uniforms, chemicals, and motor gas & oil. Services has an increase in GPS, audit services, travel, memberships, utilities, property insurance, and STWA. There is an increase in maintenance for the utility plant. A one-time increase for 7 water level transducers. Supplementals approved for FY 22-23: one-time for 7 water level transducers for \$15,435; one-time for SCADA computer & software for \$32,375. Permanent supplementals approved: Uniforms for Water Operator, chemicals for water disinfection, GFP for additional vehicle; TCEQ training for 4 Water Operators; and Texas Water Utility Association Membership.

**Ground Maintenance:** personnel changes are 4% COLA, additional 1 year longevity, 1 anniversary increase, Maintenance Worker from Steet was moved over to this division, compensation plan increases for Maintenance Workers, and a decrease in health care due to new provider. There is an increase in Supplies for supplies with a decrease in motor gas & oil. There are increase in services for audit services, equipment rent, and property insurance. Repairs has a decrease in vehicle maintenance.

Mrs. Balli presented the Utility Billing budget.

**Utility Billing/Collections:** personnel changes are 4% COLA, additional 1 year longevity, 5 anniversary increases, and compensation plan increases for Utility Billing Specialists. Decrease in health care due to change in provider and plans. Supplies has an increase in motor gas & oil. Services has an increase in communications, postage, property insurance, and CC Disc Fees with a decrease in audit services. Leases has an increase of \$1,464. Approved supplementals, additional postage for utility bills for \$2,000.

**Utility Fund Transfers Out:** Transfer to General Fund 001 \$1,485,000. Annual Allocation adjusted by 10% inflation factor and increased from previous annual transfers of \$1,350,000. Transfer to Debt Service Fund 012 \$1,753,552.24; Bond Principal and Interest Payments. Transfer to Vehicle Replacement Fleet Management Fund 106 \$89,642; 1<sup>st</sup> Year Estimated Lease Payment.

Mr. Donnell presented the Wastewater Department budget.

**Wastewater Department – Wastewater North Plant:** personnel changes of \$5 COLA, additional 1 year longevity, 1 anniversary increase and decrease in health care due to change of provider. This department added a new Plant Helper position for \$38,462. Supplies has an increase in chemicals due to inflation. Services has an increase in communications, audit services, utilities, and property insurance. Repairs has an increase in vehicle maintenance. Maintenance has an increase in utility plant. Supplementals approved for FY 22-23 are Plant Helper position and copper coagulate.

**Wastewater South Plant:** personnel changes are 4% COLA, additional 1 year longevity, 1 anniversary increase, compensation plan increases for Plant Helper and decrease in health care costs due to change in provider. Supplies has an increase in chemicals. Services has an increase in the following, audit services, utilities, and property insurance. Maintenance has an increase in utility plant. Approved permanent supplemental is Polymer EMR 80 for \$8,000.

**Sewer Construction:** personnel changes are 4% COLA, additional 1 year longevity, 2 anniversary increases, and compensation plan increases for Utility Workers. There is a decrease in health care costs due to change in provider and plans. Supplies has an increase in supplies, chemicals, and motor gas & oil. Services has an increase in audit services and a decrease in utilities and property insurance. Repairs has an increase in vehicle maintenance and Capital has an increase in Mach & Equipment of \$6,000. Approved supplementals are a one-time Stingray 2.0 Portable Flow Level Velocity Logger for \$6,000 and a permanent supplemental for deodorizer blocks, grease blaster, herbicides, sewer sweetener, mud up & out for \$5,000.

Mr. Rudy Mora, City Engineer presented the budget for the Engineering Department.

**Engineering Department:** personnel changes are 4% COLA, additional 1 year longevity and a decrease in health care costs due to provider changes. Supplies has an increase in supplies, uniforms, and a decrease in computers. Services has a decrease in communications with increases in software maintenance, GPS, audit services, printing & publishing, travel, memberships, and property insurance. Repairs has an increase in vehicle maintenance. Leases has an increase in operating leases and Capital has a decrease in Mach & Equipment. One-time supplementals approved: 5 workstations secured through 3-year lease for \$3,452 and 6 uninterruptable power supplies for \$350. Permanent supplementals approved: dry erase boards for \$300, increase in supplies of \$400, boot reimbursement of \$375, printing & publishing for \$300, and memberships for \$500.

**Facilities Maintenance:** personnel changes are 4% COLA, additional 1 year longevity, 2 anniversary increases, and compensation plan increases for Maintenance Workers. There is a decrease in health care costs due to change of provider.

**UF Capital Projects Fund 054:** This fund is used to account for capital projects for the Utility Fund. Revenues come from transfers in from the Utility Fund. Estimated beginning fund balance for fiscal year 22-23 is \$221,063. Budgeted revenues are \$100 (Interest) and budgeted expenditures are \$191,913. Grant cash match transfers are \$104,350 and Clarifier Capital Lease Payment is \$87,563. Estimated ending fund balance for FY 22-23 is \$29,250.

**UF Storm Water Drainage Capital Projects Fund 055:** This fund is used to account for Storm Water Drainage Capital Projects. Revenues come Stormwater Fees. FY 22-23 Estimated beginning fund balance is \$656,467. Budgeted revenues are \$412,000 (Stormwater Fee Revenues) and budgeted expenditures are \$112,200 (will change to \$615,360). Transfer to UF Debt Service Fund 012-\$111,000 and Bad Debt Allotment

\$1,200. Estimated ending fund balance is \$956,267 (will change to \$453,107). Additional expenditures are \$503,160 of which are: May Street Curb and gutter project for \$45,000; Phase II of W. Sage Road drainage projects for \$250,000; balance of Phase I E. Ragland, E. Warren, E. Hoffman, W. Huisache, and W. Kenedy, curb and gutter improvements for \$158,160; and 6<sup>th</sup> Street and Tranquitas Creek bridge repairs for \$50,000.

**CO Series 2011 Fund 066:** This fund will be closed in FY 23-24 after all transactions have occurred. FY 22-23 estimated beginning fund balance is \$5,684. Budgeted revenues and expenditures are \$0. Estimated ending fund balance for FY 22-23 is \$5,684.

**CO Series 2013 Drainage Fund 068:** This fund is used to account for proceeds from the 2013 CO Series Drainage for drainage related projects. Estimated beginning fund balance for fiscal year 22-23 is \$742,674. Budgeted revenues are \$300 (Interest) and budgeted expenditures are \$458,160 (will change to \$200,000). Projects budgeted have been moved to Fund 055 - \$258,160. Grant Cash Match Transfer to Safe Routes to School Fund 100 of \$200,000. Estimated ending fund balance is \$284,814 (will change to \$542,974). Expenditures will only be \$200,000. Projects have been moved to Fund 55 removed from this fund. Ending fund balance will be \$542,974. The ending fund balance will be used for Escondido sidewalks and drainage.

**Vehicle Replacement Fleet Management – UF PW Fund 106:** This a new fund to account for the new Enterprise Lease for Utility Fund Vehicles. This fund was formerly the Public Works Vehicle Replacement Fund which has moved over to General Fund for Street, Garage and Service Center Vehicles. Fiscal year 22-23 estimated beginning fund balance is \$25,261 (will change to \$0). Budgeted revenues are \$99,642 (will change to \$89,642) and budgeted expenditures are \$89,642 (first year lease on 12 vehicles plus maintenance contract). Estimated ending fund balance for FY 22-23 is \$35,261 (will change to \$0). The beginning fund balance will be transferred over to the new Public Works Vehicle Replacement Fund 139 that will cover vehicles for Street, Garage and the Service Center. The beginning fund balance came from General Fund to take care of General Fund Public Works related vehicles. Fund 106 is now under Utility Fund.

**UF ARP State & Local Fiscal Recovery Fund 125:** This fund is part of the ARP funding related to Utility Fund Projects. Estimated beginning fund balance is \$960,258 (will change to \$3,089,562). Budgeted revenues are \$2,129,304 (will change to \$0). These revenues need to be moved to FY21-22 due to when the funds are expected to be received. Budgeted expenditures are \$3,089,561. Estimated ending fund balance for fiscal year 22-23 is \$0. Expenditures are \$3,089,561.21 (No money has been expensed, all earmarked.) for the following: \$1,000,000 for Water Meter Project; \$1,356,580 for Wastewater Plant Projects; \$126,872 for (2) Hydrostal Submersible Pumps; \$400,000 for Ultraviolet Disinfection System; \$200,000 for Ultraviolet Disinfection System; and \$6,109.21 for Cost Overruns.

Commissioner Torres asked if the ultraviolet system, is one more expensive than the other. Mr. McLaughlin responded yes, as one plant is larger than the other.

**UF Tax Note Series 2022 Fund 127:** This fund accounts for the proceeds of the Tax Note Series 2022 for the purchase of Utility Fund related approved capital outlay. Fiscal year 22-23 estimated beginning fund balance is \$93,524. Budgeted revenues are \$0. Budgeted expenditures are \$93,524. Transfer to UF Debt Service for 2022 Tax Note that were budgeted last year in this Fund, but not needed until FY 22-23 due to interest

only payment made FY 21-22. Estimated ending fund balance for fiscal year 22-23 is \$0.

**Insurance Fund 138:** This fund accounts for group health insurance. The budget proposed has the new United Health Care Provider and coverage. The page in the budget book is incorrect and will need to completely change. Fund 138 name will change to Group Health Insurance Fund. Fiscal year 22-23 estimated beginning fund balance is \$3,030,678. Budgeted revenues are \$3,999,848 (will Change to \$3,763,848). Prescription rebate revenues will be deleted \$236,000. Budgeted expenditures are \$3,762,744. Estimated ending fund balance for FY 22-23 is \$3,267,782 (will change to \$3,031,782). Revenues \$3,999,848 which breakdown to the following: Employee & Employer Contributions for \$3,742,532; Retiree Health for \$15,266; Waived Coverage Admin Costs for \$4,050; Interest Earnings of \$2,000; Prescription Rebate for \$236,000 (This revenue will be deleted as it will be part of the new health plan. Expenditures of \$3,762,744 which breakdown to: Consulting Fees for \$12,500; COBRA Administration Fees of \$1,584; United Health Care Premiums \$3,048,555; Miscellaneous Bank Expenses \$105; and Entrust Insurance Claims Paid of \$700,000.

Commissioner Torres asked about insurance claims of \$700,000, where it would be paid from. Mr. McLaughlin responded that it would be from fund balance.

**Final Items:** Mr. McLaughlin stated that some final items to mention are as follows: Fee Changes Not Already Discussed none; Rate Increases/(Decreases) proposed: Tax Rate proposed at \$.82500 down from \$.84000; 4% COLA increase across the board; Water & Sewer Rate Changes none proposed; Street Maintenance Fee Changes none proposed. Circle Back Items were proposed street list. Remaining calendar items are as follows: Public Hearing on Budget and Tax Rate scheduled for September 6, 2022, which is a Special Meeting and meeting to adopt Budget and Tax Rate is scheduled for the regular meeting on September 12, 2022.

Commissioner Alvarez commented that for the FY 23-24, she would like for staff to look into a salary increase for those making \$13.00 per hour and giving them a larger percentage. Not calling it a COLA would make this legal.

Mr. McLaughlin responded that trying to figure out how to break that down between the 17 levels and the different steps, where do you make that cut. Historically, the city has moved into a percentage COLA across the board with the exception of CBA's as they do their own negotiations. The Fire COLA is a tentative agreement and still needs to be finalized. The Fire Union came in with the same proposed COLA he is proposing for the city employees. The Police Union is still to be determined as that CBA is still in negotiations. With the Police CBA not being agreed upon, he will still need some funds in the general fund for fringe or anything that could change with that CBA. He further stated that with this budget he is not putting anything in property tax reserve for now as the tax rate was lowered to .82500% and being very conservative on sales tax. When he first built this budget, he had three months in a row where the city declined about 4% in projections then it was up the past weeks by 19% within one month. He stated that if matched next year to what was done this year, general fund would be solved and would be well above 25%. He further stated that he will look at putting back some of the sales tax figures, instead of \$5.6 million maybe move it closer to \$5.7 million. The city is on pace to make close to \$6 million this year. This way he wouldn't have to take it from property tax reserve to fund anything as Medic 3 for the Fire Department. The plan funds 2 firemen and one police officer. Mr. McLaughlin further commented that staff will run the final numbers for the budget and will be guessing the Police CBA.

Commissioner Alvarez asked about the timeline for the Police Union to agree to a CBA.

Mayor Fugate commented that if their contract comes up, then they would need to operate off their old contract. Ms. Alvarez agreed with his response.

Mr. McLaughlin commented that they are not tied to deadlines to meet the budget, but if they don't have a contract in place before their current contract expires, they will have to carry the current contract for another year.

Ms. Alvarez commented that it would carry over until there is a new contract in place, which could be less than a year.

Commissioner Alvarez asked when the Commission would need to vote on the budget. Ms. Alvarez responded that the budget needs to be finalized on the September 12<sup>th</sup> meeting. Any changes to the proposed budget would need to be made no later than September 6<sup>th</sup>.

Mr. McLaughlin further commented that the Street Department hot mixed today on Ragland Street but were unable to do a small section as the rain made it spongy on one end and it needs to dry out. He further stated that staff has put together a list of streets that average about 13 miles. These are streets identified as in need of repair. The order in which these streets are to be repaired, those that are in most need will be looked at first, then all others are to follow.

Commissioner Torres commented that she understands what Commissioner Alvarez was speaking about regarding the pay structure. She further asked if there is any way that this could be looked into as she has looked at the numbers for Texas regarding the Cost-of-Living Adjustment and it is about \$39,000 per year. By moving up the last person on the pay scale to \$13.00 an hour, they would earn \$24,000 per year for a difference of \$14,000 from them even getting close to the cost of living where everything is expensive at this time. She stated that when she looked at the salaries and for someone that has been with the city for 19 years and is making \$13.00 an hour is concerning to her. With the cost of food and other items increasing she wonders how some of them are making it. She further stated that staff works very hard, but she understands what Commissioner Alvarez is talking about.

Mr. McLaughlin stated that he understands but the challenge is trying to keep it fair to all employees. If you have an employee that is at their 10-year mark and makes \$16.00 per hour, if you give a person \$13.00 an hour and has been here a year, a bigger raise will get them closer to the 10-year employee and that will cause a challenge. The challenge is where is figuring out where that break point is within the pay scale. Those employees getting a 4% COLA have also gone up, so some of the lower tiers received more than 4%.

Commissioner Alvarez explained how the tiers and increases at the school district level worked. Different tiers within the school district would receive different increase percentages. She further stated that as she held an administrator position in the school district, it never bothered her that non-professionals would receive a higher percentage than the administrators, as she was aware that they were in the lower pay scale.

Mayor Fugate commented that he has heard it from different City Manager's that you need to pay your top administrator's good money. It would be a mistake for the commission to deviate from 4% across the board. This will cause a lot of problems and will cause morale issues. He further stated that we are trying to get everyone at \$15.00 an hour which will be a gradual process and the last thing the commission wants to do is start breaking people apart and giving different percentages of a raise. This will cause a lot of problems.



Mr. McLaughlin commented that he has spent a lot of time looking at different salary comparisons for exempt employees. The exempt employees in this city are underpaid compared to exempt employees of a similar size city. There are other fringes that an employee can earn such as the longer they work for the city the amount for longevity can increase.

Mayor Fugate commented that the city has a great staff, best he's seen in 18 years since he been with the city, and they need to be rewarded for their hard work.

Mr. McLaughlin commented that this budget was a challenge to city staff starting back in April. With the inflation going up, staff knew it was going to be a tough year. Staff presented a budget that is still balanced and meets the needs of the community, it takes care of the employees and adds employees where they are needed the most. It also fixes some the transportation needs, not all but some, it addresses the big needs such as streets and still have money to look at other big initiatives such as broadband, wastewater treatment plant repairs, and water meter replacement. Mr. McLaughlin further commented that there is no way that he could've done this budget without city staff's assistance. He further thanked city staff for their hard work on the preparation of the proposed budget.

Commissioner Alvarez thanked Mr. McLaughlin and city staff for their hard work on this budget.

Mayor Fugate commented that the scheduled meeting for tomorrow, August 23, 2022, will not be required.

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:08 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

**SEPTEMBER 6, 2022**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, SEPTEMBER 6, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

Hector Hinojosa, Mayor Pro-Tem  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner  
Ann Marie Torres, Commissioner

**CITY COMMISSION ABSENT:**

Sam R. Fugate, Mayor

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Charlie Sosa, Purchasing Manager  
Rudy Mora, Engineer  
Diana Gonzales, Director of Human Resources  
Bill Donnell, Public Works Director  
Avelino Valadez, Street Supervisor  
Juan J. Adame, Fire Chief  
Alicia Tijerina, Downtown Manager  
Susan Ivy, Parks & Recreation Director  
Darrell Mills, Landfill Supervisor  
Kobby Agyekum, Senior Planner/HPO  
Uchechukwu Echeozo, Director of Planning & Development Services  
Michael Mora, Capital Improvements Manager  
Ricardo Torres, Police Chief  
Joseph Ramirez, Engineers Assistant

**I. Preliminary Proceedings.**

**OPEN MEETING**

Commissioner Alvarez opened the meeting at 5:00 p.m. with four City Commission members present. Mayor Fugate was absent.

**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 - August 8, 2022**

**Motion made by Commissioner Hinojosa to approve the minutes of August 8, 2022, as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa “FOR”.**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

**1. Public Hearing on a proposed tax rate decrease from \$.84000 to \$.82500 for Fiscal Year 2022-2023 with \$.82500 being an increase in the no new revenue rate of \$.81303; the vote on the tax rate will be on September 12, 2022, at 5pm in the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, Texas. (Finance Director).**

Commissioner Alvarez read and opened this public hearing at 5:01 P.M.

Mr. Mark McLaughlin, City Manager commented that it is required by state law to adopt a budget for the city. The proposed tax rate of \$.82500 per \$100 valuation is between the no new revenue rate and the voter approved tax rate. This revenue will bring in, total tax levy on all properties will be about \$8.3 million for the entire city. Notice of this public hearing has been published in the newspaper as well as the notice of the adopted tax rate. The listed budget cover page is also listed which states that this proposed tax rate will bring in an estimated \$161,993.00 more than last years budget.

Commissioner Alvarez 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 proposed Fiscal Year 2022-2023 budget. (Finance Director).**

Commissioner Alvarez read and opened this public hearing at 5:04 P.M.

Mr. McLaughlin stated that the proposed budget will have expenses in the amount of \$97,423,154.68.

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

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

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

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

Mr. Mark McLaughlin, City Manager stated that flags will be displayed in the downtown area in remembrance of September 11<sup>th</sup>. He further announced that the next TML Region 11 Quarterly Meeting is scheduled for Friday, September 9<sup>th</sup> in Victoria, TX. He also announced that Health Department staff will be spraying for mosquitos over the next three (3) nights, weather permitting.

Ms. Courtney Alvarez, City Attorney announced that the next Commission meeting is scheduled for Monday, September 12, 2022, at 5:00 P.M. At this meeting, the Commission will be adopting the City Manager's Budget as well as take a vote on the tax rate for the upcoming fiscal year. She further announced that the second regular commission meeting is scheduled for Monday, September 26, 2022. Deadline to submit agenda items for the September 26<sup>th</sup> meeting is Friday, September 16, 2022.

Commissioner Hinojosa thanked everyone for their prayers during his recovery.

Commissioner Torres and Commissioner Alvarez thanked Parks staff for their hard work on this past Friday's event.

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

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

Ms. Irene Bowie, 511 E. Warren commented that she is here to make a simple request, she would like to commend the work that was done, curb and gutter. She further commented that while gutters were placed down her street, it has blocked her entrance to her driveway. It is not a concrete pavement; it is a caliche road/street in front of her house, and it was a driveway that had a slope down to the street. They built the gutter and now she is unable to drive in and out of her driveway. Ms. Bowie commented that she would like to request for the city to restore the entrance to her driveway from the street.

#### **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)*

None.

##### **REGULAR AGENDA**

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

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

##### **1. Review and discuss proposed fiscal year 2022-2023 budget for departments of the City of Kingsville. (City Manager).**

Mr. McLaughlin stated that the ad valorem tax rate was adjusted to \$.82500 per \$100 of valuation of all taxable property within the City of Kingsville, TX. The tax rate is reduced from its current rate of \$.8400 per \$100 of valuation. The no new revenue tax rate is \$0.81303, and the voter approved tax rate is \$0.84485. He further stated that water and sewer rates remain unchanged as well as street maintenance fees. Budget

expenses are \$97,423,154.68 and budget revenues are \$88,931,508.62 of which ad valorem is \$6,525,170.00, sales tax \$5,825,000.00, and GO Debt Service at \$1,679,776.00. Expenses exceed revenues by \$8,491,646.06, which revenues already recorded in previous fiscal years. The compensation plan moved the lowest paid employee to \$13.00 per hour. There is also a 4% Cost of Living Adjustment (COLA) for all employees across the board. Fire collective bargaining agreement has been approved by the Fire Union and is now pending final approval from the City Commission. Police collective bargaining agreement is still in negotiations. Mr. McLaughlin commented that there is a placeholder of approximately \$70,000 left in the budget for negotiation on the police collective bargaining agreement. He further stated that the general fund balance is \$5,927,998.15 which is \$360,385.00 above minimum of the 25% requirement. Utility fund balance is \$3,398,272.30 which is \$843,183.49 above minimum. Total supplements submitted were 163 with 67 if those being approved at a cost of \$1,650,190.00. There were 2 new positions added to the Fire Department and one new position added to the Police Department. Besides Fire and Police, there were an additional full-time employees added and 4 seasonal in the Tourism Department. The Texas Water Development Board (TWDB) project Area #8 added since the budget workshops of an amount of \$700,000. Coastal Bend Council of Government (COG) funds of approximately \$3,946,500.00 is not included in the budget as staff has not received a confirming document at this time.

Commissioner Hinojosa asked when the funds were received last year. Mr. McLaughlin responded that funds were not received last year, this is the first time the city receives these funds but could be anytime this month.

Mr. McLaughlin further stated that budget project areas and services include the following: Street Sweeping Contract; Enterprise Fleet Contract for 12 vehicles; new commercial garbage truck; shade structures at Dick Kleberg Park; and landfill drainage plan for \$322,085. The city will begin major expenses in the GLO and TWDB projects for an amount of \$53 million. Mr. McLaughlin also stated that a street list has been produced showing streets that are being proposed for the new fiscal year. The street list is an estimated total of 13 miles of street for a cost of \$2.9 million. The city may use COG funds for street repairs if commission chooses to do so.

Commissioner Hinojosa asked that the \$97 million versus \$88 million there is a difference of about \$9 million, which fund took the biggest hit? Was it the general fund or the utility fund? He further asked that in budget expenses of \$97 million, does the city have an actual amount of expenses on the revenues? He further commented that he knows that this fiscal year has not ended yet, but does staff have an estimate of what the actual expenses would be for the whole year compared to the \$97 million budgeted expenses and the \$88 million revenues budgeted.

Mr. McLaughlin responded that with regards to the first question, which fund took the biggest hit, he would need to get back with Commission Hinojosa as he would need to research that further. He can estimate that he will see some hit in the utility fund with more in the general fund. Regarding the second question, if the fiscal year ended today, the city would have expensed \$45,810,462.00, which was update about an hour and half ago. He further stated that staff has an original budget with all the budget amendments for this entire year where we were supposed to have expensed \$1.8 million but this is because not all the General Land Office (GLO) which was \$53 million dollars in projects did not get spent. He further commented that staff knew it was not going to get spent this year, but it needs to be accounted for. In three weeks, the city is supposed to expensed \$5 million more than what we brought in, but we are to the good in about \$282,000, as of today. The city's fund balances it was projected to have an estimated ending fund balance of \$26,525,000. If the budget year ended today, the city

would be close to \$30 million in fund balance. The budget will end the year healthy to start the next year.

Commissioner Alvarez asked that for those city departments running short on funds for the current fiscal year, will those departments be taken care of. Mr. McLaughlin responded yes, an end of year cleanup ordinance of those departments with negative balances will be cleared.

Commissioner Torres asked that on the street list and the GLO and TWDB, does this include W. Sage Road that needs to be completed or will it be part of the curb and gutter? Mr. McLaughlin responded that this is part of the drainage, and it is in a separate fund. Commissioner Torres further asked what the holdup was regarding the Police Collective Bargaining Agreement. She stated that she is aware that in the budget there is \$70,000, just in case it is needed for this agreement, but will it fluctuate lower or higher?

Ms. Alvarez responded that the Police Union has declared an impasse during the last negotiation meeting at the beginning of August 2022. The city has presented some options to the Police Union, city is waiting to hear back from them.

Commissioner Torres commented that she is concerned about the \$70,000, which are funds that are accounted for just in case.

Mr. McLaughlin responded yes, when the budget was built staff put in, if everyone accepted a 4% across the board this is how much it would cost. This money is in there, which the Fire Department has used some, but there is still some leftover to account for police. If more is needed, the fund balance in the general fund will have funds that can be used.

Ms., Alvarez responded that not all those funds can go towards them as it would need to cover everything else that goes on through the rest of the year.

Commissioner Torres asked that regarding the 4% COLA being proposed, is that enough for the employees, as employees are struggling due to inflation. A concern she has is that the employees having to struggle with what is not coming to pass. Is staff sticking with the 4% COLA or will it be adjusted?

Mr. McLaughlin stated that there is a 4% COLA proposed in the upcoming budget. For every percent you go above 4%, its close to \$100,000 to the general fund. The lower tiered paid employees will be receiving more than a 4% increase, it is more like a 7% increase, as they will be increased to \$13.00 per hour. He further stated that without knowing what will occur with the Police Union agreement it would be hard to give a higher COLA, but if Commission wishes to do so, the Commission can always do a mid-year COLA.

Commissioner Torres commented that she is concerned about employees not making enough, as well as directors. She further stated that within the budget she did not see an amount budgeted for the park parking lots. Mr. McLaughlin responded that the funds for the parking lots will be coming for ARPA funds, which is already earmarked for \$150,000 and will be using some of the COG funds for it as well.

Commissioner Alvarez asked how many employees are under the \$15.00 per hour range. Mr. McLaughlin responded that he believes there are about 40 employees, out of the 265 employees, but those 40 employees will be receiving more that a 4% COLA as they will be brought up to \$13.00 per hour.

Commissioner Hinojosa commented that those employees under the \$15.00 per hour, maybe it could be called a salary increase and not a COLA. This way a COLA would not have to be adjusted across the board.

Commissioner Alvarez asked what the cost would be for 40 employees to move up to \$15.00 per hour?

Mrs. Diana Gonzales, Human Resources Director stated that during a budget workshop it was mentioned that the city had 72 employees that were under the \$15.00 an hour pay. With this proposed budget, the number of employees dropped to 52 employees. She further stated that 43% of the employees were under \$15.00 an hour and now it will be 31%. If the city continues with the premise that it has been working on, to get employees to the \$15.00 an hour, it would be \$1.00 per year. When the Federal Government starting discussions about the hourly rate, they were thinking it would be a five-year plan. Even though nothing came from that the city still moved forward with that premise and trying to get those employees to \$15.00, but it will take approximately 5 years to get us to the \$15.00, which we have 2 years left after this year. There could be other COLA's that play into it so it can possibly less time to get them to the \$15.00.

Mr. McLaughlin stated that what is important to keep a frame of reference is when you move three or four of the bottom tiers and move them to get them above the \$15.00 you will need to take in to account and respect the time and service for those that are in the middle tiers. If you jump somebody up to where someone has been here to 10 years and they are making \$15.25 an hour, they probably won't be very happy. Staff makes sure that the entire compensation structure respects the hierarchy so that they can earn the licenses and certificates so that they can move up within their department or other departments within the city.

Commissioner Hinojosa commented that this would throw the compensation of those non-exempt employees up by placing those employees at \$15.00 as the Mr. McLaughlin just stated.

Mr. McLaughlin stated that he is still working on what the Commission asked for about three years ago, to increase the lower tiers to \$15.00. If the Federal Government granted the minimum wage of \$15.00 an hour, the impact to the city in order to get there would not be nearly as drastic as if city had not done anything over the last three years.

Commissioner Lopez commented that the conversation about increasing the lower tier paid employees is discussed every year during budget proceedings. She further stated that she would like for staff to present a plan, during the next budget proceedings, on what it would cost the city to bring the lower tiered employees to \$15.00 per hour. Commissioner Lopez asked that with regards to the funds that will be received from COG, it's been said that it has been earmarked for streets already.

Mr. McLaughlin responded that he would like to use some of it for streets, with Commission approval. There are a number of projects that this money can be used for, as per COG, but they are not the same uses that was seen with the ARPA Funds or COVID Relief Fund.

Commissioner Lopez commented that she has concerns with drainage on 24<sup>th</sup> Street and Kenedy. She further commented that the response she received from Mr. McLaughlin was that the area was a flat area and Harvey School doomed them when it was built. She further stated that these residents feel that they are the forgotten neighborhood. She would like for the city to work on a study or how we can improve this drainage in that area.

Commissioner Alvarez asked what the Fire Union had agreed on with regards to their Collective Bargaining Agreement. Ms. Alvarez responded that because the Fire Union has already approved their agreement, their first year is a 4%.

**2. Consider introduction of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal**

**year beginning October 01, 2022, and ending September 30, 2023, in the particulars hereinafter stated. (Finance Director).**

Mr. McLaughlin explained that the is ordinance is for the adoption of the City Manager's budget, as amended, for the City of Kingsville, TX and appropriating funds for the fiscal year beginning October 1, 2022 and ending September 30, 2023. The sum of \$97,423,154.68 is appropriated for the budget revenues and expenses for the City of Kingsville, TX.

Introduction item.

3. **Consider introduction of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for fiscal year beginning October 01, 2022, and ending September 30, 2023, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).**

Mr. McLaughlin stated that this ordinance is to establish and adopt the ad valorem tax rate for all taxable property within the City of Kingsville, TX for fiscal year beginning October 1, 2022, and ending September 30, 2023. The tax year 2022 starting October 1, 2022, and ending September 30, 2023, the tax rate will be a sum of \$.82500 based on 100% of the fair market value.

Introduction item.

4. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).**

Mrs. Diana Gonzales, Human Resources Director stated that in preparation for the beginning of each new fiscal year, the City of Kingsville Classification & Compensation Plan is brought to the City Commission for approval. The plan incorporates classification and title changes included in the City Manager's budget.

Introduction item.

5. **Consider introduction of an ordinance ratifying classification and prescribing the number of positions in such classifications for the classified service in the Police Department by adding one new Officer Position. (Human Resource Director).**

Mrs. Gonzales stated that this item will ratify the classification and prescribing the number of positions in such classifications for the classified service in the Police Department by adding one new Officer Position.

Introduction item.

6. **Consider introduction of an ordinance ratifying classification and prescribing the number of positions in such classifications for the classified service in the Fire Department by adding two new Fire Fighter Positions. (Human Resource Director).**

Mrs. Gonzales stated that this item will ratify the classification and prescribing the number of positions in such classifications for the classified service in the Fire Department by adding two new Fire Fighter Positions.

Introduction item.

7. **Consider accepting a donation from Keep Kingsville Beautiful for work at the Train Depot and downtown lighting for main street. (Tourism Director).**



Mrs. Alicia Tijerina, Downtown Manager stated that this is an item to accept a donation from Keep Kingsville Beautiful for work at the Train Depot and downtown lighting for main street. She further stated that the lighting downtown will be replaced with LED lights which will be left on throughout the year.

**Motion made by Commissioner Lopez to accept the donation from Keep Kingsville Beautiful for work at the Train Depot and downtown lighting for main street, seconded by Mayor ProTem Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".**

8. **Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend a donation from Keep Kingsville Beautiful for Train Depot repairs and lighting for main street. (Tourism Director).**

Introduction item.

9. **Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's FY2023 Bullet-Resistant Shield Grant Program. (Police Chief).**

Mr. Ricardo Torres, Police Chief stated that the Kingsville Police Department would like to apply for and if awarded to accept and expend funds for Bullet-Resistant Shield Grant Program. The application will be for nine (9) bullet-resistant shields at a cost of \$5,610.45 each for a grant total of \$50,494.05. There is no cash match for this application.

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

10. **Consider out-of-state travel for Police employee Noe Sosa to attend the Forensic Scripting Course held by the U.S. Secret Service's National Computer Forensics Institute in Hoover, Alabama from September 18-23, 2022, with all expenses paid. (Police Chief).**

Mr. Ricardo Torres, Police Chief stated that due to a partnership with the US Secret Service, staff was invited to make an application to the National Computer Forensics Institute to attend the Forensic Scripting Course. The training will be provided at no cost to the city which include flight, lodging, and per diem.

**Motion made by Commissioner Lopez to approve the out-of-state travel, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".**

11. **Consider awarding RFP 22-11 for Professional Audit Services as per staff recommendation. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the city to negotiate a contract with John Womack and Company of Kingsville, TX for professional auditing services. John Womack and Company are a professional certified public accountant that will provide audit financial statements and Annual Comprehensive Financial Report (ACFR) for the City of Kingsville. Staff published a request for proposal (#22-11) in the Kingsville Record on June 16<sup>th</sup> and June 23, 2022. Proposals were accepted until 2:00 P.M. on July 5, 2022. Staff received four responses from John Womack and Company of Kingsville, TX, Martinez, Rosario and Company of San Antonio, TX, Park, Fowler and Company of Corpus Christi, TX, and Carr, Riggs and Ingram of Corpus Christi, TX. The selection committee reviewed all proposals received and found the information received to be responsive. Based on the proposals submitted

from the four firms, John Womack and Company of Kingsville, TX was the higher rating firm scored from the selection committee. Though not a fact in the scoring process, a summary of estimated hours and cost were provided to each proposal which are as followed: John Womack and Company was an estimated cost of \$109,750.00 for 950 hours which break down to \$115.52 per hour; Park, Fowler and Co. was an estimated cost of \$106,500.00 for 860 hours which breaks down to \$123.84 per hour; Martinez, Rosario and Co. was an estimated of \$89,500.00 for 500 hours which breaks down to \$179.00 per hour; and Carr, Riggs and Ingram was an estimated cost of \$95,000.00 for 613 hours which breaks down to \$154.98 per hour. Mr. Sosa further stated that it is staff's recommendation for the city to award the contract to John Womack and Company of Kingsville, TX for professional audit services.

**Motion made by Commissioner Lopez to award RFT 22-11 for Professional Audit Services to John Womack and Company of Kingsville, TX, seconded by Mayor Pro Tem Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Alvarez, Hinojosa voting "FOR".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:56 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

SEPTEMBER 12, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 12, 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 (Arrives at 5:23 P.M.)

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Emilio Garcia, Health Director  
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  
Mike Mora, Capital Improvements Manager  
Diana Gonzales, Human Resources Director  
Joseph Ramirez, Engineers Assistant  
Bill Donnell, Public Works Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 P.M. with four Commission members present. Commissioner Torres arriving at 5:23 P.M.

**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)**

None

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. None

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

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

Mr. Mark McLaughlin, City Manager thanked Health Department staff for their hard work in spraying for mosquitos throughout the city. He further updated the Commission on street work. He stated that the Street Department is working on cleaning out Caesar ditch, which should be done by September 13<sup>th</sup>. Code Enforcement Division will be working on sending out letter to properties with tall grass, most of which are vacant properties. Mr. McLaughlin further reported that due the Queen Elizabeth’s passing, flags have been ordered to half-staff until the Queen’s interment.

Ms. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for September 26<sup>th</sup> with the deadline for staff to submit their agenda items no later that September 16<sup>th</sup>. The meeting following that is scheduled for October 11<sup>th</sup>. Due to staff attending the TML Annual Conference in San Antonio, the deadline for staff to submit their agenda items is set for September 28<sup>th</sup>. City offices will be closed on Monday, October 10<sup>th</sup> for Columbus Day.

Commissioner Lopez thanked city staff for their work on cleaning the Caesar ditch.

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

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

Terry Fitzwater, 213 E. Kleberg commented that the Vietnam Memorial Wall is scheduled to be Kingsville in November 2022. The Wall will be displayed near the Maggie Salinas Pavilion located on 6<sup>th</sup> Street. An educational day for students to visit the Wall is schedule for November 10, 2022, from 12:00 P.M. to 2:00 P.M. A logo in commemorative of the Vietnam Memorial Wall has been created and will be given to those who served during the Vietnam War. He further commented that the Color guard has been put in place and taps will be played daily, while the wall is displayed. He further thanked city staff for their assistance with the Vietnam Memorial Wall preparations.

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

**1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend a donation from Keep Kingsville Beautiful for Train Depot repairs and lighting for main street. (Tourism Director).**

## **REGULAR AGENDA**

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

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

- 2. Consider final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2022, and ending September 30, 2023, in the particulars hereinafter stated. (Finance Director).**

Mayor Fugate announced that if there were no objections from the other Commission members, he would like to take agenda items 8 through 14 before agenda item #2. This will give Commissioner Torres the opportunity to arrive at the meeting and be able to vote on agenda items 2 through 7. No objections were made by the Commissioners.

Mr. McLaughlin stated that the overall expenses for Fiscal Year 22-23 is \$97,423,154.68. The ad valorem tax rate that is figured into this budget is \$.82500 on the \$100 valuation. Ad valorem in the budget is expected to bring in \$6,525,170.00. Sales tax was budgeted at \$5,825,000.00 for the upcoming fiscal year. The Debt Service is \$1,679,776.00. Throughout this budget it raises the lowest compensated employee to \$13.00 an hour. The budget has a proposed 4% COLA increase across the board. The Fire Collective Bargaining Agreement (CBA) is included in the budget. The Police CBA is not included as they have not come to an agreement.

**Motion made by Commissioner Lopez, I move to approve final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 1, 2022, and ending September 30, 2023 in the particulars hereinafter stated, seconded by Commissioner Alvarez.**

Commissioner Hinojosa commented that the 4% COLA is needed but does not like the COLA as you need to give it to everyone across the board, including the three top executives that report to the Commission as the city would be bound by the Department of Labor to give them a 3%. He further stated that he doesn't think that the exempt employees and the hourly employees are on the same level. A 4% increase to an exempt employee will be a lot more than to the hourly employee, which is what he is against. He also stated that he had asked the City Manager to divide the percentage into a 2% and 6%. Everyone needs an increase for living expenses. He stated that Commissioner Torres had mentioned that maybe the city could give the hourly employee 6% increase across the board, but this is not something he wants done. He rather break it up, 2% for exempt employees and 6% for non-exempt employees. The increase may not be the same but will be a lot closer. He further stated that he had also asked for a breakdown, and it is his understanding that a .25% would make the adjustment of \$12,000; so, a 2% would be around \$48,000. He also commented that he did not receive a quote on the decrease from a 4 to a 2. He stated that there is already the 4% across the board in the budget and he doesn't know the decrease would be on the exempt employees dropping it from a 4 to a 2. He stated that there was \$11,300 in there, but he assumed that it would be an increase of extra 2%. He doesn't think the difference would be that much. Commissioner Hinojosa further stated that in

the budget there is enough money to find the difference due to the vacant positions that have not been filled. According to the salary schedule he received there was a Commander and four Lieutenants positions unfilled. There are also two firefighter positions vacant as well. The salaries from the unfilled positions can cover the difference for the 2% and 6%. He further commented that this is why he is against the budget. He also stated that on the proposed budget there is \$205,000 that is earmarked for the 4% for both Fire and Police Department. He assumes that this has been distributed amongst the Police and Fire, which is why he has asked if the 4% was in the budget and the answer was yes. He stated that what he is saying is to amend the budget and go with the 2% for exempt employees and 6% for non-exempt employees. He commented that he did not have the opportunity to review the entire budget, but like he mentioned at the last meeting, and he is sticking to what he had said, that he lost trust in the budget process and hopes that next year the process can start in the first meeting in May. He further explained that when an auditor comes in to do an audit he doesn't start on October 1<sup>st</sup>, they do preliminary work. He stated that he feels that with regards to the budget process, the Commission is being spoon fed and doesn't think that they have enough time to review the budget.

Commissioner Alvarez commented that she is for the 4% COLA but would like to see the lower tier paid employees moved to \$15.00 an hour. She further stated that she agrees with the City Manager's suggestion of visiting this in 6 months and maybe readjust the pay. She further asked if this is something that could be done in the middle of a fiscal year.

Mr. McLaughlin responded that the Commission can always amend the budget. He doesn't believe that we can get everyone above \$15.00 mid-year. That would be a 2% increase for about 40 employees. He further stated that if you move those employees to \$15.00, the employee that is already at \$15.25 will not take it very favorably.

Mayor Fugate and Commissioner Hinojosa both agreed that this would not work.

Mr. McLaughlin further stated that moving the pay scale is risky for the city, as there isn't very much room to work with and considering that the Police CBA has not been approved. He stated that he supports Commissioner Hinojosa's recommendation of the 6% and 2%, but believes that inflation hits everyone, exempt or non-exempt, and he is proposing a 4% COLA across the board.

Commissioner Torres stated that she looked at the 4% increase across the board and she ran the numbers of 2% for exempt employees. She further stated that if you do the 4% for the exempt employees it is about a \$4,000 difference as compared to the \$1,000 difference for the lower bracket employees that are receiving \$12.98. She further stated that she looked at the 2% and 6% and the 2% for the exempt employees they are still getting \$2,000 which is what concerns her. She hadn't looked at it until Commissioner Hinojosa commented about the 6% and 2%, as she had mentioned the 4% and 4.5%. She further stated that the exempt work hard but the laborers and the lower bracket employees, she has seen them out on the street working and the numbers concern her. She hadn't looked at it until she started figuring out the numbers for the different percentages mentioned. She further stated that she would like to see a 3%/4% and 5% for the upcoming fiscal year. She stated that she is concerned about the inflation as it does affect everyone. She stated that the laborers that are at the lower bracket are working hard and making less than \$27,000 a year.

Mayor Fugate commented that the budget needs to be approved tonight. This is the budget that was presented at the last meeting, which he wasn't in attendance for, and have had budget hearings and what is being discussed now should have been brought up during the budget hearings. He further stated that he has been doing budgets for 25 years for both city and school boards and he was taught that you have to budget for

every position, just in case they are filled. Mayor Fugate further commented that 4% across the board is fair to both exempt and non-exempt employees. It has been about 3 years ago that discussions began regarding \$15.00 an hour, and city staff stated that something needed to be worked on to get to the \$15.00 an hour so that the city isn't caught in a situation where it gets to the point that it would need to come up with additional funds and not have it. It was discussed that it would take about 5 years to get those lower paid employees to \$15.00 an hour. He stated that he agrees that city employees work hard but it will take some time to get those employees at \$15.00 an hour. It will not be possible for the upcoming fiscal year, but it could possibly be for the following fiscal year, it's just going to take some time. He also commented that the Commission can always look at this again in 6 months and maybe consider an increase for those employees.

Commissioner Hinojosa commented that he respects what Mayor Fugate is saying and he also has done many budgets in his career and knows that it can be done, the delay of hiring to fill certain positions. It can be budgeted for the whole year, but it can wait for 3 to 4 months, and the funds will be available. He further stated that he understands about the 25%, but the budget figures are not set in stone. They can be adjusted anytime during the year. He further commented that he respects everyone's opinion on this.

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

**3. Consider ratifying the property tax increase reflected in the 2022-2023 Annual Budget of the City of Kingsville. (Finance Director).**

Mr. McLaughlin stated that is to set the tax rate at \$.82500 per \$100 evaluation of city property.

Mayor Fugate stated that this is a decrease in the rate by \$ 1.50. Mr. McLaughlin responded yes.

**Motion made by Commissioner Lopez, "I move to ratify the property tax increase reflected in the 2022-2023 Annual Budget of the City of 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 final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for fiscal year beginning October 01, 2022, and ending September 30, 2023, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).**

**Motion made by Commissioner Torres, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.82500, which is effectively a 0.73 percent increase in the tax rate", seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**5. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).**

Mrs. Diana Gonzales, Human Resources Director stated that for the beginning of each new fiscal year, the City of Kingsville Classification & Compensation Plan is brought before the City Commission. The plan incorporates classification and title changes included in the City Manager's budget.

Motion made by Commissioner Lopez to approve the ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

6. Consider final passage of an ordinance ratifying classification and prescribing the number of positions in such classifications for the classified service in the Police Department by adding one new Officer Position. (Human Resource Director).

Motion made by Commissioner Lopez to approve the ordinance ratifying classification and prescribing the number of positions in such classifications for the classified service in the Police Department by adding one new Officer Position, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

7. Consider final passage of an ordinance ratifying classification and prescribing the number of positions in such classifications for the classified service in the Fire Department by adding two new Fire Fighter Positions. (Human Resource Director).

Motion made by Commissioner Lopez to approve the ordinance ratifying classification and prescribing the number of positions in such classifications for the classified service in the Fire Department by adding two new Fire Fighter Positions, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Torres, Fugate voting "FOR".

8. Consideration and approval of a resolution authorizing the publication of Notice of Intention to issue certificates of obligation. (TWDB-FIF Drainage Project #8- Paulson Falls). (City Attorney).

Ms. Alvarez commented that the city has received notice that the application has been favorably approved. The next step is to have the Commission authorize the publication of Notice of Intention to issue certificates of obligation for this project. This project is covered through grants funds and the other part through CO's that the Water Development Board will purchase from the city at 0% interest for 30 years.

Motion made by Commissioner Lopez to approve the resolution authorizing the publication of Notice of Intention to issue certificates of obligation. (TWDB-FIF Drainage Project #8- Paulson Falls), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

9. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, International Association of Firefighters (IAFF) Local #2390 for Fiscal Years 2022-2024, repealing all conflicting resolutions and providing for an effective date. (Human Resources Director).

Mrs. Diana Gonzales, Human Resources Director stated that the current two-year collective bargaining agreement between the City of Kingsville and the Kingsville Professional Firefighters Association is set to expire on September 30, 2022. Several collective bargaining meetings were held during the months of July and August 2022. The agreement is for two years with increases to base wages with an additional holiday



and added certification. Estimates for year 1 and Year 2 of the agreement, including applicable benefits are as follows: Year 1, Fiscal Year 2022-2023 includes a 4% wage increase, two holiday sell-back and one added certification, for a total of \$122,697; Year 2, Fiscal Year 2023-2024 includes 3% wage increase, continuation of two holiday sell-back, and continuation of one added certification, for a total of \$104,960. The Kingsville Professional Firefighters Association members voted to approve the proposals on August 30, 2022.

Commissioner Lopez asked if the association vote was unanimous? Ms. Gonzales responded that she is not aware if it was a unanimous vote, the President of the Union had only indicated that it was approved on August 30<sup>th</sup>.

Commissioner Hinojosa commented that from all these changes, Thursday was the first time he had heard of all the changes. He doesn't know if any of the other Commissioners were aware of the changes, but this is the first time he hears of them. He further stated that we are here now, at the last minute and it is being brought to the Commission to accept something that at the last minute. He also stated that staff could have had some meetings in executive session and been given an update on this. He further stated that he doesn't agree with how it has been brought up to the Commission, but staff could have given the Commission a preliminary update. Hinojosa commented that he is aware that they are not supposed to get involve in negotiations, but it is now being brought up at the last minute and expect the Commission to make a decision. He further asked if all the changes within the collective bargaining agreement have been included in the upcoming budget.

Mr. McLaughlin responded yes.

Ms. Alvarez commented that if the Commission wants more time on this, the item can be held off until the next Commission meeting on September 26<sup>th</sup>.

Mayor Fugate asked if the Commission would like to wait on voting for this item until the next scheduled meeting.

Commissioner Alvarez and Commissioner Lopez stated that if this is already included in the budget, why not move forward in voting for the item.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, International Association of Firefighters (IAFF) Local #2390 for Fiscal Years 2022-2024, repealing all conflicting resolutions and providing for an effective date, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".**

**10. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to provide additional funding for overages that cannot be covered by the current budget. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that this budget amendment request is to provide additional funding for those items that current budget cannot cover. The following is the justification for each fund's need: UF Debt Service, with the issue of the new Tax Note Series 2022, the paying agent fees were higher than expected and there are no other line items that can cover the overage. Municipal Court Technology Fund, the court is sending out more notification calls than estimated and the operating lease was budgeted short due to a cleanup of operating lease equipment and owner departments. Utility Fund, these shortages are the result of higher costs for motor gas

& oil and vehicle maintenance along with the change out of copiers. GF & Tourism ARP Funding, the funds have already been transferred, but the original budget amendment did not account for the actual GL booking of the transfer of funds. General Fund, additional overtime has been incurred and the amount requested covers the additional expenditures along with associated fringe benefits. The increase in salaries comes from the 6-day accrual that will be completed during the year end process.

Introduction item.

**11. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend grant funding for the 2022 Local Border Security Program (LBSP). (Finance Director).**

Mrs. Balli stated that this request is to setup the budget for the 2022 Borderstar Grant that was awarded September 13, 2021, for the grant period of September 1, 2021, to August 31, 2022.

Introduction item.

**12. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to provide additional funding for wastewater utilities and sanitation vehicle maintenance and motor gas and oil. (Public Works Director).**

Mr. Bill Donnell, Public Works Director stated that the request is for additional funding for Wastewater Utilities to cover electrical expenses and sanitation motor gas and oil, and vehicle maintenance to the end of this fiscal year.

Introduction item.

**13. Consider awarding RFP #22-17 Kingsville Police Department Covered Canopies to Rusty Van Fleet Construction Inc., as per staff recommendation, and authorize the City Manager to execute contract for same. (ARP Funds) (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the City Manager to accept a proposal from Rusty Van Fleet Construction Inc. of Kingsville, Texas for RFP #22-17 for Kingsville Police Department Covered Canopies. Request for Proposal #22-17 was published in the newspaper on August 4, 2022, and August 11, 2022. Proposals were accepted until 2:00 P.M. on August 30, 2022. One response was received from Rusty Van Fleet Construction Inc. The Kingsville Police Department has been in need for the construction of covered canopies to protect vehicles and on-board electronics from the harsh environment. The total amount of \$156,960 will be funded through Fiscal Year 22-23 budgeted ARPA Funds. It is staff's recommendation for the City Manager to accept proposal from Rusty Van Fleet Construction Inc. for RFP #22-17 in the amount of \$156,960.

**Motion made by Commissioner Alvarez to approve the award of RFP #22-17 Kingsville Police Department Covered Canopies to Rusty Van Fleet Construction Inc., as per staff recommendation, and authorize the City Manager to execute contract for same. (ARP Funds), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".**

**14. Consider authorizing the use of ARP Funds for Kingsville Police Department Covered Canopies. (Purchasing Manager).**

**Motion made by Commissioner Alvarez to authorize the use of ARP Funds for Kingsville Police Department covered canopies, seconded by Commissioner**

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

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

Mayor Fugate announced the executive session and convened the meeting into closed session at 5:48 P.M.

Mr. Michael Krueger, Municipal Court Judge was called into the executive session at 6:04 P.M. Mr. Krueger came out of executive session at 6:21 P.M.

Ms. Courtney Alvarez, City Attorney was called into the executive session at 6:21 P.M. Ms. Alvarez came out of executive session at 6:31 P.M.

Mr. Mark McLaughlin, City Manager was called into the executive session at 6:31 P.M. Mr. McLaughlin came out of executive session at 6:55 P.M.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:56 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



## MEMO

**Date:** September 21, 2022  
**To:** Mark McLaughlin (City Manager)  
**From:** Uche Echeozo (Director of Planning and Development Services)  
**Subject:** **Lupe Alvarez, applicant/owner; requesting the rezone of Vista Alegre, BLOCK 2, LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Service).**

The Planning and Zoning Commission meeting held as scheduled this evening, September 21, 2022, with 5 members in attendance.

Members deliberated over the issue of granting approval for a rezone of **Vista Alegre, BLOCK 2, LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville** to enable the applicant to create additional space for a school (Jubilee Academy). Letters were sent out to neighbors and the City received no feedback save for a citizen making clarifications on the actual use of the property. Commissioners, after deliberations, voted to approve the recommendation for the rezone of the said property from R1 (Single Family) to C1 (Neighborhood Service). A recorded vote of all members present was taken and Commissioners Debbie Tiffie, Brian Coufal, Mike Klepac, Rev. Idotha Battle and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 6.15 p.m.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** September 16, 2022

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** Lupe Alvarez, applicant/owner; requesting the rezone of Vista Alegre, BLOCK 2, LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Service).

The applicant approached the department because they wanted to rezone their property (1405 East Henrietta, Kingsville, Texas) from R1 (Single Family) to C1 (Neighborhood Service)

This property is just before a row of C1 properties adjacent to 19<sup>th</sup> Street. The applicant is looking at providing additional space for a school (Jubilee Academy) The applicant also owns the properties immediately adjacent to the subject property. Looking at the City of Kingsville Code of Ordinances, the C1 zoning allows for such a land use.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will create a uniform zoning for the land use and enabling further educational development.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1405 E. HENRIETTA Nearest Intersection NORTH 17TH & EAST HENRIETTA

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: VISTA ALLEGRE Block 2, Lot 3, 4

Existing Zoning Designation R1 Future Land Use Plan Designation C1

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent LUPE ALVAREZ Phone 361-720-0543 FAX 361-592-8856

Email Address (for project correspondence only): LUPEALVAREZAmigo@yahoo.com

Mailing Address 1513 Michael City KINGSVILLE State TX Zip 78363

Property Owner LUPE ALVAREZ Phone 361-720-0543 FAX 361-592-8856

Email Address (for project correspondence only): LUPEALVAREZAmigo@yahoo.com

Mailing Address 1513 Michael City KINGSVILLE State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request _____	No Fee	<input type="checkbox"/> Preliminary Plat _____	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____	\$250.00	<input type="checkbox"/> Final Plat _____	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____	\$250.00	<input type="checkbox"/> Minor Plat _____	\$100.00
<input checked="" type="checkbox"/> Re-zoning Request _____	\$250.00	<input type="checkbox"/> Re-plat _____	\$250.00
<input type="checkbox"/> SUP Request/Renewal _____	\$250.00	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250.00	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PUD Request _____	\$250.00	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

Please provide a basic description of the proposed project:

Jubilee Academy School have added high school students and are in  
need of additional space for classes - propose to convert  
present family house INTO 2 class rooms -  
See Pictures & Map attached -

I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

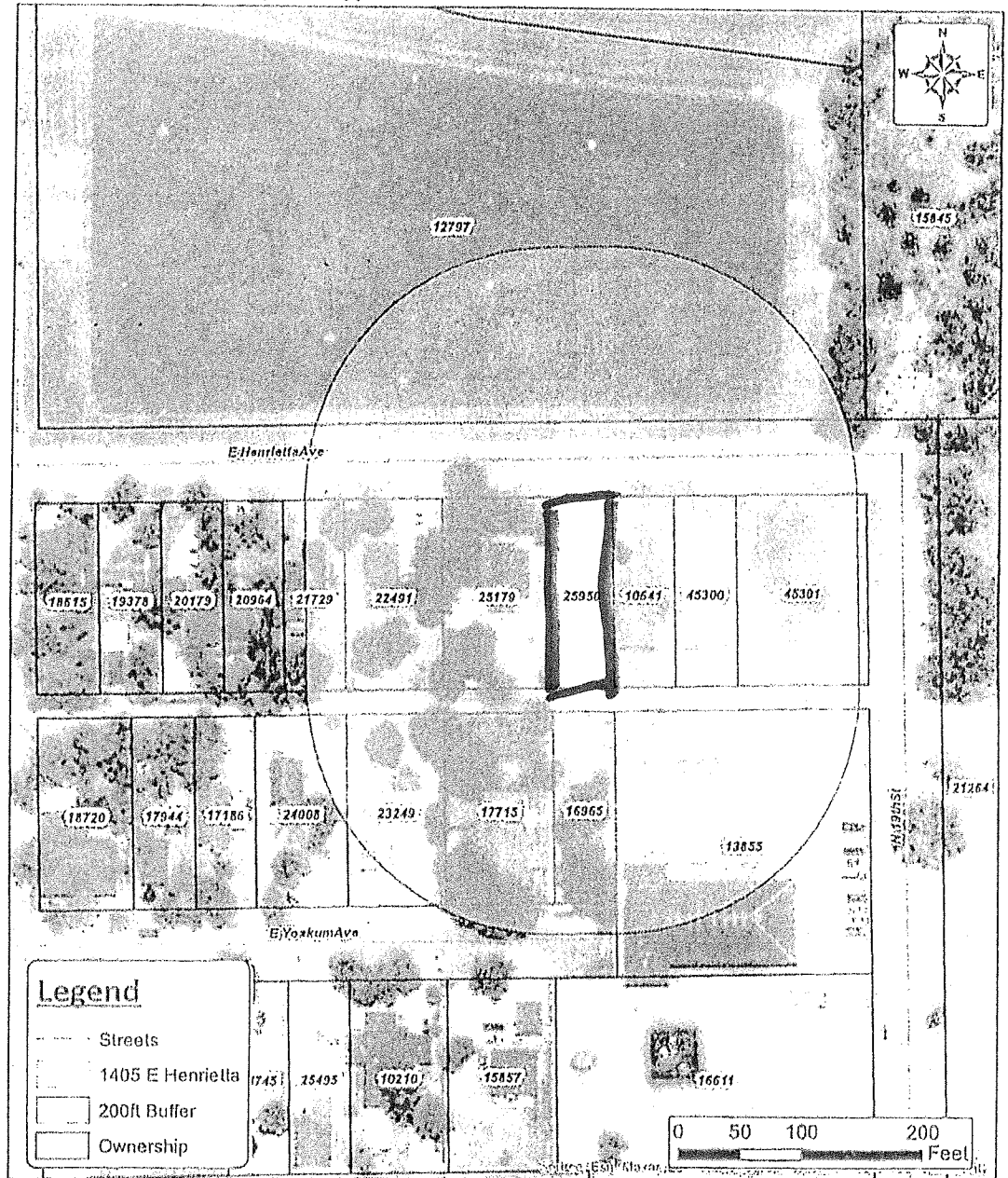
Applicant's Signature [Signature] Date: 8/24/12

Property Owner's Signature [Signature] Date: 8/24/12

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



# 200ft Buffer at 1405 E Henrietta Ave



Page: 1 / 1	<p>Drawn By: G. AMAYA</p> <p>Last Update: 9/1/2022</p> <p>Note: Plans are attached document.</p>	<p>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave, Kingsville, TX 78363 Office: (361) 595-8007 Fax: (361) 595-8054</p>
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Farias Anna Lee  
1317 E Henrietta Ave  
Kingsville, TX 78363  
#21729

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#13855

Esquivel Manuel Jr  
Manuel Esquivel III  
1315 E Henrietta Ave  
Kingsville, TX 78363  
#24008

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#45301

Guzman Gerardo  
1321 E Henrietta Ave  
Kingsville, TX 78363  
#22491

Garcia Hector Alfredo  
1324 E Yoakum  
Kingsville, TX 78363  
#23249

Espinoza Armando Jr  
1401 E Henrietta  
Kingsville, TX 78363  
#25179

Alegria Oralia  
1402 E Yoakum Ave  
Kingsville, TX 78363  
#17715

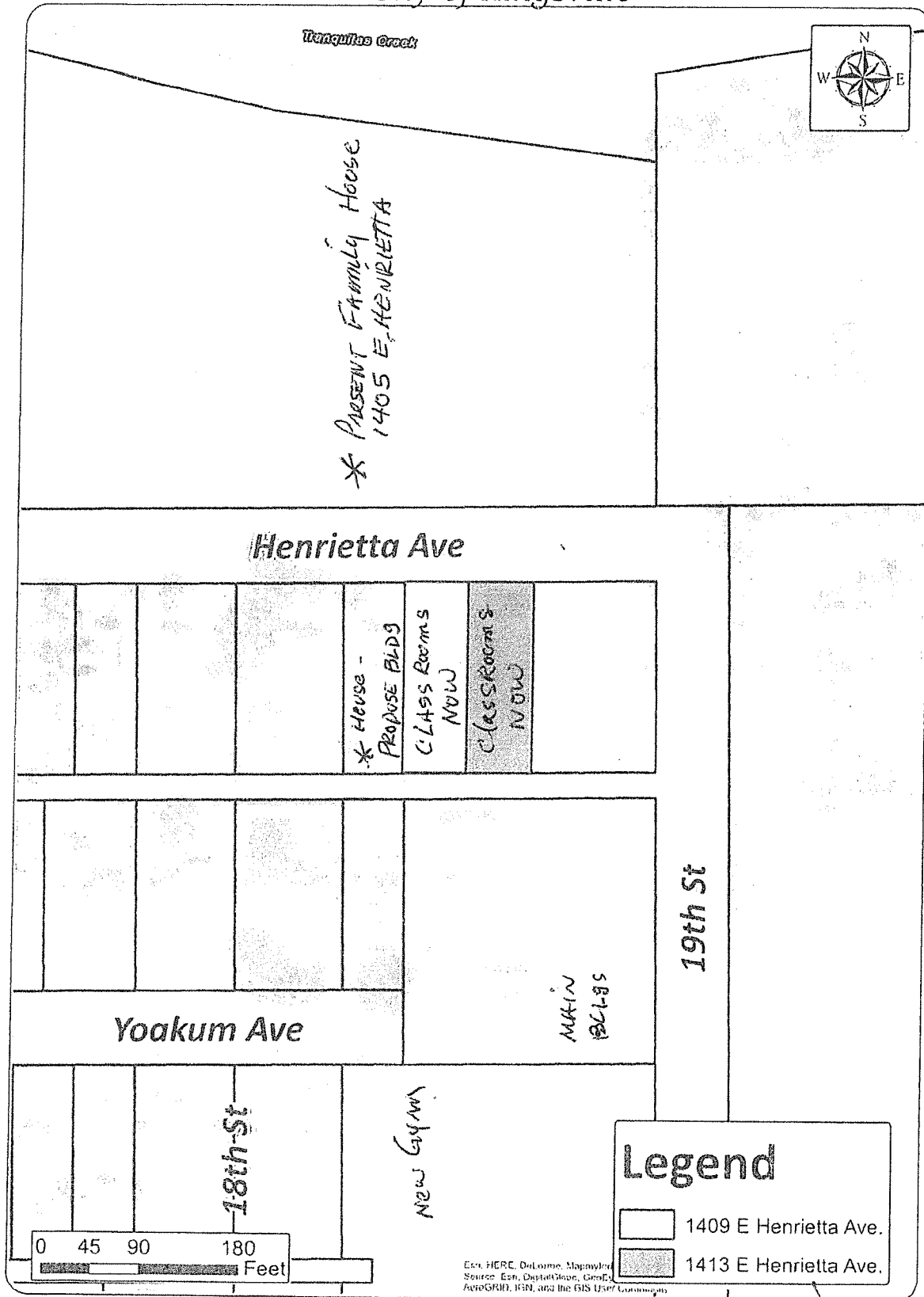
Perez Raul  
1404 E Yoakum Ave  
Kingsville, TX 78363  
#16965

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#25950

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#10641

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#45300

# City of Kingsville



Page 1 / 1	Drawn By: Engineering Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING OR ANY OTHER PURPOSE.	CITY OF KINGSVILLE ENGINEERING DEPARTMENT 200 East Kleberg Kingsville, Texas 78362 Office: 361-595-8005 Fax: 361-595-8036
	Last Update: 3/29/2017		
	Note:		

10/1/17

10/1/17

Tax Year: 2022

**Account**

Property ID: 25950 Legal Description: VISTA ALEGRE, BLOCK 2, LOT 3, 4  
 Geographic ID: 180800203000192 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

**Location**

Address: 1405 E HENRIETTA Mapsco:  
 Neighborhood: Map ID: B1  
 Neighborhood CD:

**Owner**

Name: ALVAREZ GUADALUPE B Owner ID: 31291  
 Mailing Address: 621 N US HWY 77 BYP % Ownership: 100.000000000000%  
 KINGSVILLE, TX 78363

Exemptions:

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$59,720	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,080	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$63,800
(-) Ag or Timber Use Value Reduction:	-	\$0

(=) Appraised Value:	=	\$63,800
(-) HS Cap:	-	\$0

(=) Assessed Value:	=	\$63,800
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Owner: ALVAREZ GUADALUPE B

% Ownership: 100.000000000000%

Total Value: \$63,800

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$63,800	\$63,800	\$0.00
CKI	CITY OF KINGSVILLE	0.840000	\$63,800	\$63,800	\$535.92

9/15/22, 9:48 AM

## Kleberg CAD - Property Details

GKL	KLEBERG COUNTY	0.771870	\$63,800	\$63,800	\$492.45
SKI	KINGSVILLE I.S.D.	1.518900	\$63,800	\$63,800	\$969.06
WST	SOUTH TEXAS WATER AUTHORITY	0.082426	\$63,800	\$63,800	\$52.59
Total Tax Rate:		3.213196			

Taxes w/Current Exemptions: \$2,050.02

Taxes w/o Exemptions: \$2,050.02

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 1664.0 sqft Value: \$59,720

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF4		1987	1664.0
WDFA	WOOD DECK FRAME AVERAGE *			2020	24.0

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.1894	8250.00	50.00	165.00	\$4,080	\$0

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$59,720	\$4,080	0	63,800	\$0	\$63,800
2021	\$59,720	\$4,080	0	63,800	\$0	\$63,800
2020	\$53,320	\$4,080	0	57,400	\$0	\$57,400
2019	\$53,320	\$4,080	0	57,400	\$0	\$57,400
2018	\$51,430	\$4,080	0	55,510	\$0	\$55,510
2017	\$4,580	\$4,080	0	8,660	\$0	\$8,660
2016	\$4,580	\$4,080	0	8,660	\$0	\$8,660
2015	\$0	\$4,080	0	4,080	\$0	\$4,080
2014	\$0	\$4,080	0	4,080	\$0	\$4,080
2013	\$0	\$4,080	0	4,080	\$0	\$4,080
2012	\$0	\$4,360	0	4,360	\$0	\$4,360
2011	\$17,540	\$4,360	0	21,900	\$0	\$21,900
2010	\$17,540	\$4,360	0	21,900	\$0	\$21,900
2009	\$17,540	\$4,360	0	21,900	\$0	\$21,900

COUNTY OF KLEBERG, TEXAS

9/15/2022 9:48 AM

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### **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 21, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

**Lupe Alvarez owner/applicant; requesting the rezone of Vista Alegre, BLOCK 2 LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services).**

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### **PUBLIC HEARING NOTICE**

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 26, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

**Lupe Alvarez owner/applicant; requesting the rezone of Vista Alegre, BLOCK 2 LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services).**

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.



**COME IN & GET YOUR  
COVID-19 VACCINE  
TODAY!**



**COASTAL BEND  
WELLNESS FOUNDATION**  
YOUR COMMUNITY HEALTH CENTER

**COVID HOTLINE  
361-356-9572  
CBwellness.org**

**ORDINANCE #2022-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO VISTA ALEGRE, BLOCK 2, LOTS 3 & 4, ALSO KNOWN AS 1405 EAST HENRIETTA, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY) TO C1 (NEIGHBORHOOD SERVICES); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Lupe Alvarez, owner/applicant, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 21, 2022 during a meeting of the Planning and Zoning Commission, and on Monday, September 26, 2022 during a meeting of the City Commission, in the Helen Kleberg Groves Community Room at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 5-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

**WHEREAS**, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Vista Alegre, Block 2, Lots 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas, from R1 (Single Family) to C1 (Neighborhood Services), as more specifically described on the Zone Change Map, attached as Exhibit A.

**SECTION 2.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 3.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 4.** That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 5.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.



**SECTION 6.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

**INTRODUCED** on this the 26th day of September, 2022.

**PASSED AND APPROVED** on this the 11th day of October, 2022.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

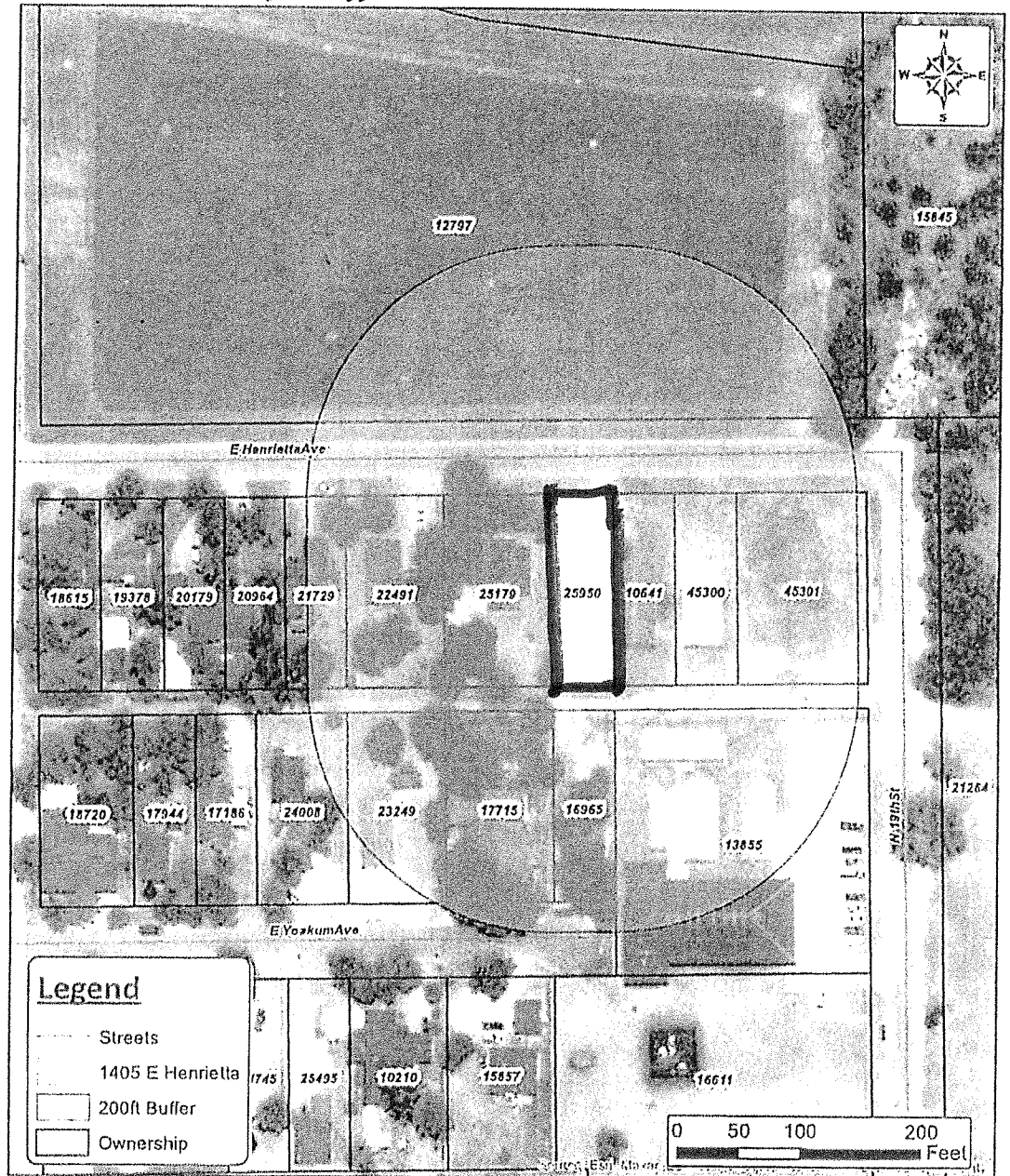
**ATTEST:**


\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200ft Buffer at 1405 E Henrietta Ave



Page: 1/1	Drawn By: G. AMAYA	<small>DISCLAIMER</small> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave; Kingsville, TX 78363 Office: (361) 595-8097 Fax: (361) 595-8054
	Last Update: 9/1/2022		
	Note: Please see attached documents.		

# **CONSENT AGENDA**

# **AGENDA ITEM #1**



## CITY OF KINGSVILLE

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### AGENDA MEMORANDUM

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TO: City Commissioners  
FROM: Deborah Balli, Finance Director  
DATE: September 5, 2022  
SUBJECT: Budget Amendment – Negative Line Items

---

**Background:**

This budget amendment request is to provide additional funding for those items that current budget cannot cover. The following is the justification for each fund's need:

- UF Debt Service – with the issue of the new Tax Note Series 2022, the paying agent fees were higher than expected and there are no other line items that can cover the overage.
- Municipal Court Technology Fund – the court is sending out more notification calls than estimated and the operating lease was budgeted short due to a cleanup of operating lease equipment and owner departments.
- Utility Fund – these shortages are the result of higher costs for motor gas & oil and vehicle maintenance along with the change out of copiers.
- GF & Tourism ARP Funding – the funds have already been transferred, but the original budget amendment did not account for the actual GL booking of the transfer of funds.

**Financial Impact:**

All of the notated overages will come from the unappropriated fund balance of the associated fund.

**Recommendation:**

Staff recommends the approval of the budget amendment request to provide additional funding for various shortages.

ORDINANCE NO. 2022-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR OVERAGES THAT CANNOT BE COVERED BY CURRENT BUDGET.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #65

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 012 – UF Debt Service</b>					
<u>Expenditures</u>					
5100	Debt Svc	Paying Agent Fees	63100	\$460.00	
<b>Fund 031 – Municipal Ct Technology Fund</b>					
<u>Expenditures</u>					
1800	Finance	Professional Services	31400	\$275.00	
1800	Finance	Operating Lease	64100	\$766.00	
<b>Fund 051 – Utility Fund</b>					
<u>Expenditures</u>					
6201	Util Billing	Motor Gas & Oil	21500	\$2,000	
6201	Util Billing	Vehicle Maintenance	41100	\$500	
6201	Util Billing	Operating Lease	64100	\$2,200	
<b>Fund 121 – GF ARP Funding</b>					
<u>Expenditures</u>					
6900	Transfer	Transfer to Fund 205	80205	\$173,544	
<b>Fund 205 - Tourism ARP Funding</b>					
0000	Transfer	Transfer from Fund 121	75121	\$173,544	

[To amend the City of Kingsville FY 21-22 Budget to provide additional funding for negative lines items that cannot be covered with current budget. Funding will come from the unappropriated fund balances for each fund.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 12th day of September 2022.

**PASSED AND APPROVED** on this the 26th day of September 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #2**





**CITY OF KINGSVILLE**

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**AGENDA MEMORANDUM**

---

TO: City Commissioners  
FROM: Deborah Balli, Finance Director  
DATE: September 6, 2022  
SUBJECT: Budget Amendment – Borderstar

---

**Background:**

This budget amendment request is to setup the budget for the 2022 Borderstar Grant that was awarded September 13, 2021 for the grant period of 9/1/2021 to 8/31/2022.

**Financial Impact:**

There will be no financial impact as the expenditures incurred are covered by the grant award.

**Recommendation:**

Staff recommends the approval of the budget amendment request to setup the budget for the 2022 Borderstar Grant.

*Copy from 2021*

**City of Kingsville  
Police Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: September 13, 2021  
Originally Approved March 9, 2021 (Resolution #20)

SUBJECT: 2022 Local Border Security Program (LBSP)

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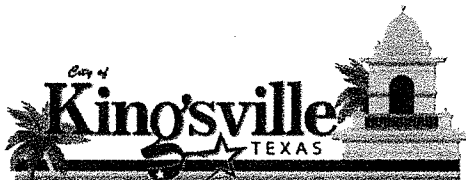
**Summary:**

The Kingsville Police Department has been awarded the 2022 Local Border Security Program (LBSP). The grant period is from 09/01/2021 to 08/31/2022. Our application #2994107 was awarded \$78,000.00 to be used to cover personnel costs.

**Background:**

Operation Border Star centers on the use of intelligence to increase the effectiveness of federal, state, and local law enforcement assets. The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

1. Increase the effectiveness and impact of Steady State and Surge Operations.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of air operations mission planning and prioritization.
9. Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection



**City of Kingsville  
Police Department**

(USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.

10. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
11. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
12. Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

**Financial Impact:**

The grant for "Operation Border Star" is a reimbursement type and does not require any cash match.

**Recommendation:**

The City of Kingsville Commission issued Resolution #2021-16 authorizing our application, for participation, and acceptance of funds when awarded. Since this award will be expended during the next fiscal cycle we request a resolution authorizing acceptance as well as a budget amendment for acceptance and eventual expenditure of the award.

Please place this on the next available agenda. Thank you for your assistance regarding this matter.





GOVERNOR GREG ABBOTT

Dear Grantee:

Congratulations on your award! To activate your agency's grant, the Authorized Official must log on to eGrants at <https://eGrants.gov.texas.gov> and go to the 'My Home' tab. In the 'Pending Applications' section, locate the application with a 'Current Status' of "Pending AO Acceptance of Award". Click on the grant number and proceed to the 'Accept Award' tab. From this tab, click on the 'Accept' button. Grants must be accepted within 45 calendar days of the date the award was issued.

Be sure to review the Grantee Conditions and Responsibilities Memo for a quick overview of general items every grantee should be aware of. You can also find more detailed information on the eGrants website including helpful resources, links, and tools needed to properly administer HSGD grants. The Guide to Grants, also on the website, contains answers to questions frequently asked by grantees.

If you have any questions regarding this award, feel free to contact your grant manager, whose name is referenced in the Statement of Grant Award or you may always contact our office via the eGrants Help Desk at [eGrants@gov.texas.gov](mailto:eGrants@gov.texas.gov).

We look forward to working with you to ensure the success of your program

*Nancy N Carrales*

Nancy N. Carrales  
Executive Director  
Homeland Security Grants Division

### Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Uniform Grant Management Standards (UGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

<b>Grant Number:</b>	2994107	<b>Award Amount:</b>	\$78,000.00
<b>Date Awarded:</b>	9/13/2021	<b>Grantee Cash Match:</b>	\$0.00
<b>Grant Period:</b>	09/01/2021 - 08/31/2022	<b>Grantee In Kind Match:</b>	\$0.00
<b>Liquidation Date:</b>	11/29/2022	<b>Total Project Cost:</b>	\$78,000.00
<b>Program Fund:</b>	BL-Local Border Security Program (LBSP)		
<b>Grantee Name:</b>	Kingsville, City of		
<b>Project Title:</b>	Local Border Security Program		
<b>Grant Manager:</b>	Lynne Crow		
<b>DUNS Number:</b>	618308118		

<b>CFDA:</b>	N/A
<b>Federal Awarding Agency:</b>	N/A - State Funds
<b>Federal Award Date:</b>	N/A - State Funds
<b>Federal/State Award ID Number:</b>	2022-BL-ST-0016

<b>Total Federal Award/State Funds Appropriated:</b>	\$5,100,000.00
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<b>Pass Thru Entity Name:</b>	Texas Office of the Governor – Homeland Security Grants Division (HSGD)
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<b>Is the Award R&amp;D:</b>	No
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<b>Federal/State Award Description:</b>	Grants for local law enforcement agencies to support Operation Border Star. The grant funds may also support the humane processing of remains of undocumented migrants, when specifically
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awarded for that purpose.

ORDINANCE NO. 2022-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO ACCEPT AND EXPEND GRANT FUNDING FOR THE 2022 LOCAL BORDER SECURITY PROGRAM (LBSP)**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #66

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 017-PD Local Borderstar Grant</b>					
<u>Revenues</u>					
0000	Non-Dept	State Grants	72010	\$78,000	
<u>Expenditures</u>					
2100	Police	Overtime	11201	\$67,000	
2100	Police	Retirement	11400	\$5,876	
2100	Police	FICA	11500	\$5,124	

[To amend the City of Kingsville FY 21-22 Budget to accept and expend grant funding for the 2022 Local Borderstar Grant. Funding will come from the grant funds received for the stated purpose.]

II.

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

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

**INTRODUCED** on this the 12th day of September 2022.

**PASSED AND APPROVED** on this the 26th day of September 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **AGENDA ITEM #3**

**City of Kingsville**  
**Public Works, Wastewater/Solid Waste Divisions**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: September 7, 2022

SUBJECT: Utility Fund 051 Wastewater and General Fund 001 Sanitation Budget Amendments

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**Summary:**

This item authorizes additional funding for Wastewater Utilities to cover electrical expenses and Sanitation Motor Gas & Oil and Vehicle Maintenance to the end of this fiscal year.

**Background:**

The North Wastewater Treatment Plant is requiring additional funds to cover electrical utility fee increases due to operating the backup Hoffman blower for extended times during repairs to main and more efficient Turblex blower.

Sanitation Collections is requiring additional operating funds in Motor Gas & Oil (\$15,000) and Vehicle Maintenance (\$40,000) after year end transfers to cover operation expenses to fiscal years end. The two new residential trucks have been at the shop for warranty repairs more than they have been on the routes requiring more expenses on the older units for unexpected repairs during use.

**Financial Impact:**

In the Utility fund this will reduce unappropriated Utility Fund 051 balance by \$57,000.00 and increase 051-5-7001-32300 - Utilities \$57,000.

In the General Fund this will reduce unappropriated General Fund 001 balance by \$55,000 and increase 001-5-1702-21500 – Motor Gas & Oil \$15,000 and Increase 001-5-1702-41100 – Vehicle Maintenance \$40,000

**Recommendation:**

Staff is recommending approval of funds to cover Wastewater utilities operating expenses.



**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR WASTEWATER UTILITIES AND SANITATION VEHICLE MAINTENANCE AND MOTOR GAS AND OIL.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #67

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 – Utility</b>					
<u>Expenditures</u>					
7001	WW	Utilities	32300	\$57,000	
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
1702	Sanitation	Vehicle Maintenance	41100	\$40,000	
1702	Sanitation	Motor Gas & Oil	21500	\$15,000	

[To amend the City of Kingsville FY 21-22 Budget to provide additional funding for wastewater utilities and sanitation vehicle maintenance and motor gas & oil. Funding will come from the unappropriated fund balance for Utility Fund.]

II.

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

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

**INTRODUCED** on this the 12th day of September 2022.

**PASSED AND APPROVED** on this the 26th day of September 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #4**

## City of Kingsville Fire Department

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Juan J. Adame, Fire Chief

DATE: September 12, 2022

SUBJECT: Halo Flight EMS Training Academy Clinical Affiliation Agreement

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### **Summary:**

The Kingsville Fire Department is requesting to enter into an EMS Training Academy Clinical Affiliation Agreement between Halo Flight and the City of Kingsville Fire Department (KFD) for the purposes of allowing Emergency Medical Services (EMS) Students to ride out with KFD personnel during their clinical ride-outs.

### **Background:**

The agreement will allow Halo Flight Students to conduct their required clinical ride-outs during their EMS training. The KFD will provide and accept EMS Students for experience, training, and instruction in emergency medical practice and treatment aboard a Mobile Intensive Care Unit (MICU) and/or Advance Life Support (ALS) while responding to actual emergencies.

### **Financial Impact:**

No financial impact, Halo Flight EMS Academy shall provide and furnish to the City of Kingsville proof of student liability insurance.

### **Recommendation:**

Our recommendation is that the Commission enter into a Halo Flight EMS Training Academy Clinical Affiliation Agreement.



**RESOLUTION #2022-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CLINICAL AFFILIATION AGREEMENT BETWEEN THE KINGSVILLE FIRE DEPARTMENT AND HALO FLIGHT EMS TRAINING ACADEMY; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Kingsville Fire Department has been approached by the HALO Flight EMS Training Academy to conduct a program of clinical education or field work experience at the Fire Department to help train the academy's student candidates for Emergency Medical Service (EMS) certification;

**WHEREAS**, the City Commission previously approved this same agreement a few times over the last several years;

**WHEREAS**, the Department is agreeable to conduct the training under the guidelines stated in the attached agreement;

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Clinical Affiliation Agreement between the Kingsville Fire Department and HALO Flight EMS Training Academy in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 26th day of September, 2022.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

**HALO FLIGHT EMS TRAINING ACADEMY  
CLINICAL AFFILIATION AGREEMENT**

This Agreement, by and between Kingsville Fire Department (hereinafter referred to as "PROVIDER"). Located at 119 N. 10<sup>th</sup> St., Kingsville, Texas; mailing 119 N. 10<sup>th</sup> St., Kingsville, Texas 78363 and HALO Flight EMS Training Academy (hereinafter referred to as HFEMSTA). Located at 1843 FM 665, Corpus Christi, TX 78415. HFEMSTA and Provider may individually be referred to herein as a "Party" and collectively as the "Parties".

For the purpose of providing a clinical training site and learning environment for student candidates for EMS certification.

**WITNESSETH**

WHEREAS, HFEMSTA offers a certification program in Emergency Medical Services;

WHEREAS, PROVIDER offers a comprehensive outpatient acute care entity licensed in the state of Texas;

WHEREAS, it is agreed by the parties to be of mutual interest and advantage that the students of HFEMSTA be given the opportunity to utilize PROVIDER as a setting for a clinical learning experience through the application of knowledge and skills in an acute care setting, up to the level of the EMS candidate's training.

WHEREAS, no financial obligation will be incurred by either party as a result of this agreement;

WHEREAS, assignment of students will be made without regard for race, creed, sex, or national origin;

WHEREAS, at no time will students be considered employees and therefore will not be eligible to receive payment for services rendered, replace an agency employee, or possess authority to enter any form of agreement, binding or otherwise on behalf of the PROVIDER;

WHEREAS, medical care for any acute injury or illness students may experience while at PROVIDER will be immediately provided, and that cost of healthcare provided will be the sole responsibility of the student.

**STATEMENT OF WORK**

HFEMSTA and PROVIDER agree to work cooperatively in providing HFEMSTA students a clinical learning experience through the application of knowledge and skills in an acute care setting.



## **RESPONSIBILITIES**

### **HALO Flight EMS Training Academy will:**

1. Establish guidelines for clinical eligibility,
2. Be responsible for the provision of classroom theory and practical instruction to students prior to clinical assignments,
3. Be responsible for selection of students entering the program,
4. Ensure students attend clinical orientation sessions as required by the PROVIDER,
5. In cooperation with PROVIDER prepare clinical rotation schedules, ensure PROVIDER receives schedule, and ensure PROVIDER approves proposed schedule prior to sending students,
6. Provide clinical staff with ability to evaluate student performance,
7. Furnish PROVIDER with proof of student liability insurance,
8. Ensure compliance with published PROVIDER policies as provided to HFEMSTA,
9. Supply PROVIDER with proof of student health to include,
  - negative PPD test
  - HBV vaccine or signed refusal
  - Other immunizations (as required)
10. Ensure HIPAA training and Confidentiality Statement(s) have been completed by each HFEMSTA student prior to students entering clinical areas (PROVIDER may utilize their form),
11. Furnish PROVIDER with a set of student objectives for each certification level,
12. Adhere to the PROVIDER Communicable Disease Reporting guidelines and provide student education on blood borne pathogens during initial training,
13. Inform PROVIDER of any change in student's status during the scheduled clinical time,
14. Comply with PROVIDER request to remove student(s) should just cause exist. All students or faculty representing the HFEMSTA program shall be accountable to the PROVIDER Administrator or designee.

### **PROVIDER shall:**

1. Assign a liaison to HFEMSTA for purposes of scheduling clinical time,
2. Accept students assigned to the facility by HFEMSTA Clinical Coordinator,
3. Assist in evaluating students assigned to PROVIDER,
4. Assign each student with a Preceptor to assist and monitor student. Preceptor must be equal or above candidate's certification level of training,
5. Under proper supervision allow/encourage "hands-on" experiences at Basic level appropriate to knowledge objectives for the level of training being provided,
6. Initiate documentation of any student expose and provide information and/or referrals as necessary to manage the situation,
7. Draw and process baseline blood samples where appropriate for communicable disease exposures,
8. Have ability to request removal of student when conduct or performance is not in accordance with published PROVIDER policies or which is detrimental to patient care. PROVIDER will provide HFEMSTA with written documentation of incident and will retain final authority on whether student in question is allowed to continue rotations with PROVIDER.

## **TERMS OF CONTRACT**

This Agreement shall remain in force until such time as it is terminated by either party, with thirty (30) days written notice to the other party. Both parties reserve the right to terminate this Agreement for reasonable cause.

## **GOVERNING LAW**

This agreement shall be governed by and construed in accordance with the laws of the State of Texas.

**THE UNDERSIGNED PARTIES BIND THEMSELVES TO THE FAITHFUL PERFORMANCE OF THIS AGREEMENT.**

**Kingsville Fire Department:**

**HALO Flight EMS Training Academy:**

Name: J. J. Adame

Name: W. Wendy Greer, LP, EMSC

Title: Fire Chief

Title: Program Director

Sign: \_\_\_\_\_

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# **REGULAR AGENDA**

# **AGENDA ITEM #5**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



Action Item

## MEMO

**Date:** September 21, 2022

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Lupe Alvarez, applicant/owner; requesting the rezone of Vista Alegre, BLOCK 2, LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Service).**

The Planning and Zoning Commission meeting held as scheduled this evening, September 21, 2022, with 5 members in attendance.

Members deliberated over the issue of granting approval for a rezone of **Vista Alegre, BLOCK 2, LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville** to enable the applicant to create additional space for a school (Jubilee Academy). Letters were sent out to neighbors and the City received no feedback save for a citizen making clarifications on the actual use of the property. Commissioners, after deliberations, voted to approve the recommendation for the rezone of the said property from R1 (Single Family) to C1 (Neighborhood Service). A recorded vote of all members present was taken and Commissioners Debbie Tiffie, Brian Coufal, Mike Klepac, Rev. Idotha Battle and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 6.15 p.m.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", with a stylized flourish at the end.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** September 16, 2022

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** Lupe Alvarez, applicant/owner; requesting the rezone of Vista Alegre, BLOCK 2, LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Service).

The applicant approached the department because they wanted to rezone their property (1405 East Henrietta, Kingsville, Texas) from R1 (Single Family) to C1 (Neighborhood Service)

This property is just before a row of C1 properties adjacent to 19<sup>th</sup> Street. The applicant is looking at providing additional space for a school (Jubilee Academy) The applicant also owns the properties immediately adjacent to the subject property. Looking at the City of Kingsville Code of Ordinances, the C1 zoning allows for such a land use.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will create a uniform zoning for the land use and enabling further educational development.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 1405 E. HENRIETTA Nearest Intersection NORTH 17TH & EAST HENRIETTA  
 (Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Legal Description: VISTA ALLEGRE Block 2, Lot 3, 4  
 Existing Zoning Designation R1 Future Land Use Plan Designation C1

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent LUPE ALVAREZ Phone 361 720 0543 FAX 361 592 8856  
 Email Address (for project correspondence only): LUPEALVAREZAmigo@yahoo.com  
 Mailing Address 1513 Michael City KINGSVILLE State TX Zip 78363  
 Property Owner LUPE ALVAREZ Phone 361 720 0543 FAX 361 592 8856  
 Email Address (for project correspondence only): LUPEALVAREZAmigo@yahoo.com  
 Mailing Address 1513 Michael City KINGSVILLE State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request _____	No Fee	<input type="checkbox"/> Preliminary Plat _____	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____	\$250.00	<input type="checkbox"/> Final Plat _____	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____	\$250.00	<input type="checkbox"/> Minor Plat _____	\$100.00
<input checked="" type="checkbox"/> Re-zoning Request _____	\$250.00	<input type="checkbox"/> Re-plat _____	\$250.00
<input type="checkbox"/> SUP Request/Renewal _____	\$250.00	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250.00	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PUD Request _____	\$250.00	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

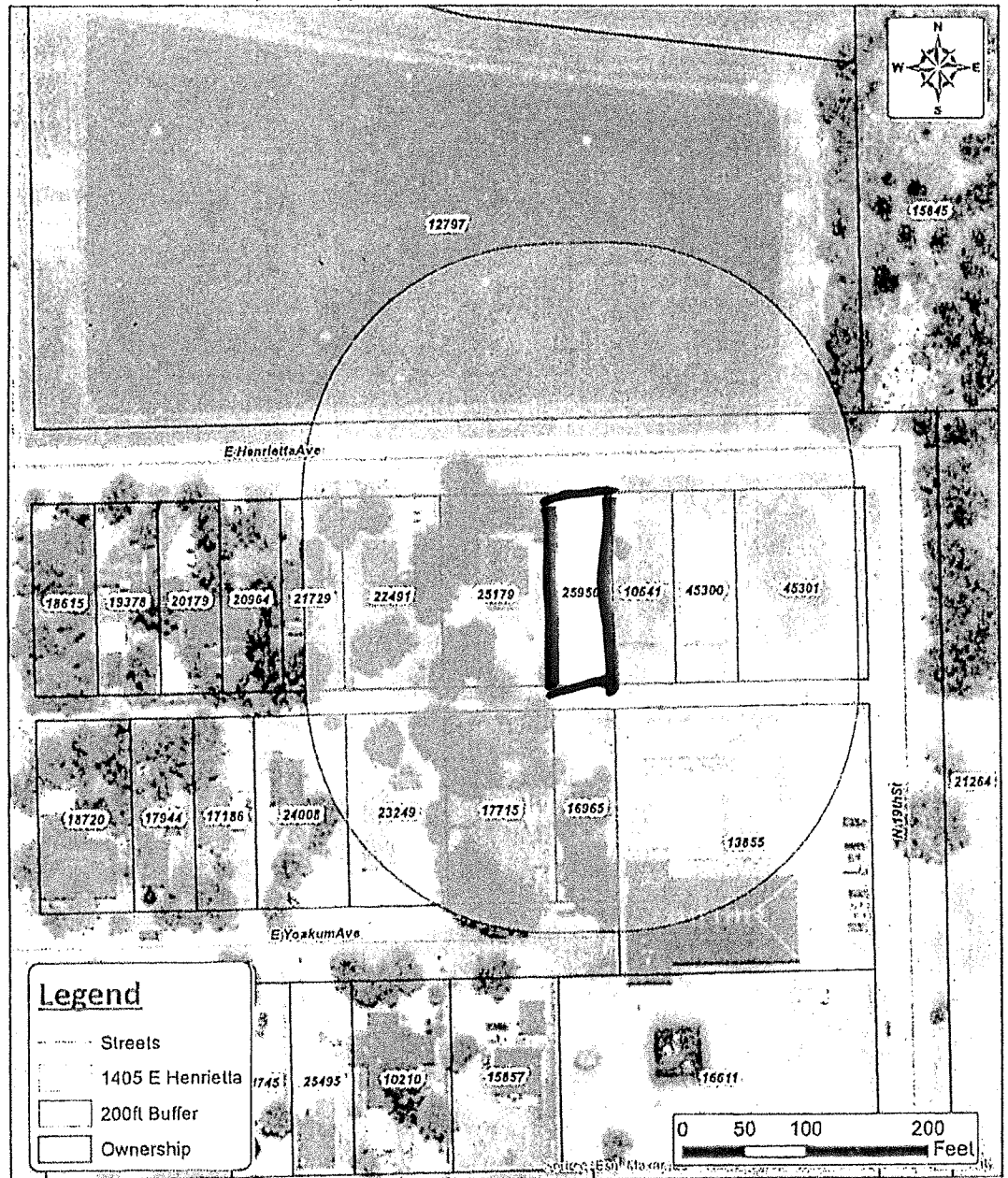
Please provide a basic description of the proposed project:

Jubilee Academy School have added High School Students and are in  
Need of additional space for classes - propose to convert  
Present family house INTO 2 class rooms -  
See Pictures & Map attached -

I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature [Signature] Date: 8/24/12  
 Property Owner's Signature [Signature] Date: 8/24/12  
 Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

## 200ft Buffer at 1405 E Henrietta Ave



Page: 1 / 1	Drawn By: G. AMAYA	<p>DISCLAIMER: THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave; Kingsville, TX 78363 Office: (381) 595-8007 Fax: (381) 595-8064</p>
	Last Update: 9/1/2022		
	Note: Please see attached documents.		



Farias Anna Lee  
1317 E Henrietta Ave  
Kingsville, TX 78363  
#21729

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#13855

Esquivel Manuel Jr  
Manuel Esquivel III  
1315 E Henrietta Ave  
Kingsville, TX 78363  
#24008

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#45301

Guzman Gerardo  
1321 E Henrietta Ave  
Kingsville, TX 78363  
#22491

Garcia Hector Alfredo  
1324 E Yoakum  
Kingsville, TX 78363  
#23249

Espinoza Armando Jr  
1401 E Henrietta  
Kingsville, TX 78363  
#25179

Alegria Oralia  
1402 E Yoakum Ave  
Kingsville, TX 78363  
#17715

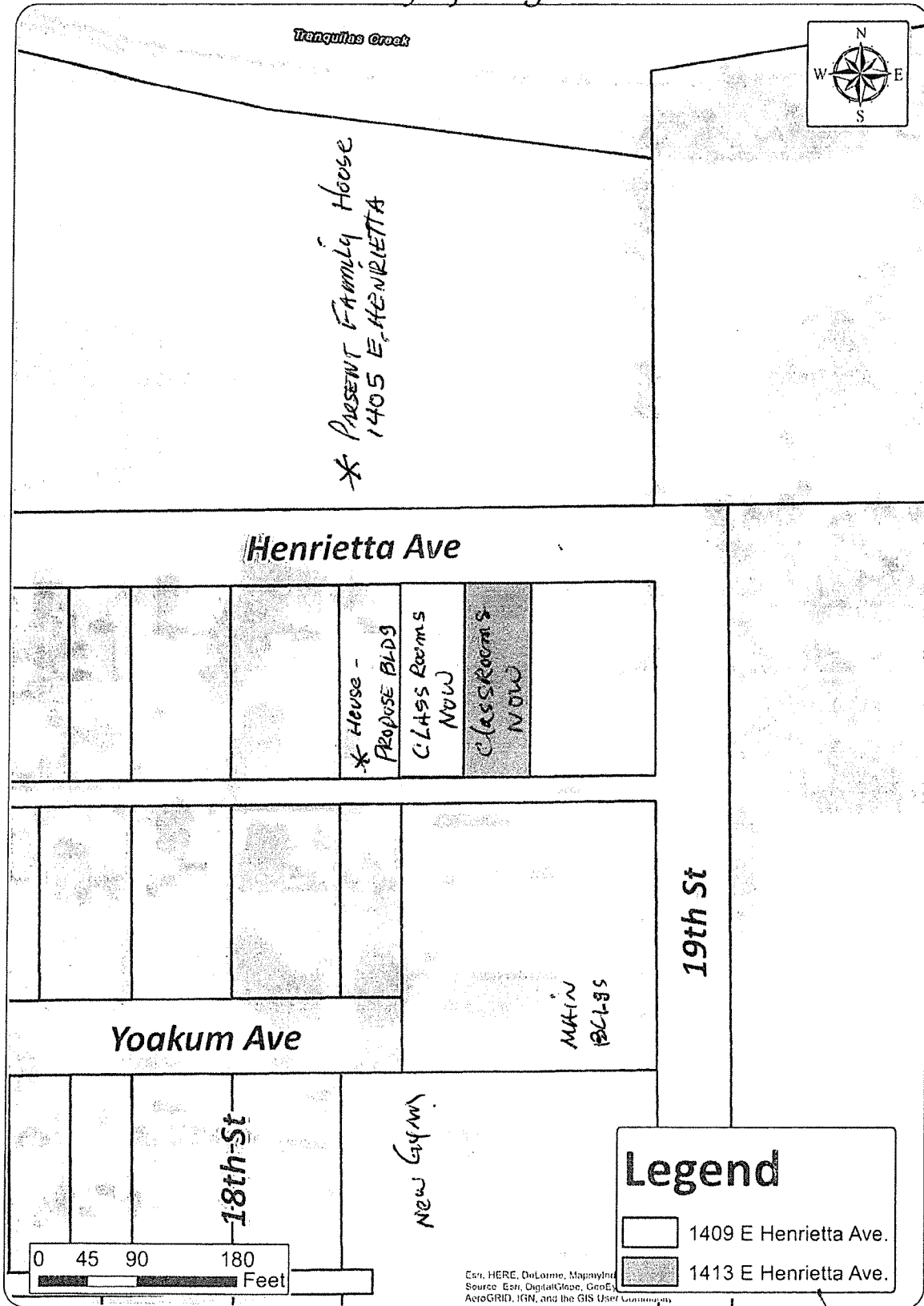
Perez Raul  
1404 E Yoakum Ave  
Kingsville, TX 78363  
#16965


Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#25950

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#10641

Alvarez Guadalupe B  
621 N US HWY 77 BYP  
Kingsville, TX 78363  
#45300

# City of Kingsville



Page 1 / 1	Drawn By: Engineering Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING OR ANY OTHER PURPOSE.		<b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78362 Office: 361-595-8005 Fax: 361-595-8036
	Last Update: 3/29/2017			
	Note:			

12/11/17

## Kleberg CAD

Property Search > 25950 ALVAREZ GUADALUPE B for Year  
2022

Tax Year: 2022

## Property

## Account

Property ID: 25950 Legal Description: VISTA ALEGRE, BLOCK 2, LOT 3, 4  
 Geographic ID: 180800203000192 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

## Location

Address: 1405 E HENRIETTA Mapsco:  
 Neighborhood: Map ID: B1  
 Neighborhood CD:

## Owner

Name: ALVAREZ GUADALUPE B Owner ID: 31291  
 Mailing Address: 621 N US HWY 77 BYP % Ownership: 100.000000000000%  
 KINGSVILLE, TX 78363

Exemptions:

## Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$59,720	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,080	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$63,800	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$63,800	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$63,800	

## Taxing Jurisdiction

Owner: ALVAREZ GUADALUPE B  
 % Ownership: 100.000000000000%  
 Total Value: \$63,800

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$63,800	\$63,800	\$0.00
CKI	CITY OF KINGSVILLE	0.840000	\$63,800	\$63,800	\$535.92

9/15/22, 9:48 AM

Kleberg CAD - Property Details

GKL	KLEBERG COUNTY	0.771870	\$63,800	\$63,800	\$492.45
SKI	KINGSVILLE I.S.D.	1.518900	\$63,800	\$63,800	\$969.06
WST	SOUTH TEXAS WATER AUTHORITY	0.082426	\$63,800	\$63,800	\$52.59
Total Tax Rate:		3.213196			
				Taxes w/Current Exemptions:	\$2,050.02
				Taxes w/o Exemptions:	\$2,050.02

Improvement / Building

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 1664.0 sqft Value: \$59,720

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF4		1987	1664.0
WDFA	WOOD DECK FRAME AVERAGE *			2020	24.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.1894	8250.00	50.00	165.00	\$4,080	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$59,720	\$4,080	0	63,800	\$0	\$63,800
2021	\$59,720	\$4,080	0	63,800	\$0	\$63,800
2020	\$53,320	\$4,080	0	57,400	\$0	\$57,400
2019	\$53,320	\$4,080	0	57,400	\$0	\$57,400
2018	\$51,430	\$4,080	0	55,510	\$0	\$55,510
2017	\$4,580	\$4,080	0	8,660	\$0	\$8,660
2016	\$4,580	\$4,080	0	8,660	\$0	\$8,660
2015	\$0	\$4,080	0	4,080	\$0	\$4,080
2014	\$0	\$4,080	0	4,080	\$0	\$4,080
2013	\$0	\$4,080	0	4,080	\$0	\$4,080
2012	\$0	\$4,360	0	4,360	\$0	\$4,360
2011	\$17,540	\$4,360	0	21,900	\$0	\$21,900
2010	\$17,540	\$4,360	0	21,900	\$0	\$21,900
2009	\$17,540	\$4,360	0	21,900	\$0	\$21,900

Questions Please Call (361) 595-5775

Website version: 1.2.2.1

Database last updated on: 9/14/2022 8:17 PM

© H. Harris Computer Corporation

### **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 21, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

**Lupe Alvarez owner/applicant; requesting the rezone of Vista Alegre, BLOCK 2 LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services).**

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### **PUBLIC HEARING NOTICE**

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 26, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

**Lupe Alvarez owner/applicant; requesting the rezone of Vista Alegre, BLOCK 2 LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services).**

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

## Hall of Fame Karate expert hosts classes in Bishop

By EMMET DREWRY  
REPORTER

Vicki Bosman began martial arts at the age of 7. Currently, she is a 4th degree blackbelt and she wants to teach area children martial arts and ladies self-defense.

Bosman has taught classes to people with disabilities and all walks of life. She is the Texas representative for Genesis Martial Arts International, a member of the South Texas Karate Black Belt Association, National Karate Jujitsu Union and United States Black Belt Federation. In 2016, Bosman was inducted into the United States Martial Arts Hall of Fame.

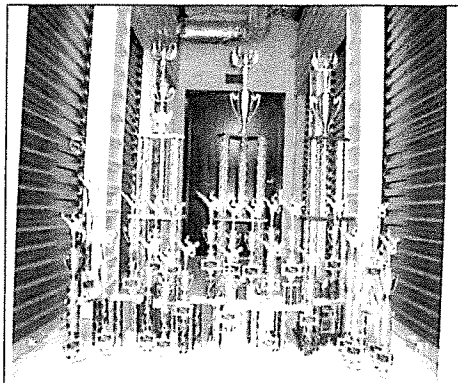
"Self-defense is the number one priority that I am wanting to focus on, the combination of the mindset of martial arts as well as skills of self-defense can save someone's life," Bosman said.

Classes began on Monday, Aug. 29 at St. Paul Lutheran Church located at 801 E. Main Street in Bishop. Classes will be held until Monday, Nov. 14 every Monday evening, except for Labor Day and Halloween.

Registration is currently open for ages four and up (adults are welcomed). If 12 individuals register the registration fee will decrease to \$125. To sign up text Bosman at (901) 462-1801 or email KickingJJC@gmail.com.

The registration fee will include all lessons, uniform (shirt and pants), initial white belt and end of the belt and certificate. Bosman is going to host a ladies self-defense class for teens and women that will begin on Sept. 12 and hold classes every two weeks. The course will be a total of five classes.

Women will learn



Vicki Bosman at a young age doing a front kick. (Submitted photo)

techniques to use in a real-life scenario as well as how to use their surroundings to aid them to escape. If the class fills up, participants will get a free T-shirt.

Her students will learn a variety of skills such as blocks, hand gestures and self-defense. The students will be put into real life situations that they may encounter in a real-life scenario.

Each week the student will take what they learned home and practice until the next class. On Nov. 14, the students will be given a test/recap of knowledge to ensure they can promote to the next belt. Also, they will receive a certificate of competition.

"I just feel like crime is not going anywhere and small town are not excluded so I bring the classes to you and all you have to do is show up," Bosman said.

The registration fee will include all lessons, uniform (shirt and pants), initial white belt and end of the belt and certificate. Bosman is going to host a ladies self-defense class for

teens and women that will begin on Sept. 12 and hold classes every two weeks.

The course will be a total of five classes. Women will learn techniques to use in a real-life scenario as well as how to use their surroundings to aid them to escape.

Classes began Aug. 29 at St. Paul Lutheran Church & School located at 801 E. Main Street Bishop, Texas 78343.

Classes will be held until Monday, Nov. 14 every Monday evening, except for Labor Day and Halloween.

Registration is currently open for ages four and up (adults are welcomed). If 12 individuals register the registration fee will decrease.



Bosman's trophy's won over the years. (Submitted photo)

To sign up text Bosman at (901) 462-1801 or email KickingJJC@gmail.com. Follow Bosman's Facebook page @Star Taekwondo Academy CCTX.

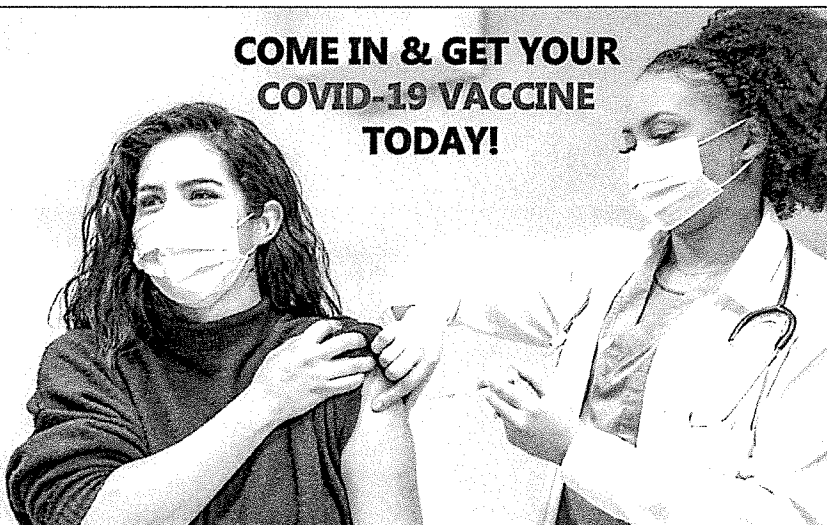
### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 21, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard: Lupe Alvarez owner/applicant; requesting the rezoning of Vista Alegre, BLOCK 2 LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services). The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 26, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard: Lupe Alvarez owner/applicant; requesting the rezoning of Vista Alegre, BLOCK 2 LOTS 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas from R1 (Single Family) to C1 (Neighborhood Services). The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

**COME IN & GET YOUR  
COVID-19 VACCINE  
TODAY!**



COASTAL BEND  
WELLNESS FOUNDATION  
YOUR COMMUNITY HEALTH CENTER

**COVID HOTLINE**  
**361-356-9572**  
**CBwellness.org**

**ORDINANCE #2022-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO VISTA ALEGRE, BLOCK 2, LOTS 3 & 4, ALSO KNOWN AS 1405 EAST HENRIETTA, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY) TO C1 (NEIGHBORHOOD SERVICES); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Lupe Alvarez, owner/applicant, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 21, 2022 during a meeting of the Planning and Zoning Commission, and on Monday, September 26, 2022 during a meeting of the City Commission, in the Helen Kleberg Groves Community Room at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 5-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

**WHEREAS**, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Vista Alegre, Block 2, Lots 3 & 4, also known as 1405 East Henrietta, Kingsville, Texas, from R1 (Single Family) to C1 (Neighborhood Services), as more specifically described on the Zone Change Map, attached as Exhibit A.

**SECTION 2.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 3.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 4.** That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 5.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 6.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

**INTRODUCED** on this the 26th day of September, 2022.

**PASSED AND APPROVED** on this the 11th day of October, 2022.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

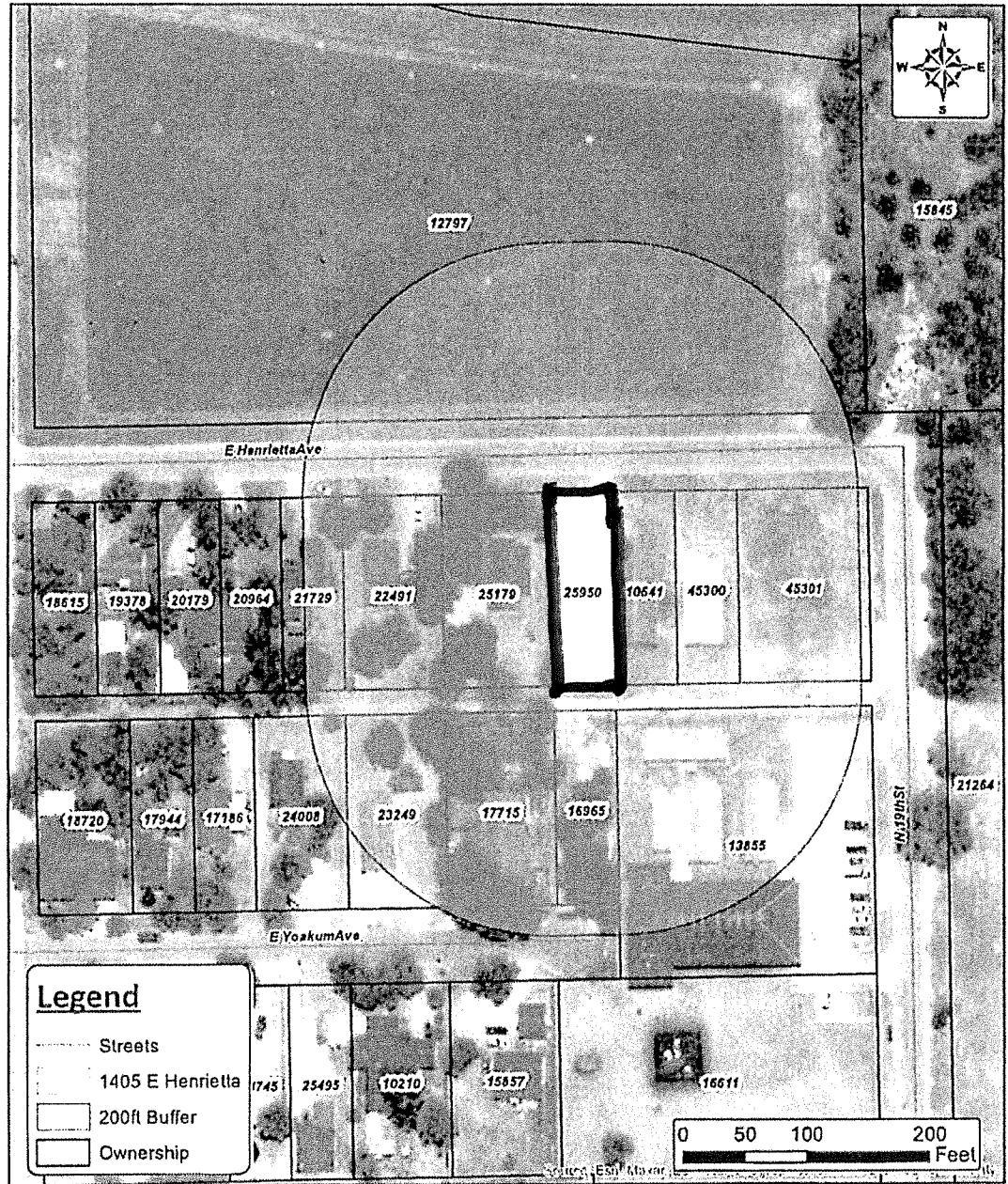
\_\_\_\_\_  
Mary Valenzuela, City Secretary


**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



## 200ft Buffer at 1405 E Henrietta Ave



Page: 1/1	Drawn By: G. AMAYA	<small>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</small>	 <b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave, Kingsville, TX 78363 Office: (361) 595-8007 Fax: (361) 595-8064
	Last Update: 9/1/2022		
	Note: Please see the attached documents.		

# **AGENDA ITEM #6**

**City of Kingsville**  
**Planning and Development Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Kobby Agyekum, Senior Planner/HPO

DATE: September 12, 2022

SUBJECT: Appointment of Taulia Laurenno to the Historical Development Board.

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**Summary:** The Department of Planning and Development Services works with the City's Historical Development Board. A vacancy exists on the board and Taulia Laurenno is willing to serve on the board for a three-year term.

**Background:** The Code of Ordinances of the City of Kingsville provides for a Historical Development Board in Chapter XV, Article 5-Historic Districts and Landmarks. The board is to be composed of nine members, who serve in an advisory capacity and have no authority to bind the City except for applications as stated in the ordinance. Members serve for three-year terms. Taulia Laurenno is a resident and is currently the Bank Manager for IBC Bank, Kingsville. She is interested in serving on the board and we think she will be an asset to it. A copy of her resume is attached.

**Financial Impact:** None.

**Recommendation:** Appoint Taulia Reno to the City's Historical Development Board for a three-year term.



# Taulia Lauren

Kingsville, TX 78363

[REDACTED]@gmail.com

[REDACTED]

Over 15 years of customer service and skills in the automotive industry as well as running an office. Hard working and team oriented I bring much to the table. Experienced in sales as my records show for 2020, I increased the company's profit margins by 27% with the smallest office in the state of Texas. Dedicated and hardworking do not begin to cover my attributes I bring to the table.

## Work Experience

---

### Bank Manager

IBC Bank

December 6, 2021

Day to day operations as well as handling all transactions, training and developing staff, and taking care of the over all bank.

### Branch Manager

service loan

June 2018 to November 25, 2021

1. Day to day operations
2. employee management
3. customer service
4. Working under harsh deadlines and pressures

### Head Housekeeper

Holiday Inn - Kingsville, TX

September 2017 to April 2018

handle day to day operations. Handling shifts and orders for supplies. conduct inspections as well as train all staff.

### Manager

chinook motor inn - Chinook, MT

May 2013 to May 2015

- Handled day-to-day operations

- Managed shifts
- Assured customer satisfaction at all times
- Trained waitstaff
- Handled event planning
- Supervised 15 employees
- Relationship Management
- Administrative Experience
- Customer Relationship Management
- Management
- Loan processing
- Budgeting

## **AGENDA ITEM #7**

**RESOLUTION ACCEPTING A PETITION FOR AND CALLING FOR A PUBLIC HEARING ON THE CREATION OF THE SOMERSET PUBLIC IMPROVEMENT DISTRICT NUMBER 1 WITHIN THE CITY OF KINGSVILLE, TEXAS PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE AND AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE OF THE PUBLIC HEARING**

WHEREAS, the City Commission of the City (the "City Commission") of Kingsville, Texas (the "City") has received a petition (the "Petition") requesting creation of a public improvement district (the "PID") under Chapter 372 of the Texas Local Government Code (the Act), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Kleberg County) in the proposed PID and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

WHEREAS, the Petition, a copy of which is attached hereto as Exhibit A, has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Act and to be sufficient for consideration by the City Commission; and

WHEREAS, the boundaries of the proposed PID are described in the attachment to the Petition and shown on the map attached hereto as Exhibit B, said area for the PID being within the City; and

WHEREAS, the City Commission accepts the Petition and desires to schedule a public hearing to consider the creation of the PID to finance the following public improvements: onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the "Authorized Improvements"). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

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

SECTION 1: THAT a public hearing is hereby scheduled at 5:00 p.m. on October 24, 2022, at City Hall, Helen Kleberg Groves Community Room, 400 West King Avenue, Kingsville, Texas 78363 to receive public comment on the creation of the PID in the area described in the petition attached as Exhibit A and as shown on the map in Exhibit B, pursuant to the Act; and

SECTION 2: THAT notice of said hearing, in the substantially final form presented herewith in Exhibit C, with such changes as may be approved by the City's counsel, shall be published in a newspaper of general circulation in the City before the 15<sup>th</sup> day prior to the hearing as required by the Act; and

SECTION 3: THAT written notice, in the substantially final form presented herewith with such changes as may be approved by the City's counsel, shall be mailed to each property owner, as reflected on the tax rolls, of property subject to assessment under the PID, before the 15<sup>th</sup> day prior to the date set for the hearing.

Passed by the City Commission of City this 26<sup>th</sup> day of September 2022.

---

Sam Fugate, Mayor  
City of Kingsville, Texas

ATTEST:

---

Mary Valenzuela, City Secretary  
City of Kingsville, Texas

APPROVED AS TO FORM:

---

Courtney Alvarez, City Attorney  
City of Kingsville, Texas



**EXHIBIT A**

**PETITION**

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE  
NAMED THE SOMERSET PUBLIC IMPROVEMENT DISTRICT NUMBER 1**

THE STATE OF TEXAS                   §  
  §  
CITY OF KINGSVILLE               §

**TO:   THE HONORABLE MAYOR AND COMMISSIONERS OF THE CITY OF KINGSVILLE**

The undersigned petitioner (the “Petitioner”), acting pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the “Code”), submits this petition (“Petition”) to the City Secretary to request the creation of a public improvement district (the “District”) in the territory described in Exhibit A attached hereto (the “Subject Property”) within the City of Kingsville, Texas (the “City”), and in support of this petition the Petitioner presents the following:

**Section 1.    Petitioner.** In compliance with the requirements of the Code, Section 372.005(b), as determined by the current tax roll of the Kleberg County Appraisal District, the Petitioner constitute: (i) the owners of taxable real property representing more than fifty-percent (50%) of the appraised value of taxable real property proposed to be liable for assessment under the proposal described herein, and (ii) the record owners of taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property that is liable for assessment under such proposal.

**Section 2.    Name.** A public improvement district is being requested, which shall be named the “Somerset Public Improvement District Number 1” (referred to herein as the “District”).

**Section 3.    General Nature of the Proposed Public Improvements.** The general nature of the work proposed to be done may include, but is not limited to, onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, impact fees for capacity, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, water and sewer impact fees, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the “Authorized Improvements”). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws.

**Section 4. Estimated Cost of Proposed Public Improvements.** The estimated cost is approximately \$25,000,000 (including formation, issuance and other financing costs) (the “Authorized Improvement Cost”).

**Section 5. Boundaries.** The proposed boundaries are described as metes and bounds in Exhibit A and further shown in Exhibit B.

**Section 6. Proposed Method of Assessment.** The Petitioner requests that the City authorize the District to accomplish its purposes and costs of services and improvements by an assessment against the Subject Property based on the special benefits accruing to the Subject Property because of the Authorized Improvements. The Code provides that the Authorized Improvement Cost may be apportioned to and assessed against the Subject Property in any manner that results in imposing equal shares of the cost on property similarly benefitted including, but not limited to, per front foot or square foot; value of the property as determined by the governing body, with or without regard to improvements on the property; or in any other manner that results in imposing equal shares of the cost on property similarly benefitted. The assessment methodology will result in each parcel paying equal shares costs of the Authorized Improvements with the assessments based on the special benefit conferred on the parcels by such improvements.

**Section 7. Apportionment of Costs between the City and the District.** The Petitioner proposes that the Authorized Improvement costs be apportioned solely to the District to the extent the Authorized Improvements confer a special benefit on the Subject Property. Approval and creation of the District will not obligate the City to provide any funds to finance the Authorized Improvements. All costs of the District shall be paid by and apportioned to the District, and not to the City, as a whole.

**Section 8. Management of the District.** The Petitioner requests that the District be managed by the City with, at the City’s option, the assistance of a third-party administrator hired by the City and paid for as part of the administrative costs of the District.

**Section 9. Advisory Body.** An advisory board may be established by the City to develop and recommend an improvement plan to the City Commission.

The signer of this petition requests the establishment of the District and this petition will be filed with the City Secretary in support of the creation of the District by the City Commission as herein provided.

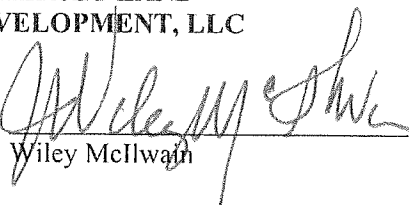
[Signatures follow on next pages]

Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the City create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 14 day of September 2022.

**PETITIONER:**

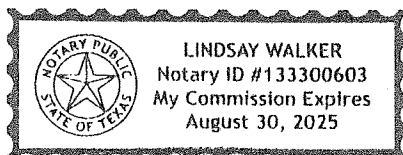
**SOMERSET LAND  
DEVELOPMENT, LLC**

BY:   
Wiley McIlwain

**ACKNOWLEDGMENT**

STATE OF TEXAS       §  
                                  §  
COUNTY OF KLEBERG   §

This instrument was acknowledgment before me on this 14<sup>th</sup> day of September, 2022 by Wiley McIlwain.



  
Notary Public, State of Texas

Printed Name of Notary: Lindsay Walker

Commission Expiration: 8/30/25



Job No. 43534.C2.00

May 5, 2022

**Exhibit A**  
**54.53 Acre Tract**

STATE OF TEXAS  
COUNTY OF KLEBERG

**Fieldnotes**, for a 54.43 Acre Tract of Land, being comprised of three Tracts, a portion of a 27.21 Acre Tract (Called 27.22 Acre Tract) out of Lots 2 & 5, Section No. 21, Kleberg Town and Improvement Company's Subdivision, a map of which is recorded in Book A, Pg. 85, Map Records of Kleberg County, Texas, called 27.22 Acre Tract described in a Special Warranty Deed from Victoria Bank and Trust Company to Eddie Yaklin, recorded in Volume 79, Page 154, Official Records of Kleberg County, Texas, a 12.36 Acre Tract out of the John Clayton Addition, a map of which is recorded in Envelope 145, Map Records of Kleberg County, Texas, said 12.36 Acre Tract described in a Warranty Deed from Jose A. Mendoza and Alice G. Mendoza to Eddie L. Yaklin, recorded in Volume 157, Page 271, Official Records of Kleberg County, Texas, and a 29.83 Acre Tract (Called 31.09 Acre Tract) out of Lot 6, Section No. 21, Kleberg Town and Improvement Company's Subdivision, a map of which is recorded in Book A, Pg. 85, Map Records of Kleberg County, Texas, called 31.09 Acre Tract described in a Warranty Deed from Lorell M. Ryan to Eddie Yaklin, recorded in Volume 427, Page 740, Official Records of Kleberg County, Texas; said 54.53 Acre Tract being more fully described as follows:

**Beginning**, at a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the East boundary line of a 27.22 Acre Tract of Land as described in a Warranty Deed with Vendor's Lien from Dawn Marie Hensley to Thomas Best and Glenda Best, recorded in Volume 487, Page 386, Official Records of Kleberg County, Texas, being the Northwest corner of a 20 Foot wide Drainage Easement as shown on the recorded plat of Manning Place, a map of which is recorded in Envelope 117, Plat Cabinet 1, of the said Map Records, for the Southwest corner of the said 29.83 Acre Tract and a Southwest corner of this Tract;

**Thence**, North 00°52'59" West, with the common boundary line of the said 27.22 Acre Tract and the said 29.83 Acre Tract, 1118.82 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, being the Northeast corner of the said 27.22 Acres, the West boundary line of the said 29.83 Acres, the Southeast corner of the said 27.21 Acres and for an inner ell corner of this Tract, from **Whence** a 5/8 Inch Iron Rod Found, bears North 48°37'05" West, 2.99 Feet;

**Thence**, South 89°06'04" West, with the common boundary line of the said 27.22 Acre Tract and the said 27.21 Acre Tract, 276.60 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, for a corner of this Tract, from Whence, a 5/8 Inch Iron Rod Found, for the Southwest corner of the said 27.21 Acre Tract bears, South 89°06'04" West, 842.75 Feet;

\\Urbanfs03\Data\Surveying\43534\C200\OFFICE\METES AND BOUNDS\EX43534C200\_54.53Ac\_PID Boundary.Docx  
Page 1 of 4

OFFICE: (361)854-3101      2725 SWANTNER DR. • CORPUS CHRISTI, TEXAS 78404      FAX (361)854-6001  
[www.urbaneng.com](http://www.urbaneng.com)  
TBPE Firm # 145 • TBPLS Firm # 10032400

**Thence**, North 00°57'56" West, over and across the said 27.21 Acre Tract, 768.72 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, for an inner ell corner of this Tract;

**Thence**, South 89°06'04" West, over and across the said 27.21 Acre Tract, 842.75 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, on the West boundary line of the said 27.21 Acre Tract, for an outer corner of this Tract;

**Thence**, North 00°57'56" West, with the West boundary line of the said 27.21 Acres, at 285.19 Feet, pass a 5/8 Inch Iron Rod with plastic cap stamped "RPLS 1963" Found in concrete, in all 291.28 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, being the Southwest corner of Lot 1, Burris Acres, a map of which is recorded in Volume 2, Page 45, of the said Map Records, for the Northwest corner of the said 27.21 Acres and of this Tract;

**Thence**, North 89°06'04" East, with the common boundary line of Lots 1-5, of the said Burris Acres and the said 27.21 Acres, 1117.40 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, on the West boundary line of a 16.73 Acre Tract as described in a Special Warranty Deed from Goldia Burroughs Hubert to Goldia Burroughs Hubert and Laverne Patrick Hubert, recorded in Document No. 308415, of the said Official Records, being the Southeast corner of the said Lot 5, Burris Acres, the Northeast corner of the said 27.21 Acres and for an outer ell corner of this Tract;

**Thence**, South 01°03'44" East, with the common boundary line of the said 16.73 Acres and the said 27.21 Acres, 188.12 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the East boundary line of the said 27.21 Acres, for the common corner of the said 16.73 Acres, the said 12.36 Acres and of this Tract, from **Whence** a 5/8 Inch Iron Rod Found, bears North 43°21'41" East, 3.26 Feet;

**Thence**, North 88°56'16" East, with the common boundary line of the said 16.73 Acres and the said 12.36 Acres, 639.51 Feet, to a 5/8 Inch Iron Rod with plastic cap stamped "TEXAS GEO TECH" Found, on the South boundary line of the said 16.73 Acres, for the common corner of Lot A, John Clayton Addition, a map of which is recorded in Envelope 145, of the said Map Records, the said 12.36 Acres and of this Tract;

**Thence**, South 01°03'44" East, with the common boundary line of Lots A and B, of the said John Clayton Addition and the said 12.36 Acres, at 350.00 Feet, pass a 5/8 Inch Iron Rod Found, being the common corner of the said Lots A and B, in all 700.00 Feet, to a 5/8 Inch Iron Rod Found, for the common corner of the said Lot B, the said 12.36 Acres and for an inner ell corner of this Tract;

**Thence**, North 88°56'16" East, with the common boundary line of the said Lot B and the said 12.36 Acres, 622.30 Feet, to the West Right-of-Way line of F.M. 1717, a public roadway, the common corner of the said Lot B, the said 12.36 Acres and for a Northeast corner of this Tract, from **Whence** a 5/8 Inch Iron Rod Found, bears North 28°09'42" West, 0.22 Feet;

**Thence**, South 01°01'10" East, with the common boundary line of the said F.M. 1717, the said 12.36 Acres and the said 29.83 Acres, 146.44 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the said Right-of-Way line, for a common corner of Lot 5, Block 2, Manning Place, a map of which is recorded in Volume 106, Page 4, Envelope 24, of the said Map Records, the said 29.83 Acres and of this Tract, for the beginning of a non-tangent curve to the Left, having a delta of 90°45'23", a radius of 15.00 Feet, an arc length of 23.76 Feet, and a chord which bears North 45°41'58" West, 21.35 Feet;

**Thence**, with the common boundary line of the said Lot 5, the said 29.83 Acres and the said non-tangent curve to the Left, 23.76 Feet, to a 5/8 Inch Iron Rod Found, for a common corner of the said Lot 5, the said 29.83 Acres and of this Tract;

**Thence**, South 88°55'20" West, with the said common boundary line, 202.62 Feet, to a 1/2 Inch Iron Rod Found, being the common corner of the said Lot 5, the said 29.83 Acres and for an inner ell corner of this Tract;

**Thence**, South 00°57'57" East, with the common boundary line of Lots 1-5, Block 2, of the said Manning Place and the said 29.83 Acres, at 120.00 Feet, pass a 5/8 Inch Iron Rod Found (In Pipe), being the common corner of the said Lots 4 and 5, in all 600.20 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped 'URBAN ENGR CCTX' Set, being the common corner of the said Lot 1, Block 2, the said 29.83 Acres and for the inner ell corner of this Tract;

**Thence**, North 88°55'20" East, with the common boundary line of the said Lot 1, Block 2 and the said 29.83 Acres, 204.66 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped 'URBAN ENGR CCTX' Set, being the common corner of the said Lot 1, Block 2, the said 29.83 Acres and of this Tract, for the beginning of a circular curve to the Left, having a delta of 90°36'13", a radius of 15.00 Feet, an arc length of 23.72 Feet, and a chord which bears North 44°13'27" East, 21.32 Feet;

**Thence**, with the common boundary line of the said Lot 1, the said 29.83 Acres and the said circular curve to the Left, 23.72 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped 'URBAN ENGR CCTX' Set, on the said Right-of-Way line, for a common corner of the said Lot 1, the said 29.83 Acres and of this Tract;

**Thence**, South 00°10'52" East, with the common boundary line of the said Right-of-Way line and the said 29.83 Acres, 90.41 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped 'URBAN ENGR CCTX' Set, on the said Right-of-Way line, being a common corner of Lot 14, Block 1, of the said Manning Place, the said 29.83 Acres and of this Tract, for the beginning of a non-tangent curve to the Left, having a delta of 90°45'23", a radius of 15.00 Feet, an arc length of 23.76 Feet, and a chord which bears North 45°36'26" West, 21.35 Feet;

**Thence**, with the common boundary line of the said Lot 14, the said 29.83 Acres and the said non-tangent curve to the Left, 23.76 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped 'URBAN ENGR CCTX' Set, for a common corner of the said Lot 14, the said 29.83 Acres and of this Tract;

**Thence**, South 89°00'53" West, with the said common boundary line, 203.55 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped 'URBAN ENGR CCTX' Set, for a common corner of the said Lot 14, the said 29.83 Acres and of this Tract;

**Thence**, South 00°57'57" East, with the common boundary line of Lots 11-14, of the said Block 1 and the said 29.83 Acres, at 250.00 Feet, pass a 5/8 Inch Iron Rod Found, on the common corner of the said Lots 12 and 13, in all 499.50 Feet, to the North boundary line of Lot 9, Block 1, Manning Places, a map of which is recorded in Envelope 117, Plat Cabinet 1, of the said Map Records, the Southwest corner of the said Lot 11, for the Southeast corner of the said 29.83 Acres and of this Tract, from **Whence** a 5/8 Inch Iron Rod Found, bears South 20°36'49" West, 0.29 Feet;

**Thence**, South 88°56'43" West, with the common boundary line of Lots 1-9, Block 1, of the said Manning Place, the said 20 Foot wide Drainage Easement and the said 29.83 Acres, 1045.47 Feet, to the **Point of Beginning**, containing 54.53 Acres (2,375,400 Sq. Ft) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

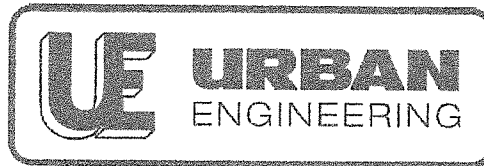
Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy. *Also reference accompanying sketch of tract described herein.*

URBAN ENGINEERING

*Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.*

Brian D. Lorentson, R.P.L.S.  
License No. 6839





Job No. 43534.C2.02  
August 01, 2022

**Exhibit A**  
**4.16 Acre Tract**

**STATE OF TEXAS**  
**COUNTY OF KLEBERG**

**Fieldnotes**, for a 4.16 Acre Tract of Land, being all of Lots 1 and 2, Burris Acres, a map of which is recorded in Volume 2, Page 45, of the Map Records of Kleberg County, Texas, SAVE AND EXCEPT a portion of the said Lot 2, as described in a Warranty Deed from Barbara E. Goetsch to Jose M. Graveley and Evelyn Graveley, recorded in Document Number 316331, of the Official Records of Kleberg County Texas; said 4.16 Acre Tract more fully described as follows:

**Beginning**, at a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, on the apparent South Right-of-Way line of FM 1356 (commonly known as General Cavazos Boulevard), a 200 Foot wide public roadway, for the Northwest corner of the said Lot 1, the said Burris Acres and for this Tract;

**Thence**, North 89°00'44" East, with the said South Right-of-Way line, the North Boundary line of the said Lot 1, 282.16 Feet, to a 5/8 Inch Iron Rod Found, being the Northeast corner of the said Lot 1, for the Northwest corner of the said Lot 2 and the Northwest corner of the said Save and Except Tract granted to Jose M. Graveley and Evelyn Graveley;

**Thence**, South 01°01'01" East with the common boundary line of the said Lot 1 and 2, and the said Graveley Tract, 200.00 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, being the Southwest corner of the said Graveley Tract and for an inner ell corner of this Tract;

**Thence**, over and across the said Lot 2, with the boundary of the said Graveley Tract and this Tract as follows:

- North 89°00'44" East, 120.00 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, being the Southeast corner of the said Graveley Tract and for an inner ell corner of this Tract;
- North 01°01'01" West, 200.00 Feet, to a 5/8 Inch Iron Rod Found, on the common boundary line of the said South Right-of-Way line and the said Lot 2, being the Northeast corner of the said Graveley Tract and for an outer ell corner of this Tract;

**Thence**, North 89°00'44" East, with the said common boundary line, 88.62 Feet, to a 5/8 Inch Iron Rod Found, being the Northwest corner of Lot 3, of the said Burris Acres, for the Northeast corner of the said Lot 2 and for this Tract;

**Thence**, South 01°01'01" East, with the common boundary line of the said Lots 2 and 3, at 417.28 Feet, pass a 5/8 Inch Iron Rod Found, in all 418.14 Feet, to a point on the North boundary line of 27.21 Acre Tract (Called 27.22 Acre Tract) out of Lots 2 & 5, Section No. 21, Kleberg Town and Improvement Company's Subdivision, a map of which is recorded in Book A, Pg. 85, Map Records of Kleberg County, Texas, called 27.22 Acre Tract described in a Special Warranty Deed from Victoria Bank and Trust Company to Eddie Yaklin, recorded in Volume 79, Page 154, Official Records of Kleberg County, Texas, being the Southwest corner of the said Lot 3, for the Southeast corner of the said Lot 2 and for this Tract;

**Thence**, South 89°06'04" West, with the common boundary line of the said Lots 1 and 2, and the said 27.21 Acre Tract, 490.78 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, being the Northwest corner of the said 27.21 Acre Tract, for the Southwest corner of the said Lot 1, and for this Tract;

**Thence**, North 01°01'01" West, with the West boundary line of the said Lot 1, at 414.20 Feet, pass a 5/8 Inch Iron Rod in Concrete Found, in all 417.38 Feet, to the **Point of Beginning**, containing 4.16 Acres (181,027 SqFt) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

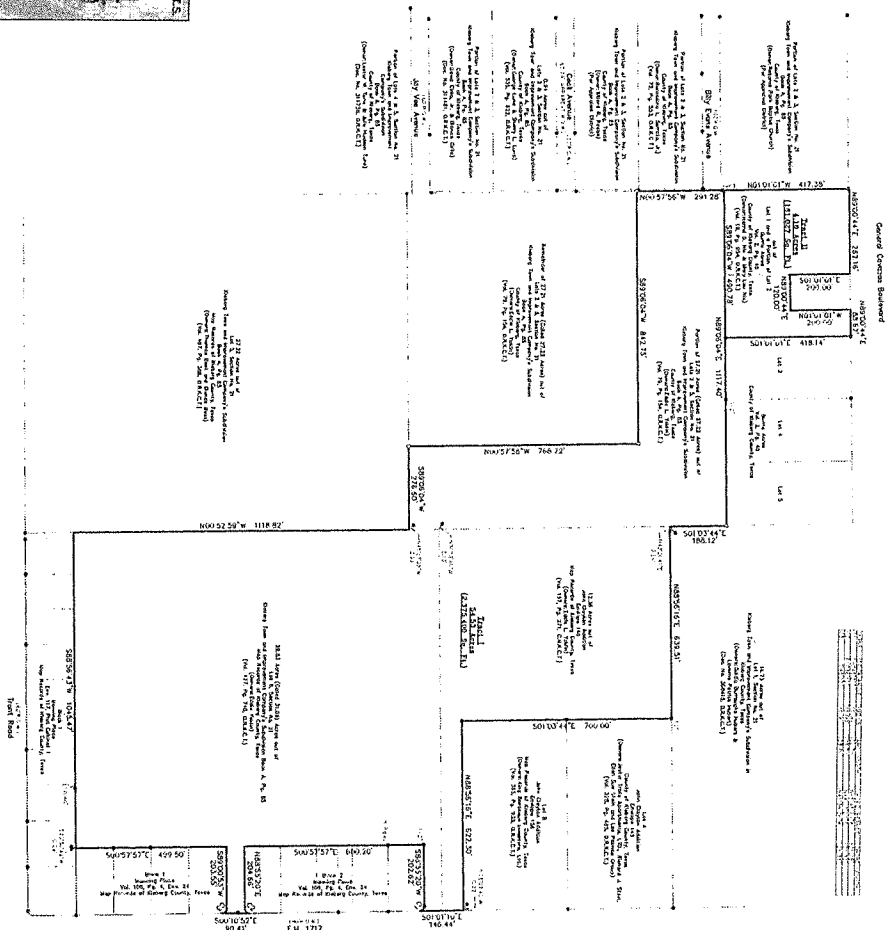
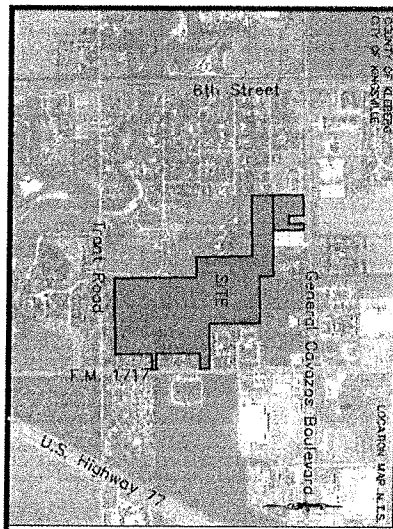
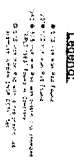
Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy. *Also reference accompanying sketch of tract described herein.*



URBAN ENGINEERING

A handwritten signature in cursive script that reads "Brian D. Lorentson".

Brian D. Lorentson, R.P.L.S.  
License No. 6839



REV. BY	DATE	DESCRIPTION	APPROVED
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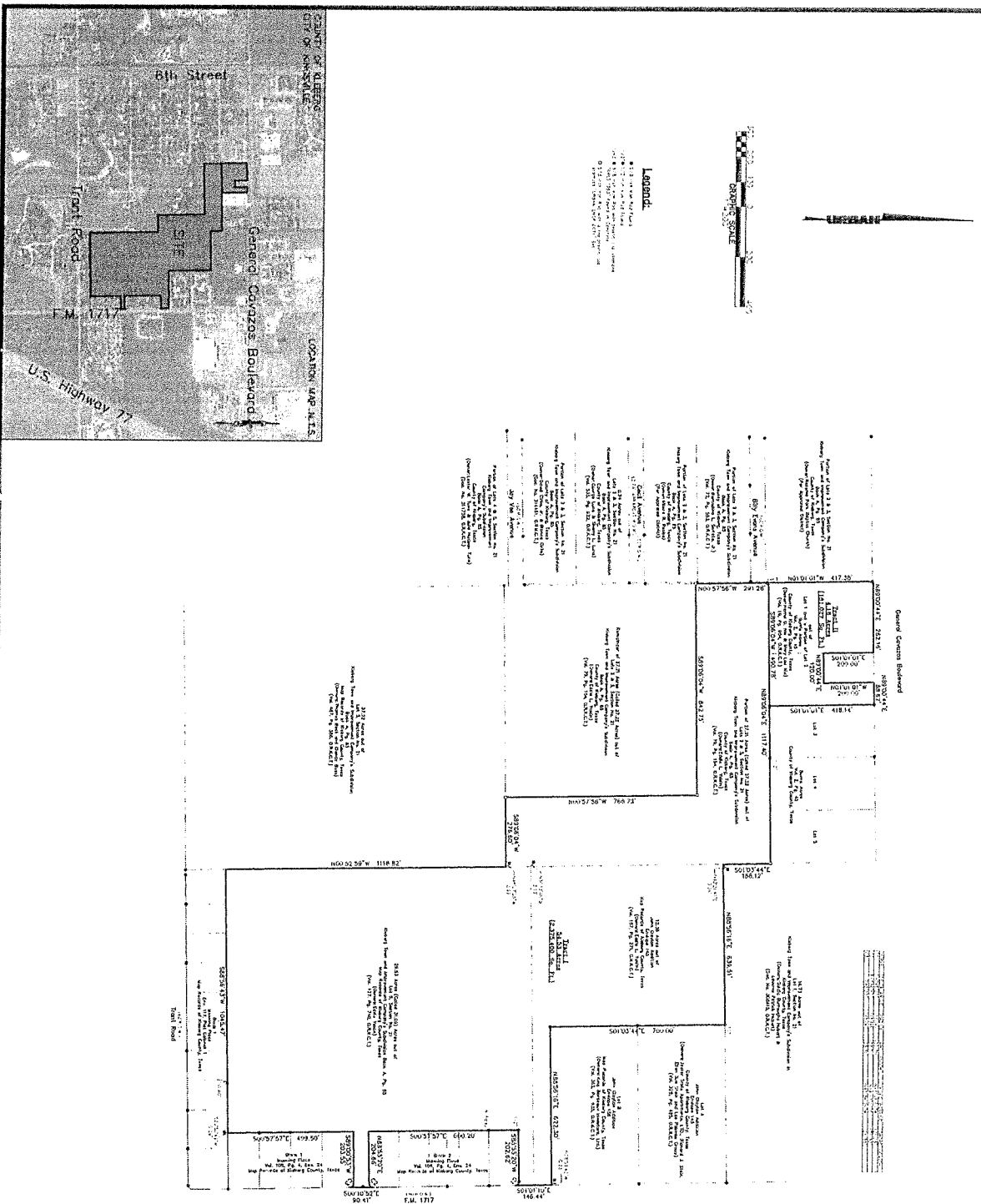
## LEGAL DESCRIPTION

[illegible]

**EXHIBIT B**

MAP

Exhibit B



REV.	BY	DATE	DESCRIPTION	APPROVED

## BOUNDARIES



**LEGAL DESCRIPTION:**

1. 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**EXHIBIT C**  
Notice of Public Hearing

NOTICE OF PUBLIC HEARING OF THE CITY COMMISSION OF THE CITY OF  
KINGSVILLE TO CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC  
IMPROVEMENT DISTRICT WITHIN THE CITY TO MAKE CERTAIN IMPROVEMENTS  
OVER CERTAIN PROPERTIES LOCATED WITHIN THE CITY

NOTICE IS HEREBY GIVEN THAT the City Commission of City of Kingsville, Texas (the "City"), pursuant to Chapter 372.005 Local Government Code, as amended, (the "Act"), will hold a public hearing at 5:00 p.m. on Monday, October 24, 2022, at City Hall, 400 West King Ave, Kingsville, Texas 78363, for the purpose of considering the establishment of a public improvement district to be located within the City.

In accordance with the Act, the City Secretary has received petitions (the "Petitions") from certain property owners within the City (the "Petitioner") that request the establishment of a public improvement district for the Somerset development within the City.

The Petitions and the legal description of the properties to be included in the public improvement district is on file and open for public inspection in the office of the City Secretary at the address stated above. The public hearing is being held with respect to the advisability of creating a public improvement district for the Somerset development and the Authorized Improvements (as defined below) to be made therein.

General Nature of the Authorized Improvements: The purpose of the public improvement district is to provide funds for public improvement projects authorized by the Act that are necessary for development of District property, which public improvements will include: onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the "Authorized Improvements"). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

Estimated Cost of the Authorized Improvements: The estimated cost to fund the Authorized Improvements is \$25,000,000.

Boundaries of the Proposed District: The public improvement district would include the Property as depicted in Exhibit A.

Proposed Method of Assessment for the Public Improvement District. The City shall levy assessments on each lot within the public improvement district in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including accrued and unpaid interest), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed in part by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

Proposed Apportionment of Costs between the District and the City for the Public Improvement District. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the public improvement district and/or from other sources of funds, if any, available to the Petitioners, including lawfully available funds of the City from the sources and in the amounts as directed by the City Commission.

All interested persons are invited to attend such public hearing to express their views with respect to the establishment of a public improvement district for the Somerset development and the Authorized Improvements to be made therein.

Any interested persons unable to attend the hearing may submit their views in writing to Mary Valenzuela, City Secretary at [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) prior to the date scheduled for the hearing.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

GIVEN THIS 26th day of September,  
2022.

CITY OF KINGSVILLE, TEXAS

*C-1*

EXHIBIT A

### Boundaries

Approximately 58 acres located in the City of Kingsville, bound by General Cavazos Blvd., Brahma Blvd., and E. Trant Rd. A full description of the boundaries of the proposed Somerset Public Improvement District Number 1 is available at City Hall, 400 West King Ave., Kingsville, Texas 78363.



## **AGENDA ITEM #8**

**City of Kingsville  
Purchasing Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa, Purchasing Manager  
DATE: September 19, 2022  
SUBJECT: Traveling Vietnam Memorial Wall

---

**Summary:**

This item authorizes the City of Kingsville to approve the use, closing, and barricading of PFC Daniel Alarcon Street from West Yoakum Ave. to West Lee Ave. from November 9-14, 2022 for the Vietnam Memorial Traveling Wall.

**Background:**

Kleberg County Commissioner Jerry Martinez will be hosting the replica Vietnam Memorial Traveling Wall in Kingsville on November 9-14, 2022. The proposed location will be on PFC Daniel Alarcon Street from West Yoakum Ave. to West Lee Ave., which is located on the west side of the Maggie Salinas Pavilion parallel to the Missouri Pacific ornamental fencing. Numerous volunteers and staff will be assisting with the erecting and dismantling of the wall. Staff has proposed using the downtown USA Flags at the proposed site. Staff is requesting the use, closing, and barricading of PFC Daniel Alarcon Street from West Yoakum Ave. to West Lee Ave. for the proposed Vietnam Memorial Traveling Wall. Please refer to the attached map.

**Financial Impact:**

None.

**Recommendation:**

It is recommended that the City of Kingsville approve the use, closing, and barricading of PFC Daniel Alarcon Street from West Yoakum Ave. to West Lee Ave. from November 9-14, 2022 for the Vietnam Memorial Traveling Wall.



**RESOLUTION #2022-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE USE, CLOSING, BARRICADING OF PFC DANIEL ALARCON STREET FROM W. YOAKUM AVE. TO W. LEE AVE. FROM NOVEMBER 8-14, 2022 FOR THE VIETNAM MEMORIAL TRAVELING WALL.**

**WHEREAS**, the Vietnam Memorial Traveling Wall is coming to Kingsville on November 8-14, 2022 and needs a location to be displayed for the public to come and visit;

**WHEREAS**, it has been proposed to place the Wall on PFC Daniel Alarcon Street between West Yoakum Ave. to West Lee Ave., which are all city streets located within the City of Kingsville, Texas;

**WHEREAS**, staff is requesting the City Commission authorize the use, closing, and barricading of PFC Daniel Alarcon Street from W. Yoakum Ave. to W. Lee Ave. on November 8-14, 2022 for the Vietnam Memorial Wall to be displayed;

**WHEREAS**, the Wall is an opportunity for citizens and visitors to come and pay their respects to the fallen soldiers free of charge;

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

I.

**THAT** the City Commission authorizes the use, closing, and barricading of PFC Daniel Alarcon Street from W. Yoakum Ave. to W. Lee Ave. on November 8-14, 2022 for the Vietnam Memorial Wall to be displayed.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 26th day of September, 2022.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

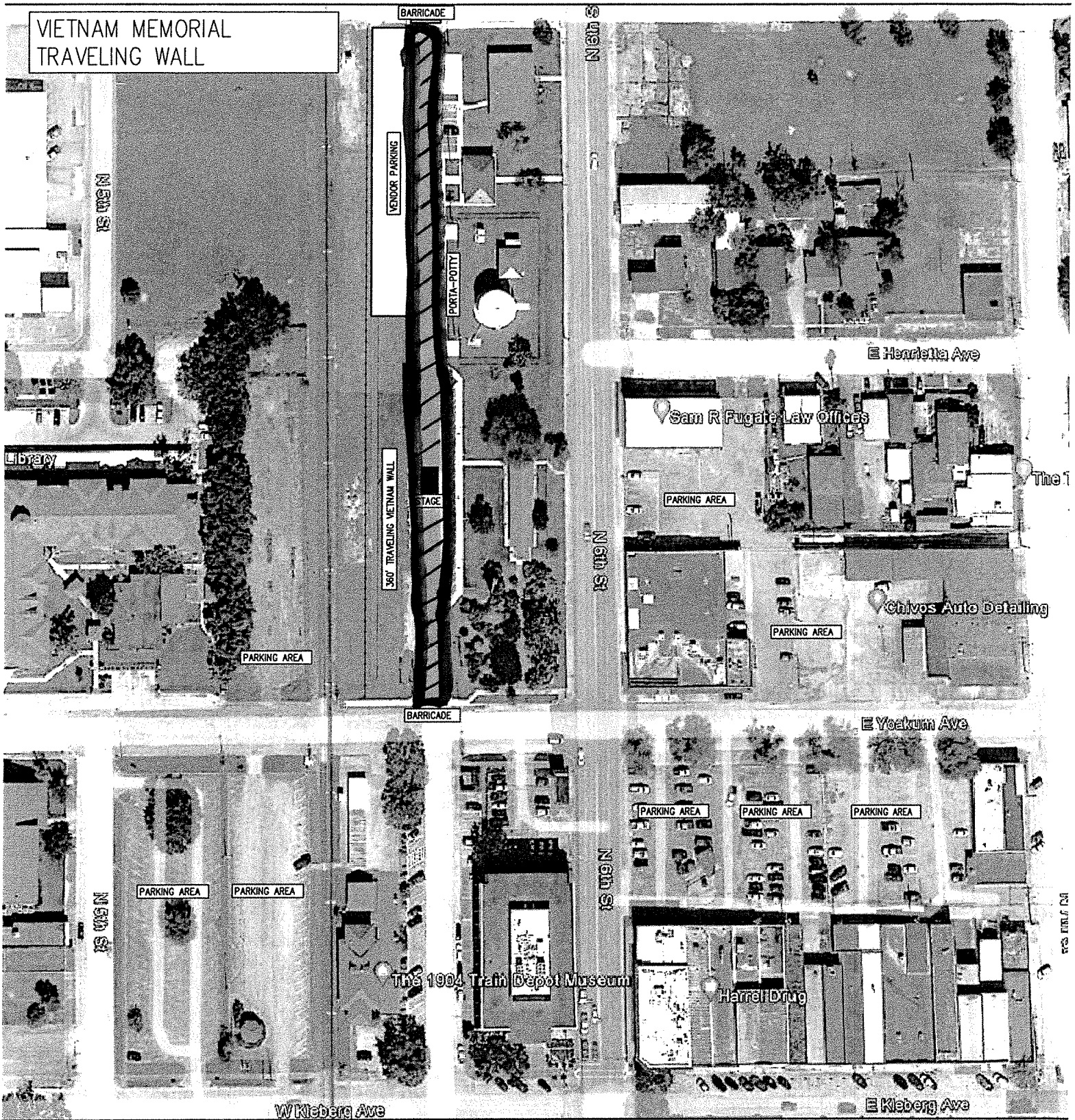
\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



VIETNAM MEMORIAL  
TRAVELING WALL



## **AGENDA ITEM #9**

**City of Kingsville  
Purchasing Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa Purchasing Manager  
DATE: September 16, 2022  
SUBJECT: RFP #22-11 PROFESSIONAL AUDIT SERVICES

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**Summary:** This item authorizes the City to enter into a contract with John Womack Company of Kingsville, Texas for the City of Kingsville Professional Audit Services. John Womack Company certified public accountants will provide audit financial statements and Annual Comprehensive Financial Report (ACFR) for the City of Kingsville.

**Background:** We published a Request for Proposals #22-11 in the newspaper on June 16, 2022, and June 23, 2022. Request for Proposals were accepted until 2:00 PM on July 5, 2022. Four responses were received from John Womack Company of Kingsville, Texas, Martinez, Rosario and Company of San Antonio, Texas, Park, Fowler and Company of Corpus Christi, Texas and Carr, Riggs and Ingram of Corpus Christi, Texas. Selection Committee reviewed RFP #22-11 and found the information received to be responsive. Based on the proposals submitted from the four firms John Womack and Company of Kingsville, Texas is the higher rating firm scored from the selection committee. At a City Commission meeting on September 6, 2022, the City Commission awarded RFP #22-11 to John Womack Company of Kingsville, Texas. Staff has received a contract for Audit Services for FY21-22, which is for consideration of approval.

Please see attached resolution and agreement.

**Financial Impact:**

None at this time.

**Recommendation:**

It is recommended the City enter into a contract with John Womack Company of Kingsville, Texas, for RFP# 22-11 for Professional Audit Services for the City of Kingsville, as per staff recommendation.



**RESOLUTION NO. 2022-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGAGEMENT LETTER AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND JOHN WOMACK & CO., P.C. FOR THE 2021-2022 FISCAL YEAR AUDIT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Engagement Letter Agreement Between John Womack & Co., P.C. and the City of Kingsville, Texas for the 2021-2022 Fiscal Year audit in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 26th day of September, 2022.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

JOHN WOMACK & CO., P.C.  
CERTIFIED PUBLIC ACCOUNTANTS

JOHN L. WOMACK, CPA  
MARGARET KELLY, CPA

P.O. BOX 1147  
KINGSVILLE, TEXAS 78364  
(361) 592-2671  
FAX (361) 592-1411

September 07, 2022

Mayor Sam Fugate, City Commissioners and City Manager  
City of Kingsville  
P. O. Box 1458  
Kingsville, Texas 78364

We are pleased to confirm our understanding of the services we are to provide for City of Kingsville for the year ended September 30, 2022.

**Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of City of Kingsville as of and for the year ended September 30, 2022. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Kingsville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Kingsville's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Budgetary Comparison Information.



PRIVATE COMPANIES PRACTICE SECTION, AICPA DIVISION FOR CPA FIRMS



3. Schedule of the City's Proportionate Share of the Net Pension Liability-Texas Municipal Retirement System.
4. Schedule of City's Contributions-Texas Municipal Retirement System.
5. Schedule of City's Proportionate Share of the Net OPEB Liability-OPEB Plan.

We have also been engaged to report on supplementary information other than RSI that accompanies City of Kingsville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Schedule of Expenditures of Federal Awards.
2. Combining and Individual Nonmajor Fund Statements.

In connection with our audit of the basic financial statements, we will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

1. Introductory Sections.
2. Statistical Sections.

*AU-C 720, The Auditor's Responsibilities Relating to Other Information Included in Annual Reports*, states that we should communicate our responsibilities as auditor with respect to other information included with an annual report (such as an ACFR) to those charged with governance, such as the following:

- The expectation that the auditor will be provided the final version of all documents comprising the annual report, including other information, prior to the date of the auditor's report so that required audit procedures can be completed prior to the issuance of the auditor's report.
- If obtaining the final version of these documents is not possible prior to the date of the auditor's report, that the documents will be provided as soon as practicable, and that the entity will not issue the annual report prior to providing them to the auditor.

- The potential implications of providing the documents after the date of the auditor's report, including any actions that may be necessary in the event the auditor concludes that there is a material misstatement.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and Government Auditing Standards will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

### **Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit**

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and Government Auditing Standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

As part of this communication, we have not identified any significant risks of material misstatement. However, planning has not concluded, and modifications may be made. If new significant risks are identified after the date of this initial communication, for example during the course of fieldwork, we will communicate them to those charged with governance in a timely manner, in writing.

Our audit of the financial statements does not relieve you of your responsibilities.

#### **Audit Procedures—Internal Control**

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Kingsville's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Kingsville's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on City of Kingsville's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

### **Other Services**

We will also assist in preparing the financial statements, depreciation schedules (if needed) using your assigned life and depreciation method, schedule of expenditures of federal awards, and related notes of City of Kingsville in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, depreciation schedules using your assigned life and depreciation method, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, depreciation schedules using your assigned life and depreciation method, the schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, depreciation schedules, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, Deborah Balli, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Responsibilities of Management for the Financial Statements and Single Audit**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America with the oversight of those charged with governance; and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal awards, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation,

and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on October 10, 2022.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on, the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe

the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

### **Limitation on Liability**

In the unlikely event that differences concerning our services or fees should arise that are not resolved by mutual agreement, to facilitate judicial resolution and save time and expense of both parties, the City agrees to participate in mediation, under the Commercial Mediation Rules of the American Arbitration Association, before any claim is asserted.



In the event that John Womack & Co., P.C. is found to be negligent in provision of any services covered by this agreement which result in damage to the City, John Womack & Co., P.C.'s liability to the City will be limited to actual damages or losses incurred by the City. John Womack & Co., P.C. will not be liable to the City for any punitive damages.

### **Engagement Administration, Fees, and Other**

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate. We will not undertake any accounting services (including but not limited to reconciliation of accounts and preparation of requested schedules) without obtaining approval through a written change order or additional engagement letter for such additional work.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of John Womack & Co., P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to cognizant agencies or their designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of John Womack & Co., P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

John L. Womack is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately October 10, 2022. To ensure that John Womack & Co., P.C.'s independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Our fee of \$109,750 to \$118,000 will be for the following services: the financial audit of the City, GASB 34 and GFOA report presentation, capital assets, state and federal grant audit requirements for the Single Audit, the Retirement System and OPEB disclosure reporting requirements for GASB 68 and 75, plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.). Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will keep you informed of any problems we encounter and our fees will be adjusted accordingly.

## Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to management and the governing Board of the City of Kingsville, which will also address other information in accordance with AU-C 720, *The Auditor's Responsibilities Relating to Other Information Included in Annual Reports*. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance.

If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue reports, or withdrawing from the engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

You have requested that we provide you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2019 peer review report accompanies this letter.

We appreciate the opportunity to be of service to City of Kingsville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Sincerely,



John Womack & Co., P.C.

RESPONSE:

This letter correctly sets forth the understanding of City of Kingsville.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Governance signature: \_\_\_\_\_

Title: \_\_\_\_\_

**Report on the Firm's System of Quality Control**

To the Owner of John Womack & Co., P.C.  
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of John Womack & Co., P.C. (the firm) in effect for the year ended August 31, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

**Firm's Responsibility**

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

**Peer Reviewer's Responsibility**

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

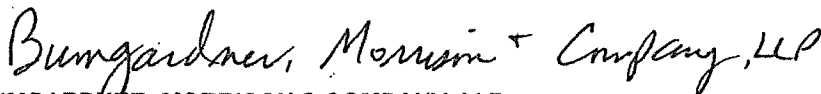
**Required Selections and Considerations**

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act;

As part of our review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

**Opinion**

In our opinion, the system of quality control for the accounting and auditing practice of John Womack & Co., P.C. in effect for the year ended August 31, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. John Womack & Co., P.C. has received a peer review rating of *pass*.

**BUMGARDNER, MORRISON & COMPANY, LLP**

February 26, 2020

# **AGENDA ITEM #10**

**City of Kingsville  
Purchasing Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa Purchasing Manager  
DATE: September 19, 2022  
SUBJECT: Annual HVAC Services Contract

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**Summary:**

This item authorizes the City to accept and enter a contract with Ramos Refrigeration, for the Annual HVAC Services Contract for the City of Kingsville.

**Background:**

We published a Request for Bids #22-14 in the newspaper on August 25, 2022 and September 1, 2022. Request for Bids were accepted until 2:00 PM on September 13, 2022. One response was received from Ramos Refrigeration of Kingsville TX. Staff reviewed RFB #22-14 and found the information received to be responsive for Ramos Refrigeration.

**Financial Impact:**

None at this time.

**Recommendation:**

It is recommendation the City accept and enter into a contract with Ramos Refrigeration of Kingsville, Texas for the Annual HVAC Services Contract for the City of Kingsville, as per staff recommendation.





**CITY OF KINGSVILLE**  
**GENERAL CONDITIONS**  
**AND**  
**SPECIFICATIONS**  
**FOR**  
**ANNUAL BID FOR HVAC SERVICES**

**BID # 22-14**

**CLOSING DATE:**

**TUESDAY, September 13, 2022**

**2:00PM**



## PROPOSAL OF BIDDERS

The following bid is made for furnishing the materials/services for the City of Kingsville, Texas.

The undersigned declares that the amount and nature of the materials/services to be furnished is understood and that the nature of this bid is in strict accordance with the conditions set forth and is a part of this bid, and that there will at no time be a misunderstanding as to the intent of the specifications or conditions to be overcome or pleaded after the bids are opened.

The undersigned, in submitting this bid, represents that they are an equal opportunity employer, and will not discriminate with regard to race, religion, color, national origin, age or sex in the performance of this contract.

The undersigned hereby proposes to furnish the items on, F.O.B. Kingsville, Texas, freight pre-paid at the unit prices bid herein after notice of bid award.

The undersigned affirms that they are duly authorized to execute this contract document that this company, corporation, firm, partnership or individual and has not prepared this bid in collusion with any other bidders, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this type of business prior to the official opening of this bid.

### HVAC Services

22-14

Respectfully Submitted,

PLEASE SUBMIT A COPY OF YOUR COMPANY'S W-9

  
SIGNATURE

9/12/2022

DATE

RUDY RAMOS JR.

PRINTED NAME

Owner

TITLE

Ramos Refrigeration & A/C, LLC

COMPANY NAME

RUDY RAMOS JR.

CONTACT PERSON (Must have knowledge of bid)

1418 E. KING AVE KINGSVILLE, TX 78363

BILLING ADDRESS

STREET

CITY

STATE

ZIP

1418 E. KING AVE KINGSVILLE, TX 78363

MAILING ADDRESS

STREET

CITY

STATE

ZIP

361-522-2468

PHONE NUMBER (metro/toll free)

FAX NUMBER

r2ramosac@gmail.com

E-MAIL ADDRESS

No bids may be faxed or emailed.

## **NOTICE TO BIDDERS**

Sealed bids will be received by the City of Kingsville, Texas, at the office of Charlie Sosa, Purchasing Manager, City Hall Building, 400 W. King, Kingsville, Texas 78363 or **via mail**, until the hour on **2:00 pm on the 13 day of September 2022**; at which time bids duly delivered and submitted will be considered for supplying the following:

### **ANNUAL CONTRACT FOR HVAC SERVICES**

#### **BID 22-14**

Any bid received after stated closing time will be returned unopened. If bids are sent by mail to the Purchasing Manager, the bidder shall be responsible for actual delivery of the bid to the Purchasing Manager before the advertised date and hour for opening of bids. If mail is delayed by the postal service, courier service, of the City of Kingsville beyond the date and hour set for the bid opening, bids thus delayed will not be considered and will be returned unopened.

**Information concerning the bid specifications may be obtained by calling Charlie Sosa, Purchasing Manager at 361-595-8025 or via email [csosa@cityofkingsville.com](mailto:csosa@cityofkingsville.com).**

**Information on the bid process/procedures may be obtained from Charlie Sosa, Purchasing Manager, at (361) 595-8025 or via email [purchasing@cityofkingsville.com](mailto:purchasing@cityofkingsville.com).**

Until the final award by the City of Kingsville, said City reserves the right to reject any and/or all bids, to waive technicalities, to re-advertise, to proceed otherwise when the best interests of said City will be realized hereby. Bids will be submitted sealed and plainly marked with the date and time of opening.

The City of Kingsville City Hall Building is wheelchair accessible. For accommodations or sign interpretive services needed for bid openings, please contact the Purchasing Office 48 hours in advance at (361) 595-8025.

**400 West King, Ave.  
City of Kingsville, Texas**

**Charlie L. Sosa  
Purchasing Manager**

**Publication Dates: August 26, 2022 & September 2, 2022**

**Closing Date: Tuesday, September 13, 2022 @ 2:00 PM**

## **GENERAL CONDITIONS**

### **ADDENDA**

**It is the responsibility of the vendor to check for addenda.** Addenda will be posted to the City's website: <https://www.cityofkingsville.com/departments/purchasing/rfp-bid-openings-fy-2022>

### **ANNUAL CONTRACT FUNDING**

The City operates on a fiscal year that ends on September 30<sup>th</sup>. Because state law mandates that a municipality may not commit funds beyond a fiscal year, this bid is subject to cancellation if funds for this commodity/service are not approved in the next fiscal year.

### **ASSIGNMENT OF BID/CONTRACT**

The successful bidders may not assign their rights and duties under an award without the written consent of the City's Purchasing Manager. Such consent shall not relieve the assignor of liability in the event of default by their assignee.

### **BID CONSIDERATION / TABULATION**

After bids are opened and publicly read, the bids will be tabulated for comparison on the basis of the bid prices and quantities (lowest responsible vendor) or by the best value method shown in the Proposal. Until final award of the Contract, the City reserves the right to reject any or all bids, to waive technicalities, and to re-advertise for new bids, or proposed to do the work otherwise in the best interests of the City.

The following items will be considered when an award is based on best value:

- The purchase price;
- The reputation of the bidders and of the bidders' goods or services;
- The quality of the bidders' goods or services;
- The extent to which the goods or services meet the municipality's needs;
- The bidders' past relationship with the municipality;
- The impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- The total long-term cost to the municipality to acquire the bidders' goods or services; and
- Any relevant criteria specifically listed in the request for bids or proposals.

### **BID SUBMISSION**

Bids may be submitted in person, or by mail.

- Submit bids in person at the office of Charlie Sosa, Purchasing Manager, 3<sup>rd</sup> floor of City Hall Building, 400 West King Ave., Kingsville, Texas 78363.
- Submit bids via mail to PO Box 1458, Kingsville, TX 78364.
- To submit a bid via mail, all documents must be returned and an original signature provided on the proposal to bidders sheet.
- Bids will not be accepted in either format without a signature.
- The City is not responsible for mail service. See page 3, paragraph 2 of the Notice to Bidders.

## **BRAND NAMES**

If items for which bids have been called for have been identified by a “brand name or equal” description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Bids offering “equal” products will be considered for award if such products are clearly identified in the bids and are determined by the Purchasing Manager and requesting Department to be equal in all material respects to the brand name products referenced. **Unless the bidders clearly indicate in their bids that they are offering an “equal product”, their bid shall be considered as offering a brand name product referenced in the Proposal Schedule.**

## **CANCELLATION OF BIDS**

Bids may be cancelled with 30 days written notice with good cause.

## **CHANGES OR ALTERATIONS**

No part of this bid may be changed/alterd in any way. Vendors must submit written requests to change any specifications/conditions with their proposal. ***Changes made without submission of a written request to this bid will result in disqualification.***

## **COMPLETING INFORMATION**

Bidders must fill in all information asked for in the blanks provided under each item. Failure to comply may result in rejection of the bid at the City’s option.

## **CONTRACT CLAUSE**

All bidders understand and agree that the vendor’s bid response will become a legally binding contract upon acceptance in writing by the City. This contract may be superseded only if replaced with a more extensive contract that is agreed to by both parties.

## **DEFAULT**

In case of default of the successful bidders, the City of Kingsville may procure the articles/services from other sources and hold the bidder responsible for any excess cost occasioned thereby.

## **DELIVERY**

The City reserves the right to demand bond or penalty to guarantee delivery of goods or services by the date indicated. If order is given and the bidder fails to furnish the materials or services by the guaranteed date, the City reserves the right to cancel the order without liability on its part. All prices are to be F.O.B. Kingsville, Texas all freight prepaid.

## **DELIVERY DATE**

Delivery date is an important factor to the City and may be required to be a part of each bid. The City of Kingsville considers delivery time to be that period elapsing from the time the individual order is placed until that order or work thereunder is received by the City at the specified delivery location. The delivery date indicates a guaranteed delivery at Kingsville, Texas. Failure of the bidder to meet guaranteed delivery dates or service performance could affect future City orders.

Whenever the Vendor encounters any difficulty which is delaying or threatens to delay timely performance (including actual or potential labor disputes), the Vendor shall immediately give notice thereof in writing to the Purchasing Manager, stating all relevant information with respect thereto. Such notice shall not in any way constitute a basis for an extension of the delivery or performance schedule or be construed as a waiver by the City of any rights or remedies to which it is entitled by law or pursuant to provisions herein. Failure to give such notice, however, may be grounds for denial of any request for an extension of the delivery or performance schedule.

## **INDEMNIFICATION**

In case any action in court is brought against the City, or any officer or agent of the City, for the failure, omission, or neglect of the Vendor to perform any of the covenants, acts, matters, or things by this contract undertaken; or for injury or damage caused by the alleged negligence of the Vendor or his subcontractors or his or their agents, or in connection with any claim based on lawful demands of subcontractors, workmen, materialmen, or suppliers the Vendor shall indemnify and save harmless the City and its officers and agents, and elected officials from all losses, damages, costs, expenses, judgments, or decrees arising out of such action.

## **INSURANCE**

Deductibles, of any type, are the responsibility of the Vendor/Contractor.

## **MISCELLANEOUS**

Except as to any supplies or components which the specifications provide need not be new, all supplies and components to be provided under this contract shall be new (not used or reconditioned, and not of such age or so deteriorated as to impair their usefulness or safety), of current production and of the most suitable grade for the purpose intended. If at any time during the performance of this contract the Contractor believes that the furnishing of supplies or components which are not new is necessary or desirable, they shall notify the Purchasing Manager immediately, in writing, including the reasons therefore and proposing any consideration which will flow to the City if authorization to use supplies or components is granted.

The City of Kingsville supports a recycling program. Recycled materials are acceptable and will be considered for award. The City desires to use recycled products when a comparable material/product is available. If your company distributes products made of recycled materials please submit an alternate bid for the items requested. All recycled products should meet the minimum standards established in the bid specifications provided. State any exceptions: costs, warranties and percentage of recycle materials used in the manufacture of the material/product. The City will determine the acceptability of the materials/products bid as an alternate.

The City will consider special vendor pricing on discounts in exchange for City's willingness to participate in new product testing or promotion including ability of Vendor to bring other potential customers to city job sites to demonstrate product. The amount of product discount in exchange for these services should be clearly stated in the bid document. Any promotional strategies should be discussed with the Purchasing Manager and approved by the appropriate City Official(s) before submission of the bid.

Successful bidder(s) agrees to extend prices to all entities that have entered into or will enter into joint purchasing inter-local cooperation agreements with the City of Kingsville. As such, the City of Kingsville has executed an inter-local agreement with certain other governmental entities authorizing participation in a cooperative purchasing program. The successful Vendor may be asked to provide products/services, based upon the bid price, to any other participant in the forum.

The City operates on a fiscal year that ends on September 30<sup>th</sup>. State law mandates that a municipality may not commit funds beyond a fiscal year; this bid is subject to cancellation if funds for this commodity/service are not approved in the next fiscal year.

The Vendor agrees it does not now, nor will it during the term of this agreement (should it be awarded the bid) boycott Israel; not do business with Iran, Sudan, or any other foreign terrorist organization; and not discriminate against a foreign enemy or foreign trade association.

For purposes of this document, the terms Bidder, Vendor, and Contractor are to all mean the company, corporation, firm, partnership, or individual authorized to submit and abide by this contract document.

## **PAYMENT TERMS & CONDITIONS**

All bids shall specify terms and conditions of payment, which will be considered as part of, but not control, the award of bid. City review, inspection, and processing procedures ordinarily require thirty (30) days after receipt of invoice, materials or service. Bids which call for payment before 30 days from receipt of invoice, or cash discounts given on such payment, will be considered only if in the opinion of the Purchasing Manager the review, inspection and processing procedures can be completed as to the specific purchases within the specified time.

It is the intention of the City of Kingsville to make payment on completed orders within thirty (30) days of receiving invoicing unless unusual circumstances arise. Invoices shall be fully documented as to labor, materials and equipment provided. Orders will be placed by the Purchasing Department and must be given a Purchase Order Number to be valid. No payments shall be made on invoices not listing a Purchase Order Number. No partial payment will be made.

Payment will not be made by the City until the Vendor has been given a Purchase Order Number, has furnished proper invoice, materials, or services, and otherwise complied with City Purchasing procedures, unless this provision is waived by the City.

## **PROVISIONAL CLAUSES**

The City of Kingsville will not enter into any contract where the cost is provisional upon such clauses as are known as “escalator” or “cost-plus” clauses.

## **REJECTION OF BIDS**

The City reserves the right to reject any or all bids or to waive technicalities at its option when in the best interests of said City.

Bids will be considered irregular if they show any omissions, alteration of form, additions, or conditions not called for, unauthorized alternate bids or irregularities of any kind. However, the City reserves the right to waive any irregularities and to make the award in the best interests of the City.

The City reserves the right to reject any or all bids, and all bids submitted are subject to this reservation. Bids may be rejected, among other reasons, for any of the following specific reasons:

- Bids received after the time limit for receiving bids as stated in the advertisement.
- Proposal containing any irregularities.
- Unbalanced value of any items.

Bidders may be disqualified and their bids not considered, among other reasons, for any of the following specific reasons:

- Reason for believing collusion exists among the bidders.
- Reasonable grounds for believing that any Bidders is interested in more than one Proposal for the work contemplated.
- The bidders being interested in any litigation against the City.
- The bidders being in arrears on any existing contract or having defaulted on a previous contract.
- Lack of competency as revealed by a financial statement, experience and equipment, questionnaires, etc.
- Uncompleted work, which in the judgment of the City will prevent or hinder the prompt completion of additional work if awarded.

## **REQUEST FOR NON-CONSIDERATION**

Bids deposited with the City cannot be withdrawn prior to the time set for opening bids. Request for non-consideration of bids must be made in writing to the Purchasing Manager and received by the City prior to the time set for opening bids. After other bids are opened and publicly read, the Proposal for which non-consideration is properly requested may be returned unopened. The Proposal may not be withdrawn after the bids have been opened, and the bidder, in submitting the same, warrants and guarantees that this bid has been carefully reviewed and checked and that it is in all things true and accurate and free of mistakes and that such bid will not and cannot be withdrawn because of any mistake committed by the bidder.

## **SALES TAX**

The total for each bid submitted must include any applicable taxes. Although the City is exempt from most City, State, or Federal taxes, this is not true in all cases. It is suggested that taxes, if any, be separately identified, itemized, and stated on each bid. The City cannot determine for the bidder whether or not the bid is taxable to the City. The bidder through the bidders's attorney or tax consultant must make such determination. Bills submitted for taxes after the bids are awarded will not be honored.

## SPECIAL CONDITIONS

1. Term of this bid shall be for a period of two (2) years; with two (2) additional two-year renewal options, same terms and conditions, if agreed upon by both parties.
2. The City of Kingsville, at its discretion, reserves the right to supply materials to complete certain jobs.
3. Quantities as shown on the Proposal Schedule are estimates. The City of Kingsville reserves the right to increase or decrease quantities/services during this agreement based upon usage.
4. The City of Kingsville reserves the right to cancel this contract upon 30 days written notice.
5. Vendors' trucks shall be radio/phone dispatched or have access to a beeper at all times to ensure communication can be made for problems that arise.
6. **Contractor will be required to file for and maintain an Annual Permit with the City's Building Inspection Department.**
7. **Insurance Affidavit must be submitted with this bid package.**
8. Purchase orders will be issued for each service request. Each Purchase Order must be referenced on the invoice as well as the name of the city employee requesting the service and job location.
9. This price agreement will be awarded to one vendor as primary and another vendor as secondary.
10. Due to heightened security levels after 9-11 the City of Kingsville would prefer, if awarded the bid, documentation of your company's background screening of your employees.
11. **Invoices must be detailed – charges must be itemized and quantity of hours per person must be detailed.**
12. Please include with your bid response a copy of all employee licenses and certifications for your employees who will provide services on this contract.



## **TAXES AND INSURANCE:**

The Vendor shall be held to have studied all tax laws for the jurisdiction in which the work is being done, and shall pay all the taxes for which he/she may be liable as a consumer or user of goods, or otherwise, without addition to the contract price.

In addition to the general obligations and responsibilities for insurance and protection set out in the General Conditions of Agreement, the Vendor shall comply with the following provisions.

- The Vendor acknowledges that he/she has qualified and will make all payments under the terms of the Unemployment Compensation Law to the State in which the work is performed.
- **Winning Vendor shall submit certificates of insurance with this bid package indicating the insurance is in effect for themselves and all Sub-Contractors, together with a statement that the insurance companies will not cancel or change the policies without first giving the City thirty (30) days' notice in writing.**

The Vendor shall also comply with all Federal, State and Local laws and ordinances relating to Social Security, Unemployment Insurance, Pensions, etc., and shall pay all taxes, levies or assessments for which he/she may be liable.

## **TAX EXEMPT PURCHASING BY VENDOR**

Texas Tax Code 151.311, which is copied below, **allows a vendor to purchase many items exempt from state and local sales taxes in the performance of their contract with the City.** Vendors who respond to this Request For Proposal will be expected to take advantage of this tax exemption as allowed by state law. Vendors should take the initiative to verify the tax exempt details with the State of Texas Comptroller's Office, but here are a few stipulations from them:

- All products purchased to perform on the contract must be used on the contract. For example, a vendor cannot purchase 100 pieces of lumber for our contract and use some of them for another taxable client.
- The rental of items such as scaffolding, barricades, or rental equipment is not exempt from taxes.

It is our understanding that Vendors can provide their suppliers with a completed Texas Sales and Use Resale Certificate (<http://www.window.state.tx.us/taxinfo/taxforms/01-3392.pdf>) to receive this exemption. You may contact the State of Texas Comptroller's Office for details, and their contact information can be found at <http://www.window.state.tx.us/contact.html>. **Vendors who respond to this RFP are expected to pass this tax savings along to the City. No exempt state and local sales taxes will be paid to the winning Vendor.**

### **§ 151.311. TAXABLE ITEMS INCORPORATED INTO OR USED FOR IMPROVEMENT OF REALTY OF AN EXEMPT ENTITY.**

(a) The purchase of tangible personal property for use in the performance of a contract for an improvement to realty for an organization exempted under Section 151.309 or 151.310 of this code is exempt if the tangible personal property is incorporated into realty in the performance of the contract.

(b) The purchase of tangible personal property, other than machinery or equipment and its accessories and repair and replacement parts, for use in the performance of a contract for an improvement to realty for an organization exempted under Section 151.309 or 151.310 of this code is exempt if the tangible personal property is:

- (1) necessary and essential for the performance of the contract; and
- (2) completely consumed at the job site.

(c) The purchase of a taxable service for use in the performance of a contract for an improvement to realty that is performed for an organization exempted under Section 151.309 or 151.310 of this code is exempt if the service is performed at the job site and if:

- (1) the contract expressly requires the specific service to be provided or purchased by the person performing the contract; or
- (2) the service is integral to the performance of the contract.

(d) For purposes of this section, tangible personal property is completely consumed if after being used once for its intended purpose it is used up or destroyed. Tangible personal property that is rented or leased for use in the performance of the contract cannot be completely consumed for purposes of this section.

## **INSURANCE:**

The Vendor shall secure and maintain throughout the duration of this Contract insurance of such types and in such amounts as may be necessary to protect himself/herself and the interest of the City against all hazards or risks of loss as hereinafter specified. The form and limits of such insurance, together with the underwriter thereof in each case, shall be acceptable to the City but regardless of such acceptance it shall be the responsibility of the Vendor to maintain adequate insurance coverage at all times. Failure of the Contractor to maintain adequate coverage shall not relieve him/her of any contractual responsibility or obligation.

Satisfactory certificates of insurance shall be filed with the City prior to starting any work for the City on this Contract. The certificate shall state that 30 days advance written notice will be given to the City before policy covered thereby is changed or canceled.

The Vendor shall comply with all Federal, State, and local laws and ordinances relating to Social Security, Unemployment Insurance, Pensions, etc.

1. **Commercial General Liability:** \$1,000,000.00 combined single limit per occurrence for Fire Damage, Medical Expenses, Personal & Advertising Injury, General Aggregate and Products–Completed Operations Aggregate. This policy shall have no coverage removed by exclusions.
2. **Automobile Liability:** \$500,000.00 combined single limit per accident for bodily injury and property damage. Coverage should be provided as a "Code 1," any auto.
3. **Worker's Compensation and Employers' Liability:** *Statutory.*

### **Other Insurance Provisions**

12. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice has been provided to the City. If the policy is canceled for non-payment of premium, only ten (10) days notice is required.
3. Insurance is to be placed with insurers with a Best rating of no less than A:VII. The company must also be duly authorized to transact business in the State of Texas.
4. Workers' Compensation and Employers' Liability Coverage: The insurer shall agree to waive all rights of subrogation against the City, its officials, employees and volunteers for losses arising from the activities under this contract.
5. Certificates of Insurance and Endorsements effecting coverage required by this clause shall be forwarded to:  
City of Kingsville  
Purchasing Department: Charlie Sosa  
P. O. Box 1458  
Kingsville, Texas 78364
6. Insurance Certificate must be submitted and issued with the City listed as the certificate holder.

### **Cancellation Policy must read as follows:**

**"Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will mail a 30 days' written notice to the certificate holder named to the left. "**

**RESPONSIBILITY:**

It is understood that the Vendor alone is responsible for the employment, control and conduct of Vendor's employees and for injury of such employees in the course of their employment or otherwise, or to others through the acts of neglect of such employees.

Vendor is an independent operator with the authority to control and direct the performance of the details of the work. The work contemplated herein shall meet the approval of the City of Kingsville and be subject to inspection by the City of Kingsville to secure the satisfactory completion thereof.

## REFERENCES

Please list three references of governments, individuals, or companies that have used your HVAC services in the last year:

1. **Tor Minerals (Ted Gonzales)**

COMPANY NAME OR CONTACT PERSON

<b>722 Burleson</b>	<b>Corpus Christi</b>	<b>TX</b>	<b>78402</b>
STREET ADDRESS	CITY	STATE	ZIP

<b>Ted Gonzales</b>	<b>361-883-5591</b>
CONTACT PERSON	TELEPHONE NUMBER

**HVAC Services**  
PRODUCTS/SERVICES USED

2. **Hunters Cove (Nathan Garza)**

COMPANY NAME OR CONTACT PERSON

<b>3400 South Brahma Blvd.</b>	<b>Kingsville</b>	<b>TX</b>	<b>78363</b>
STREET ADDRESS	CITY	STATE	ZIP

<b>Nathan Garza</b>	<b>361-675-0946</b>
CONTACT PERSON	TELEPHONE NUMBER

**HVAC Services**  
PRODUCTS/SERVICES USED

3. **King Ranch (Bruce Roberts)**

COMPANY NAME OR CONTACT PERSON

<b>2205 TX 141</b>	<b>Kingsville</b>	<b>TX</b>	<b>78363</b>
STREET ADDRESS	CITY	STATE	ZIP

<b>Bruce Roberts</b>	<b>361-522-0876</b>
CONTACT PERSON	TELEPHONE NUMBER

**HVAC Services**  
PRODUCTS/SERVICES USED

## **SPECIFICATIONS**

Compliance with or variation from the specifications must be noted on the specification sheet. All variations from the specifications must be noted on the bid form.

These specifications cover the anticipated labor/equipment to take care of miscellaneous HVAC repair requirements in all City facilities, including but not limited to park buildings, concession buildings, restrooms, etc.

Check (✓) indicates minimum compliance:

### **LABOR REQUIREMENTS:**

- ✓ 1. Labor will be required to handle miscellaneous HVAC repair work for an estimated 4500 hours of work.
- ✓ 1.a. Ability to troubleshoot/repair/maintain all HVAC systems including commercial, and non-commercial.
- ✓ 2. Successful vendor will have a minimum of one (1) licensed HVAC, (1) Journeyman HVAC, and at least one (1) HVAC Helper on permanent staff.
- ✓ 3. Scope of each job will dictate the appropriate staffing level required for service.
- ✓ 4. Emergency response time shall be no longer than thirty (30) minutes during normal working hours of 7:00 A.M. to 5:00 P.M.
- ✓ 5. After hours Emergency response time shall be no longer than three (3) hours.
- ✓ 6. Time shall begin once crew arrives at work site.
- ✓ 7. No minimum charge on labor or equipment.
- ✓ 8. All work shall comply with National Electrical Code and all codes adopted by the City of Kingsville.
- ✓ 9. Plans &/or drawings are to be submitted to the Facilities Services Department, by contractor, on any & all new construction, renovation or repairs and are subject to Facility Services Department approval prior to start of work.
- ✓ 10. Any & all work completed by contractor shall be reviewed and deemed acceptable by a member of the Facilities Services Department prior to payment. If work meets Code and all codes adopted by the City of Kingsville but is not acceptable to Facilities Services Department, changes will be made at Vendor's expense.

### **EQUIPMENT REQUIREMENTS:**

- ✓ 1. Vendor shall own or have immediate access to a minimum height 30 foot and/or 50 foot ladder for repair work.
- ✓ 2. Vendor shall supply light weight lift equipment (scissor lift type/genie type lift).

## 22-14 HVAC SERVICES PROPOSAL SCHEDULE

Variations from the aforementioned Specifications may be acceptable provided such differences are noted on the bid and are deemed to be advantageous to the City. Any substitutions from brand names mentioned must be proved to be equal and may be considered for award by the Purchasing Manager and requesting department if so proven.

Invoices must be detailed – charges must be itemized and quantity of hours per person must be detailed

- |     |  |        |       |
|-----|--|--------|-------|
| 1.  | Labor Charge for licensed HVAC Contractor                      | 95.000 | /Hr.  |
| 2.  | Overtime Charge for HVAC Contractor                            | 158.00 | /Hr.  |
| 3.  | Weekend Charge for HVAC Contractor                             | 158.00 | /Hr.  |
| 4.  | Holiday Charge for HVAC Contractor                             | 158.00 | /Hr.  |
| 5.  | Labor Charge for Journeyman HVAC Tech                          | 95.0   | /Hr.  |
| 6.  | Overtime Charge for Journeyman HVAC Tech                       | 158.00 | /Hr.  |
| 7.  | Weekend Charge for Journeyman HVAC Tech                        | 158.00 | /Hr.  |
| 8.  | Holiday Charge for Journeyman HVAC Tech                        | 158.00 | /Hr.  |
| 9.  | Labor Charge for HVAC Tech Helper                              | 25.00  | /Hr.  |
| 10. | Overtime Charge for HVAC Tech Helper                           | 35.00  | /Hr.  |
| 11. | Weekend Charge for HVAC Tech Helper                            | 35.00  | /Hr.  |
| 12. | Holiday Charge for HVAC Tech Helper                            | 35.00  | /Hr.  |
| 13. | Equipment Charge for 30 Ton Crane                              | 150.00 | /Hr.  |
| 14. | Equipment Charge for 50 Ton Crane                              | 190.00 | /Hr.  |
| 15. | Proposed Parts Discount  | Less   | %     |
|     | Wholesale _____ Retail _____                                   |        |       |
| 16. | Please list phone number for after hours, holiday and weekend. |        |       |
|     | Emergency Number # 361-522-2468 # 361-455-6912                 |        |       |
| 17. | What is your HVAC license number? TACLA023704C                 |        |       |
| 18. | Who is your HVAC license issued to? Rudy Ramos Jr.             |        |       |
| 19. | All other charges not listed (itemize)                         |        |       |
|     | a. _____   | \$     | _____ |
|     | b. _____   | \$     | _____ |
|     | c. _____   | \$     | _____ |
|     | d. _____   | \$     | _____ |
|     | e. _____   | \$     | _____ |

Please describe any background checks that have already been performed on your employees:

---



---

## INSURANCE REQUIREMENT AFFIDAVIT

### TO BE COMPLETED BY APPROPRIATE INSURANCE AGENT.

I, the undersigned agent, certify that the insurance requirements contained in this bid document have been reviewed by me with the vendor identified below. If the vendor identified below is awarded this contract by the City of Kingsville, I will be able, within ten (10) working days after being notified of such award, to furnish a valid insurance certificate to the CITY meeting all of the requirements contained in this bid.

[Signature]  
Agent Signature

Joe Read  
Printed Name

State Farm  
Name of Insurance Carrier

515 S. 14th St Kingsville TX 78363  
Address of Agency City State Zip

361-592-2658 joe@joereadinsurance.com  
Phone # Fax # Email Address

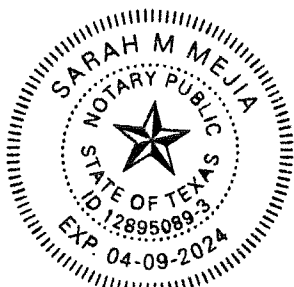
Ramos Refrigeration  
Vendor / Contractor Name

### Acknowledgement

Subscribed and Sworn before me by the above named \_\_\_\_\_

On this 12 day of September, 2022.

(seal)



Sarah Maria Mejia  
Notary Public in and for the State of Texas

### NOTICE TO THE AGENT

If this time requirement is not met, the City has the right to declare this vendor non-responsible and award the contract to the next lowest/responsible bidders meeting the specifications. If you have any questions concerning these requirements, please contact Charlie Sosa, City of Kingsville Purchasing Manager at 361-595-8025.



## CONFLICT OF INTEREST QUESTIONNAIRE

Effective January 1, 2006, Chapter 176 of the Texas Local Government Code went into effect which requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ (Conflict of Interest Questionnaire), the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the City Secretary of the City of Kingsville not less than the 7<sup>th</sup> business day after the person becomes aware of facts that require the statement to be filed.

A recent amendment to this state law that went into effect on September 1, 2007 now allows for two changes to the original statute:

1. The Conflict of Interest Questionnaire only needs to be filled out and returned with your bid if you or your company are aware of a conflict, and,
2. If the amount of the conflict exceeds \$2,500

It is the responsibility of every vendor filling out and returning this bid to determine if there is a conflict meeting the parameters listed above. If so, **the City of Kingsville requires that this Questionnaire be completed and turned in with your bid.** If there is no conflict, or if the amount of the conflict is less than \$2,500, then you are not required to submit the Questionnaire with your bid. However, upon award, if a conflict arises then a Questionnaire Form must be completed and timely submitted to the City Secretary.

See Section 176.006, Local Government Code which reads "A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor."

## RESPONDENT QUESTIONNAIRE

Name of Business:	Ramos Refrigeration & A/C, LLC
Physical Address of Headquarters (HQ):	1418 E. KING AVE KINGSVILLE, TX 78363
Physical Address of Serving Branch: (if different address from HQ)	

1 . On a separate sheet of paper describe training and development provided to staff.

2. EQUIPMENT LIST: Attach a separate sheet of paper that describes the type of vehicles and equipment that will be used to support this contract.

3. Number of full time employees that are eligible to work on City of Kingsville projects:

Number of Employees:	5
----------------------	---

4. How many years has your company been in the HVAC Business?

Number of years in the HVAC business:	80
---------------------------------------	----

5. EXPERIENCE: On a separate sheet of paper describe relevant company and individual experience for the personnel who will be actively engaged in the performance of this contract.

- Company work experience: Describe recent company work experience (2 years or less) for at least 2 contracts for HVAC Services.
- Individual Work Experience- Include the resume of the owner and lead personnel as well as supporting documentation as applicable; such as certifications, licenses and years of experience.

### **Company Work Experience**

Ramos Refrigeration technicians are trained in HVAC technology & refrigeration.

Ramos Refrigeration has provided HVAC service for Maltby Builders

- Texas A&M-Kingsville Javelina Dining Hall
- Kenedy County New Justice of the Peace offices.

We have also provided HVAC & refrigeration services to all areas of the King Ranch.

# Rodolfo E. Ramos Jr.

9/12/2022

1418 E. King  
Kingsville, TX 78363  
{361} 522-2468  
r2ramosac@gmail.com

## EDUCATION

Texas A&M Kingsville  
May 2003

Bachelor Degree-Business Administration

## EXPERIENCE

Ramos Refrigeration & A/C

Owner/Operator

20+ years installing & servicing residential, commercial and industrial heating ventilation air conditioning and refrigeration.

## SKILLS

- ☐ Air Conditioning State License –TACLA23704C
- ☐ Master Electrician State License—TECL327263
- ☐ Master Plumber State License--43226

# SIGN IN SHEET

**Project:** BID 22-14 "Annual Bid for HVAC Services"

**Facilitator:** Charlie Sosa

**Place/Room:** City Hall/Community Room

**Date:** Tuesday, 09/13/2022

**Time:** 2:00 p.m.

<u>PRINT NAME</u>	<u>COMPANY</u>	<u>PHONE</u>	<u>EMAIL</u>
1. <u>Charlie L. Sosa</u>	<u>COLC</u>	<u>361-595-8025</u>	<u>CSosa@CityofKingsville.com</u>
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
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16.			
17.			
18.			
19.			
20.			
21.			
22.			

# **BID LOG SHEET**

**Project:** BID 22-14 "Annual Bid for HVAC Services"

**Facilitator:** Charlie Sosa

**Place/Room:** City Hall/ Community Room

**Date:** Tuesday, September 13, 2022

**Time:** 2:00 p.m.

	<u><b>COMPANY NAME</b></u>	<u><b>DATE RECEIVED</b></u>	<u><b>TIME RECEIVED</b></u>
1	Ramos Refrigeration	9/13/22	1:34 pm
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

# **CITY OF KINGSVILLE HVAC SERVICES AGREEMENT**

## **§ STATE OF TEXAS**

## **§ CITY OF KINGSVILLE**

This Agreement is made and entered into by and between **Ramos Refrigeration**, ("Company") and the City of Kingsville, Texas ("City"), a Texas home rule City, acting by and through its duly authorized agent, Mark McLaughlin, City Manager, who agrees as follows:

### **1. SCOPE OF AGREEMENT**

This Agreement incorporates the terms of Company's Proposal (for bid #22-17) dated September 12, 2022, attached hereto and incorporated herein for all purposes as Attachment "A." In the event of a conflict among the terms of this Agreement and the attachment, the term most favorable to the City, in City's sole discretion, shall control.

### **2. TERM OF AGREEMENT; TERMINATION**

2.1. This Agreement shall be effective upon proper execution by the City. It shall be effective from October 1, 2022, through September 30, 2024 with the option to renew for two (2) additional two-year periods thereafter, unless terminated by either party as provided in this agreement. The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations.

2.2 The City reserves the right to enforce the performance of this Agreement in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

2.3 Either party may terminate this agreement by giving the other thirty (30) days advance written notice.

### **3. ENTIRE AGREEMENT**

This Agreement consists of the contract agreement, the Invitation to Bid, and the Bid submitted by the Company.

#### **4. ASSIGNMENT**

Company shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

#### **5. INDEMNITY**

*It is agreed for all purposes hereunder, that Company is and shall be an independent contractor and shall not, with respect to their acts or omissions be deemed an agent or employee of City.*

*The indemnity obligations herein shall survive the termination of the contract for any reason and shall survive the completion of the work performed.*

*Company agrees to indemnify and hold harmless and defend City, its officers, elected officials, agents and employees, from and against liability for any and all claims, liens, suits, demands and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs, attorneys' fees, expert witnesses' fees, trial consultants' fees, and other reasonable costs arising out of or resulting from Company's work and/or activities conducted in connection with or incidental to this Contract and from any liability arising out of or resulting from the intentional acts or negligence or breach of any obligation under this Agreement, including all such causes of action based upon the negligent or intentional acts or omissions of Company, including but not limited to its officers, agents, employees, subcontractors, licensees, invitees, and other persons. Company shall procure contractual liability insurance covering its obligations in this section.*

*Company further agrees that it shall at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, agents, employees, subcontractors, licensees, invitees and other persons, as well as their property, while in the vicinity where the work performed under this agreement is being done. It is expressly understood and agreed that City shall not be liable or responsible for the negligence of Company, including but not limited to its officers, agents, employees, subcontractors, licensees, invitees, and other persons.*

*It is further agreed with respect to the above indemnity, that City and Company will provide the other prompt and timely notice of any event covered which in any way, directly or indirectly, contingently or otherwise, affects or might affect Company or City, and City shall have the right to compromise and defend the same to the extent of its own interests.*



## 6. INSURANCE

### 6.1 AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

	<u>TYPE</u>	<u>AMOUNT</u>
(a)	Workers Compensation (where required by State law) Employer's Liability	Statutory \$100,000 per occurrence
(b)	Commercial (Public) Liability, including but not limited to: 1. Premises/Operations 2. Independent Contractors 3. Personal Injury 4. Products/Completed Operations 5. Contractual Liability (insuring above indemnity provisions)	Combined Single Limit for Bodily Injury and Property Damage \$1,000,000 per occurrence \$2,000,000 aggregate
(a)	Comprehensive Automobile Liability - to include coverage for: 1. Owned/Leased Automobiles 2. Non-owned Automobiles 3. Hired Cars	Combined Single Limit for Bodily Injury and Property Damage: \$1,000,000 per occurrence

### 6.2 OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City,

under any third-party liability policy.

Company further agrees that with respect to the above required liability insurances, the City shall:

- (a) ***Be named as additional insured.***
- (b) Be provided with a waiver of subrogation, in favor of the City.
- (c) Be provided with **30 days** advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate).
- (d) Prior to execution of this Agreement, be provided through the office of the City Risk Management with either their original Certificate of Insurance of their insurance policy evidencing the above requirements.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

## **7. PAYMENT AND PERFORMANCE**

Payment for services described in this agreement are to be made as follows: Payment is due timely according to the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

## **8. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW**

Any suit or claim or cause of action regarding this Agreement shall be brought in Kleberg County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. The prevailing party in such an action may recover reasonable costs, including costs of court, attorney's fees, expert witnesses' fees, and trial consultants' fee. The parties are encouraged to enter into mediation should a dispute arise during the term of this Agreement, the costs being shared equally by the parties. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

## **9. ETHICAL CERTIFICATION**

Company certifies that neither it nor any of its agents or employees have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

IN WITNESSETH WHEREOF, the parties have executed this Agreement by causing the same to be signed as follows.

FOR: City of Kingsville

\_\_\_\_\_  
Mark McLaughlin  
City Manager

\_\_\_\_\_, 2022

FOR: Ramos Refrigeration

\_\_\_\_\_  
Rudy Ramos Jr.  
Owner, Operator

\_\_\_\_\_, 2022

# **AGENDA ITEM #11**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: September 26, 2022

SUBJECT: Consider approving Professional Engineering Services Contract with International Consulting Engineers – RFQ # 22-13 for 2022 N. 6<sup>th</sup> Street and Tranquitas Creek – Bridge Repairs.

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**Summary:**

A contract for professional engineering services with International Consulting Engineers has been negotiated in the amount of \$15,690.00 for Project Coordination/Field Work, Engineering Design Services and Additional Engineering Services. The contract is itemized as follows:

- I. Project Coordination/Field Work
  - 1.1 Forensic investigation on the bridge
  - 1.2 Obtain survey coordinates
  - 1.3 Prepare field sketches for repairs
  
- II. Engineering Design Services
  - 2.1 Prepare repair details drawings
  - 2.2 Prepare written specifications and bid documents
  - 2.3 Prepare CAD drawings (Plan/Profile/Repair Details)
  - 2.4 Implement CAD drawing mark-ups
  - 2.5 Review corrected drawings
  - 2.6 Prepare an opinion of probable construction cost
  - 2.7 Meetings with City personnel/TxDOT coordination
  
- III. Additional Engineering Services
  - 3.1 Assist with evaluation of bids
  - 3.2 Respond to RFIs and attend bid opening
  - 3.3 Construction inspections
  - 3.4 Prepare construction inspection reports



**City of Kingsville  
Engineering Dept.**

**Background:**

RFQ # 22-13 for 2022 N. 6<sup>th</sup> Street and Tranquitas Creek – Bridge Repairs was advertised on June 16, 2022, and June 23, 2022, in the local newspaper and on the City's website. Statement of Qualifications (SOQ's) were due July 12, 2022. One (1) SOQ was received from International Consulting Engineers (ICE) located in Corpus Christi, Texas.

The Evaluation committee included Purchasing Manager, Capital Improvements Manager, Public Works Director, and City Engineer.

The Evaluation Committee reviewed the one (1) Statement of Qualification received, from International Consulting Engineers (ICE). The committee is recommending the RFQ be awarded to ICE. The next step is to negotiate a contract for professional engineering services.

On February 15, 2022, the Engineering Department received a Bridge Inspection Report from Texas Department of Transportation (TxDOT) regarding the bridge at N. 6<sup>th</sup> Street and Tranquitas Creek. The bridge was inspected on March 8, 2021, by TxDOT's consultant. The report addresses the condition of the Deck, Superstructure, Substructure, Channel, Culverts, and Approaches. This bridge at N. 6<sup>th</sup> Street is heavily utilized and classified as a Principal Arterial Street.

**Financial Impact:**

Engineering Services will be paid from FUND 055 – Utility Fund Storm Water Drainage Capital Projects in the amount of \$15,690.00.

**Recommendation:**

Staff recommends:

1. Approving the Professional Engineering Services Contract with International Consulting Engineers in the amount of \$15,690.00.
2. Authorizing the City Manager to sign the Contract.

**Attachments:**

Professional Engineering Services Contract



# ATTACHMENT -C



August 31, 2022

Mr. Rudy P. Mora, Jr. PE, CFM  
City Engineer  
City of Kingsville  
Engineering Department  
400 W. King Ave. / P.O. Box 1458  
Kingsville, Texas 78364

**Re:** Proposal for 6<sup>th</sup> Street Tranquitas Creek Bridge Inspection and Repair  
Recommendations

Dear Mr. Mora,

International Consulting Engineers (ICE) is pleased to furnish the following scope of services for the bridge inspection, structural evaluation, identifying deficiencies, and development of construction bid documents for the repair of the Bridge located at the intersection of 6<sup>th</sup> and Tranquitas Creek.

Following is a scope of work for inspection,

- Field Work
  - Forensic investigation on the bridge
    - measurements of the bridge and identifying deficiencies.
  - Obtain survey coordinates
  - Prepare field sketches for repairs
- Engineering and Design
  - Prepare repair detail drawings
  - Prepare written specifications & bid documents
  - Prepare CAD drawings
    - plan & profile sheet, repair details, & notes
  - Implement CAD drawing mark-ups
  - Review corrected drawings
  - Review drawings, sign & seal
  - Prepare an opinion of probable construction cost
  - Meetings with city personnel / Coordination with TXDOT if required
  - Administrative, specifications & bid documents

# ATTACHMENT -C



Page 2 of 2

August 31, 2022

Mr. Rudy P. Mora, Jr. PE, CFM

**Re:** Proposal for 6<sup>th</sup> Street Tranquitas Creek Bridge Inspection and Repair  
Recommendations


- Bid Phase Services
  - Assist with evaluation of bids
  - Respond to RFIs and attend bid opening
- Construction Phase Services
  - Construction inspections
- Deliverables
  - 60% Review Submittal
  - 100% Review Submittal
  - Final Signed and Sealed Drawings and Bid Documents
  - Evaluation of bidders / Prepare bid tabulation

We propose to furnish the above-described Scope of Services for the Pedestrian Bridge Inspection for **\$15,690.00** (*Fifteen Thousand Six Hundred Ninety Dollars and No Cents*).

ICE appreciates the opportunity to be of service and if there are any questions or concerns, please do not hesitate to call us at (361) 826-5805 or email at [JJ@icengineers.net](mailto:JJ@icengineers.net)

Sincerely,

Approved by,

  
Jesus J. Jimenez, P.E., CFM  
Civil / Structural Engineer

Rudy P. Mora Jr., P.E., CFM  
City Engineer



# ATTACHMENT -C

6th Street Tranquitas Creek Bridge  
PROFESSIONAL SERVICES  
MAN-HOUR BREAKDOWN

	A	E	J	K	L	P	R	Y	Z	AE	AH	AI
1	TASK	PROJ MANAGER I	ENGINEER IV	ENGINEER III	ENGINEER II	DESIGNER II	TECHNICIAN IV	2 MAN SURVEY CREW	SR. SURVEY TECH	INSPECTOR III	ADMIN / CLERICAL	REIMBURSED COSTS
2												
3	<b>A. PROFESSIONAL SERVICES:</b>											
4	Hourly Rates	\$ 146	\$ 146	\$ 123	\$ 104	\$ 120	\$ 98	\$ 175	\$ 119	\$ 114	\$ 52	
5	<b>I. PROJECT COORDINATION / FIELD WORK</b>											
6	1.1 Forensic investigation on the bridge	1			10					10	2	
7	1.2 Obtain survey coordinates							4	2			
8	1.3 Prepare field sketches for repairs				4					4	2	
10	<b>TOTAL PROJECT COORDINATION MAN-HOURS</b>	1	0	0	14	0	0	4	2	14	4	\$0
11	<b>TOTAL PROJECT COORDINATION FEES</b>	\$146	\$0	\$0	\$1,456	\$0	\$0	\$700	\$238	\$1,596	\$208	\$0
12	<b>TOTAL PROJECT COORDINATION COST</b>					\$4,344						
13												
14												
15	<b>II. ENGINEERING DESIGN SERVICES</b>											
16	2.1 Prepare repair detail drawings	1			4	6	12				4	
17	2.2 Prepare written specifications & bid documents	1			6						4	
18	2.3 Prepare CAD drawings (Plan / Profile / Repair Details)	1			4	8	16				4	
19	2.4 Implement CAD drawing mark-ups	1			2	2	4				1	
20	2.5 Review corrected drawings	1			1							
21	2.6 Prepare an opinion of probable construction cost			4								
22	2.7 Meetings with city personnel / Coordination with TXDOT	2	2									
23	2.8 Administrative, final specifications & bid documents		2		2						4	
27	<b>TOTAL ENGINEERING DESIGN MAN-HOURS</b>	7	4	4	19	16	32	0	0	0	17	0
28	<b>TOTAL ENGINEERING DESIGN FEES</b>	\$1,022	\$584	\$492	\$1,976	\$1,920	\$3,136	\$0	\$0	\$0	\$884	\$0
29	<b>TOTAL ENGINEERING DESIGN COST</b>					\$10,014						
30												
31												
32	<b>III. ADDITIONAL ENGINEERING SERVICES</b>											
33	3.1 Assist with evaluation of bids		2								1	
34	3.2 Respond to RFIs and attend bid opening				2						1	
35	3.3 Construction inspections				4						2	
36	3.4 Prepare construction inspections reports				1						2	
37												
39	<b>TOTAL ADDITIONAL SERVICES</b>	0	2	0	7	0	0	0	0	0	6	\$0
40	<b>TOTAL ADDITIONAL SERVICES FEES</b>	\$0	\$292	\$0	\$728	\$0	\$0	\$0	\$0	\$0	\$312	\$0
41	<b>TOTAL ADDITIONAL SERVICES COST</b>					\$1,332						
42												
43												
44	<b>IV. SPECIAL SERVICES</b>											
45	4.1 Mileage											
46	4.2 Per Diem											
47	<b>TOTAL PER DIEM AND TRAVEL</b>	0	0	0	0	0	0	0	0	0	0	0
48	<b>TOTAL PER DIEM AND TRAVEL FEES</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
49	<b>TOTAL PER DIEM AND TRAVEL COST</b>			\$0		\$0						
50												
51	<b>TOTAL EST. MAN-HOURS FOR PROFESSIONAL SERVICES</b>	8	6	4	40	16	32	4	2	14	27	
52	<b>TOTAL EST. FEES FOR PROFESSIONAL SERVICES</b>	\$1,168	\$876	\$492	\$4,160	\$1,920	\$3,136	\$700	\$238	\$1,596	\$1,404	\$0
53	<b>TOTAL EST. COST FOR PROFESSIONAL SERVICES</b>					\$15,690						

**RESOLUTION #2022-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL (ENGINEERING) SERVICES AGREEMENT WITH INTERNATIONAL CONSULTING ENGINEERS FOR 6<sup>TH</sup> STREET TRANQUITAS CREEK BRIDGE INSPECTION AND REPAIR RECOMMENDATIONS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") received a Bridge Inspection Report from the Texas Department of Transportation regarding the bridge at N. 6<sup>th</sup> Street and Tranquitas Creek earlier this year; and

**WHEREAS**, in order to identify qualified and responsive providers for the engineering services needed to address the issues identified in the report, a Request for Qualifications (RFQ) process for engineering services was completed in accordance with state law; and

**WHEREAS**, the City advertised RFQ #22-13 in the local newspaper on June 16, 2022 and June 23, 2022 and on the City's website and one Statement of Qualification (SOQ) in response to the RFQ was submitted by the July 12, 2022 deadline; and

**WHEREAS**, the City Selection Review Committee (Purchasing Manager, Capital Improvements Manager, Public Works Director, and City Engineer) each reviewed the SOQ and recommended the RFQ be awarded to International Consulting Engineers (ICE);

**WHEREAS**, the proposal received for RFQ #22-13 by the due date was reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources;

**WHEREAS**, the City Commission officially selected International Consulting Engineers (ICE) as the engineering firm for the 6<sup>th</sup> Street Tranquitas Creek Bridge Inspection and Repairs, and staff has negotiated a contract for a fair and reasonable price under the Professional Services Procurement Act with the firm and now brings the contract back before City Commission for approval.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute a Professional Services Agreement with International Consulting Engineers (ICE) for 6<sup>th</sup> Street Tranquitas Creek Bridge Inspection and Repairs in accordance with Exhibit A hereto attached and made a part thereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
26th day of September, 2022.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

## **PROFESSIONAL SERVICES CONTRACT**

**STATE OF TEXAS           §**

**COUNTY OF KLEBERG   §**

**THIS CONTRACT FOR PROFESSIONAL SERVICES** is made by and between the CITY OF KINGSVILLE; hereinafter called “CITY” and JIMENEZ ENGINEERING SOLUTIONS, LLC DBA INTERNATIONAL CONSULTING ENGINEERS, hereinafter called “ICE” for the purpose of project management, construction management, professional engineering and other professional services as requested by the CITY.

### **WITNESSETH**

WHEREAS, Local Government Code, Sec. 2254.003, provides for the procurement of professional engineering, design, planning, and construction management services; and

WHEREAS, the CITY desires to contract for professional services described as follows:  
Professional engineering services for the 6<sup>th</sup> Street Tranquitas Creek Bridge Inspection and Repair Recommendations.

NOW THEREFORE, the CITY and ICE, in consideration of the mutual covenants and agreements herein contained, do hereby mutually agree as follows:

### **AGREEMENT**

#### **ARTICLE –1 SCOPE OF SERVICES TO BE PROVIDED**

ICE shall perform those professional services for the fulfillment of the contract as identified in Attachment A- Services to be provided by ICE, attached hereto and made a part thereof this contract.

#### **ARTICLE –2 CONTRACT PERIOD**

After execution of this contract, ICE shall not proceed with the work until authorized in writing by the CITY to proceed, as provided in Article –5 Work Authorizations to begin this 1st day of October, 2022. This contract shall terminate at the close of business on May 31, 2023, unless extended by supplemental agreement prior to the date of termination, as provided in Article –9 Supplemental Agreements, or otherwise terminated, as provided in Article –16 Termination. Any work performed or cost incurred after the date of termination shall be ineligible for reimbursement.

#### **ARTICLE –3 COMPENSATION AND METHOD OF PAYMENT**

The maximum amount payable under this contract is \$15,690.00, unless modified as provided in Article –9 Supplemental Agreements.

All payments will be made in accordance with hourly rates for each job title established in Attachment –B ICE Rates. Compensation for Professional Engineering Services shall be based on personnel time, in an amount not to exceed the maximum amount payable under this contract.

ICE shall prepare and submit to the City, no more frequently than once per month, an invoice and a progress report stating the percent completion of the work accomplished during the billing period.

Payments will be made on a monthly basis.

#### **ARTICLE –4 WORK AUTHORIZATIONS**

The CITY will issue work authorizations, authorizing ICE to perform one or more tasks. The work authorization will not waive the CITY or ICE’s responsibilities and obligations established in this contract. ICE’s work authorization will be issued by any authorized person as part of the CITY in this agreement.

Upon satisfactory completion of the work authorization, ICE shall submit to the CITY for review and acceptance the deliverables as specified in the executed work authorization.

Work included in a work authorization shall not begin until the CITY and ICE have signed the work authorization. All work must be completed on or before the completion date specified in the work authorization. ICE shall promptly notify the CITY of any event which will affect completion of the work authorization.

#### **ARTICLE –5 PROGRESS**

ICE shall, from time to time during the progress of the work, confer with the CITY. ICE shall prepare and present such information as may be pertinent and necessary, or as may be requested by the CITY, in order to evaluate features of the work.

At the request of the CITY or ICE, conferences shall be held at ICE’s office, the CITY office, or at other locations designated by the CITY. These conferences shall also include an evaluation of ICE’s services and work when requested by the CITY.

Should the CITY determine that the progress in production of the work does not satisfy the work schedule, the CITY will review the work schedule with ICE to determine corrective action needed.

ICE shall promptly advise the CITY of events which have a significant impact upon the progress of work, including:

- 1) Problems, delays, or adverse conditions which will materially affect the ability to attain contract objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods; this disclosure will be accompanied by a statement of the action taken, or contemplated, and any CITY assistance needed to resolve the situation; and

- 2) Favorable developments or events which would enable meeting the work schedule goals sooner than anticipated.

## **ARTICLE –6 SUSPENSION**

The CITY may suspend the work, but not terminate the contract, by giving written notice a minimum of five (5) calendar days prior to the date of suspension. The five (5) day notice may be waived if approved in writing by both parties.

The work will be reinstated and resumed in full force and effect within ten (10) calendar days of receipt of written notice from the CITY to resume the work. The ten (10) day notice may be waived if approved in writing by both parties.

If the CITY suspends the work, the contract period, as determined in Article –2 Contract Period, is not affected and the contract will terminate on the date specified unless the contract is amended as provided in Article –9 Supplemental Agreements.

## **ARTICLE –7 ADDITIONAL WORK**

If ICE determines that any work it has been directed to perform is beyond the scope of this agreement or task order and constitutes extra work, it shall promptly notify the CITY in writing. In the event the CITY determines that such work constitutes extra work and exceeds the maximum amount payable, the CITY shall so advise ICE and a supplemental agreement may be executed, as provided in Article –9 Supplemental Agreements.

ICE shall not perform any additional work or incur additional costs prior to the execution, by both parties, of a supplemental agreement. The CITY shall not be responsible for actions by ICE or any costs incurred by ICE relating to additional work not directly associated with the performance of the work authorized in this contract or as amended.

## **ARTICLE –8 CHANGES IN WORK**

If the CITY finds it necessary to request changes to previously satisfactorily completed work or parts thereof which involve changes to the original scope of services or character of work under the contract, ICE shall make such revisions if requested and as directed by the CITY. This will be considered additional work and aid for as specified under Article –7 Additional Work.

ICE shall make such revisions to the work to correct errors appearing therein, when required to do so by the CITY. No additional compensation will be paid for the correction of errors.

## **ARTICLE –9 SUPPLEMENTAL AGREEMENTS**

The terms of this contract may be modified by supplemental agreement if the CITY determines that there has been a significant change in the scope, complexity, or character of the service to be performed, or

the duration of the work. Additional compensation, if appropriate, shall be identified as provided in Article – 3 Compensation and Method of Payment.

Any supplemental agreement must be executed by both parties within the contract period specified in Article –2 Contract Period.

**No claim for extra work done or materials furnished shall be made by ICE until full execution of the supplemental agreement and authorization to proceed is issued by the CITY. The CITY reserves the right to withhold payment pending verification of satisfactory work performed.**

#### **ARTICLE –10 PUBLIC INFORMATION ACT**

All data, basic sketches, charts, calculations, plans, specifications, and other documents created or collected under the terms of this contract are the exclusive property of the CITY and shall be furnished to the CITY upon request. All documents prepared by ICE and all documents furnished to ICE by the CITY shall be delivered to the CITY upon completion or termination of this contract. ICE, at its own expense, may retain copies of such documents or any other data which it has furnished the CITY under this contract. Release of information will be in accordance with the Texas Public Information Act.

#### **ARTICLE –11 PERSONNEL, EQUIPMENT AND MATERIAL**

ICE shall furnish and maintain, at his own expense, office space for the performance of all services, and adequate equipment to perform the services as required.

#### **ARTICLE –12 SUBCONTRACTING**

ICE shall not assign, subcontract or transfer any portion of the work under this contract. **All work under this contract shall be performed by ICE.** In the event specialized personnel or subject matter experts are required and subcontracting is deemed necessary. ICE will obtain approval from CITY prior to engaging any subcontractor.

#### **ARTICLE –13 EVALUATION OF WORK**

The CITY and its authorized representatives shall have the right at all reasonable times to review or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If a review or evaluation is being made on the premises of ICE, ICE shall provide all reasonable facilities and assistance for the safety and convenience of the CITY representatives in the performance of their duties. If funds by other agencies or entities are to be used for payment of the services under this contract, ICE's services and work may be subject to periodic review and approval by other agencies or entities, including CITY, county, state, and/or federal agencies.

**ARTICLE –14**  
**COMPUTER DOCUMENTS AND INFORMATION EXCHANGE**

All computer files must be compatible with the CITY's computer systems without conversion or modifications and must plot consistent with any reproducible plots submitted.

All plots and graphic media provided by ICE shall be delivered to the CITY.

**ARTICLE –15**  
**VIOLATION OF CONTRACT TERMS / BREACH OF CONTRACT**

Violation of the contract terms or breach of contract by ICE shall be grounds for termination of the contract and any increased cost arising from ICE's default, breach of contract, or violation of contract terms shall be paid by ICE. This agreement shall not be considered as specifying the exclusive remedy for any default, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

**ARTICLE –16**  
**TERMINATION**

This contract shall renew annually at the close of business on May 31, 2023, unless terminated as provided in Article –2 Supplemental Agreements.

This contract may be terminated before the stated termination date by any of the following conditions:

- 1) By mutual agreement and consent, in writing, of both parties;
- 2) By the CITY, by notice in writing to ICE as a consequence of failure by ICE to perform the services set forth herein in a satisfactory manner;
- 3) By either party, upon the failure of the other party to fulfill its obligations as set forth herein;
- 4) By the CITY, for reasons of its own and not subject to the mutual consent of ICE upon not less than thirty (30) calendar days written notice to ICE; and
- 5) By written notice from the CITY upon satisfactory completion of all services and obligations described herein.

Should the CITY terminate this contract as herein provided, no fees other than fees due and payable at the time of termination shall thereafter be paid to ICE. Compensation for work at termination will be based on a percentage of the work completed at that time. Should the CITY terminate this contract under Item 4 of the above paragraph, the amount charged during the thirty (30) calendar day notice period shall not exceed the amount charged during the preceding thirty (30) calendar days.

If ICE defaults in the performance of this contract or if the CITY terminates this contract for fault on the part of ICE, the CITY will give consideration to the actual costs incurred by ICE in performing the work to the date of default, the amount of work which was satisfactorily completed to the date of default, the value of the work which is usable to the CITY, the cost to the CITY of employing another to complete the work required and the time required to do so, and other factors which affect the value to the CITY of the work performed at the time of default.



The termination of this contract and payment of an amount in settlement as prescribed above shall extinguish all rights, duties, and obligations of the CITY and ICE under this contract except the obligations set forth in Articles 11, 14, 19, 20, 21, and 22 of this contract. If the termination of this contract is due to the failure of ICE to fulfill its contract obligations, the CITY may take over the project and prosecute the work to completion. In such case, ICE shall be liable to the CITY for any additional cost occasioned to the CITY.

#### **ARTICLE –17 COMPLIANCE WITH LAWS**

ICE shall comply with all applicable Federal, State, and local laws, statutes codes, ordinances, rules, and regulations, and the orders and decrees of any court, or administrative bodies or tribunals, in any manner affecting the performance of this contract, including, without limitation, worker's compensation laws, minimum salary and wage statutes and regulations, and licensing laws and regulations. When required, ICE shall furnish the CITY with satisfactory proof of its compliance.

#### **ARTICLE –18 INDEMNIFICATION**

**ICE SHALL SAVE HARMLESS THE CITY AND ITS OFFICERS AND EMPLOYEES FROM ALL CLAIMS AND LIABILITY DUE TO ACTIVITIES OF ITSELF, ITS AGENTS, OR EMPLOYEES PERFORMED UNDER THIS CONTRACT AND WHICH ARE CAUSED BY OR RESULT FROM ERROR, OMISSION, OR NEGLIGENT ACT OF ICE OR OF ANY PERSON EMPLOYED BY ICE. ICE SHALL ALSO SAVE HARMLESS THE CITY FROM ANY AND ALL EXPENSE, INCLUDING, BUT NOT LIMITED TO, ATTORNEY FEES WHICH MAY BE INCURRED BY THE CITY IN LITIGATION OR OTHERWISE RESISTING SAID CLAIM OR LIABILITIES WHICH MAY BE IMPOSED ON THE CITY AS A RESULT OF SUCH ERROR, OMISSION, OR NEGLIGENT ACTIVITY BY ICE, ITS AGENTS, OR EMPLOYEES.**

#### **ARTICLE –19 ICE'S RESPONSIBILITY**

ICE shall be responsible for the accuracy of its work and shall promptly make necessary revisions or corrections resulting from its errors, omissions, or negligent acts without compensation.

#### **ARTICLE –20 RETENTION, AVAILABILITY OF RECORDS AND AUDIT REQUIREMENTS**

ICE shall maintain all books, documents, papers, accounting records, and other evidence pertaining to cost incurred and shall submit upon completion of this contract, all records utilized or produced to the CITY. ICE reserves the right to keep copies of any book, document, or papers, accounting records and other products produced or generated by ICE.

#### **ARTICLE –21 SUCCESSORS AND ASSIGNS**

ICE and the CITY do hereby bind themselves, their successors, executors, administrators, and assigns to each other party of this agreement and to the successors, executors, administrators, and assigns of such other party in respect to all covenants of this contract.

ICE shall not assign, subcontract, or transfer its interest in this contract.

**ARTICLE –22  
SEVERABILITY**

In the event any one or more of the provisions contained in this contract, for any reason, shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and; this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**ARTICLE –23  
PRIOR CONTRACT SUPERSEDED**

This contract constitutes the sole agreement of the parties hereto and supercedes any prior understandings or written or oral contracts between the parties respecting the subject matter defined herein.

**ARTICLE -24  
ARBITRATION / MEDIATION**

Mediation/Arbitration. If any dispute, controversy, or claim ("Dispute") arises out of or relating to this Agreement, or the breach thereof, whether asserted as in contract, tort or otherwise, or as a federal or state statutory claim, arising before, during or after the performance of this Agreement, the parties agree to resolve the Dispute through the mediation and arbitration procedures described below in lieu of litigation.

- (a) Mediation. The parties agree to use the following mediation procedures prior to any party pursuing arbitration:
  - (i) A meeting shall be held promptly between the parties, attended by individuals with decision making authority regarding the Dispute, to attempt in good faith to negotiate a resolution of the Dispute.
  - (ii) If, within ten days after such meeting, the parties have not succeeded in negotiating a resolution of the Dispute, the parties shall agree to appoint one person from Kleberg County, Texas, as a mediator. Said mediator shall be an attorney licensed to practice law in the State of Texas and shall further be qualified to act as a mediator pursuant to the Alternate Dispute Resolution (ADR) statutes of the State of Texas. In the event the parties cannot agree upon a mediator, the Presiding Judge of Kleberg County, Texas, shall appoint the mediator. The fees of the mediator shall be shared equally by the parties.
  - (iii) The parties agree that the mediation hearing shall be held within ten days after the selection of the mediator unless

the parties agree otherwise or circumstances require otherwise.

- (iv) The parties agree to participate in good faith in ADR to its conclusion as designated by the mediator.

- (b) Arbitration. If the parties are not successful in resolving the Dispute through mediation, then the parties agree that the Dispute shall be settled by binding arbitration governed by the Federal Arbitration Act in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The parties agree and understand that they choose arbitration instead of litigation to resolve disputes. Any arbitration brought under the terms of this agreement shall be conducted in the following manner:

- (i) The parties shall agree to appoint one person from Kleberg County, Texas as an arbitrator. Said arbitrator shall be an attorney licensed to practice law in the State of Texas and shall further be qualified to act as an arbitrator pursuant to the Commercial Arbitration Rules of the American Arbitration Association. In the event the parties cannot agree upon an arbitrator, the Presiding Judge of Kleberg County, Texas, shall appoint the arbitrator. The fees of the arbitrator shall be shared equally by the parties.
- (ii) The arbitration hearing shall be held at the office of the arbitrator in Kleberg County, Texas and the award of the arbitrator may be entered in the appropriate District Court of the State of Texas.
- (iii) The parties agree that the arbitration hearing will be held within ninety (90) calendar days of the commencement of such arbitration proceeding.

- (iv) The parties agree that each party may take the deposition of two persons whether they are either opposing party members or two individuals under the control of the opposing party or a combination thereof.

## **ARTICLE –25 NOTICES**

All notices to either party by the other, required under this contract, shall be personally delivered or mailed to such party at the following respective address:

<p><b><u>International Consulting Engineers (ICE)</u></b></p> <p><b>Jesus J. Jimenez, Principal</b>  <b>261 Saratoga Blvd.</b>  <b>Corpus Christi, Texas 78417</b>  <b>(361) 826-5805</b>  <b><u>JJ@icengineers.net</u></b></p>	<p><b><u>CITY OF KINGSVILLE (CITY)</u></b></p> <p><b>Mr. Rudy P. Mora, Jr. PE, CFM</b>  <b>City Engineer, Engineering Dept.</b>  <b>City of Kingsville</b>  <b>400 E. King Ave.</b>  <b>Kingsville, TX 78364</b>  <b>rmora@cityofkingsville.com</b></p>
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**ARTICLE -27**  
**GOVERNING LAW AND VENUE**

This Agreement shall be construed under and in accord with the law of the State of Texas. Venue shall be in Kleberg County, Texas.

IN WITNESS WHEREOF, the CITY and ICE have executed these presents in duplicate.

**ICE**

By: \_\_\_\_\_  
**Jesus J. Jimenez, Principal**

Date: \_\_\_\_\_

**CITY**

By: \_\_\_\_\_  
**Mark McLaughlin, City Manager**

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

**Seal:**

**List of Attachments:**

Attachment –A	Services to be provided by ICE
Attachment –B	ICE Rates
Attachment –C	Proposal and Professional Services Manhour Breakdown

## ATTACHMENT –A SERVICES PROVIDED BY ICE

### Field Work

- Forensic investigation on the bridge
  - measurements of the bridge and identifying deficiencies.
- Obtain survey coordinates
- Prepare field sketches for repairs

### Engineering and Design

- Prepare repair detail drawings
- Prepare written specifications & bid documents
- Prepare CAD drawings
- Plan & profile sheet, repair details, & notes
- Implement CAD drawing mark-ups
- Review corrected drawings
- Review drawings, sign & seal
- Prepare an opinion of probable construction cost
- Meetings with city personnel / Coordination with TXDOT if required
- Administrative, specifications & bid documents

### Bid Phase Services

- Assist with evaluation of bids
- Respond to RFIs and attend bid opening

### Construction Phase Services

- Construction inspections

### Deliverables

- 60% Review Submittal
- 100% Review Submittal
- Final Signed and Sealed Drawings and Bid Documents
- Evaluation of bidders / Prepare bid tabulation

ATTACHMENT –B  
ICE Rates

<b>Personnel Description</b>	<b>\$ / hr</b>
Project Manager I	\$146
Engineer IV	\$146
Engineer III	\$123
Engineer II	\$104
Designer II	\$120
CADD Tech IV	\$98
2 Man Survey Crew	\$175
Senior Survey Tech	\$119
Inspector III	\$114
Admin / Clerical	\$52

Attachment –C  
Proposal and Professional Services Manhour Breakdown



# **AGENDA ITEM #12**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: September 26, 2022

SUBJECT: Consider adopting revision to City Ordinance – Article 9 Street Light, section 15-9-2 and section 15-9-3.

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**Purpose:**

The purpose is of this revision to update the ordinance with the most available and efficient lighting fixture.

**Summary:**

Patrick King, External Affairs Manager with AEP informed us that in June of this year AEP Texas began offering LED lighting as an option for streetlights and outdoor lights in its cities and communities. AEP Texas was recently notified that High Pressure Sodium (HPS) streetlight and outdoor fixtures will no longer be available.

Section 15-9-2 (B)– Street lighting on residential and collector streets, B shall be revised to "The standard design shall consist of a ~~70 watt high pressure sodium vapor~~ 60 watt LED luminaire, mounted on a wood pole, using underground wiring. Overhead wiring will be allowed in areas where the existing electrical service is overhead.

Section 15-9-3 (A) – Street lighting on arterial streets, A shall be revised to "The standard design for arterial streets consists of a ~~250 watt high pressure sodium vapor~~ 160 watt luminaire, mounted on a wood pole, using underground wiring. Overhead wiring will be allowed in areas where the existing electrical service is overhead.

**Background:**

AEP Texas was requesting a letter of authorization to replace inoperable existing city streetlights with alternative LED streetlights.

**Financial Impact:**

By switching to LED streetlights there will be an estimated savings of \$0.30 per month for 60 watt LED and a savings of \$3.34 per month for 160 watt LED.



**City of Kingsville  
Engineering Dept.**

**Recommendation:**

Staff recommends approving the revisions to Article 9 Street – Street Light for installing 60-watt LED fixtures for residential & collector streets and 160-watt LED fixtures for arterial streets.

**Attachments:**

Ordinance \_\_\_\_\_

AEP authorization letter



Dear AEP Texas,

The CITY of KINGSVILLE, has reviewed the Traditional Street Light and Alternative AEP LED Street light chart. We hereby authorize AEP Texas to replace on failure any existing Active street light with the alternative AEP LED Street Light, accordingly.

### LED Lighting Options

Traditional Street Light				Alternative AEP LED Streetlight			
Fixture	kWh	Fixture Charge	Total Charge per month*	Fixture	kWh	Fixture Charge	Total Charge per month*
100 W MV	40	\$5.18	\$8.38	20-60 W LED (43 W)	14	\$6.03	\$7.15
175 W MV	70	\$5.87	\$11.47	61-100 W LED (71 W)	29	\$6.13	\$8.45
400 W MV	145	\$9.62	\$21.22	120-160 W LED (122 W)	46	\$8.96	\$12.64
				OR			
				200-240 W LED (194 W)	73	\$10.95	\$16.79
150 W MH	65	\$8.47	\$13.67	61-100 W LED (71 W)	29	\$6.13	\$8.45
175 W MH	75	\$8.47	\$14.47	61-100 W LED (71 W)	29	\$6.13	\$8.45
250 W MH	105	\$8.72	\$17.12	120-160 W LED (122 W)	46	\$8.96	\$12.64
400 W MH	155	\$9.19	\$21.59	200-240 W LED (194 W)	73	\$10.95	\$16.79
1000 W MH	367	\$9.36	\$38.72	N/A			
70 W HPS	28	\$5.21	\$7.45	20-60 W LED (43 W)	14	\$6.03	\$7.15
100 W HPS	39	\$5.32	\$8.44	20-60 W LED (43 W)	14	\$6.03	\$7.15
150 W HPS	57	\$5.47	\$10.03	61-100 W LED (71 W)	29	\$6.13	\$8.45
250 W HPS (Cobra)	104	\$7.66	\$15.98	120-160 W LED (122 W)	46	\$8.96	\$12.64
250 W HPS (Flood)	104	\$7.66	\$15.98	130-170W LED (146 W)	50	\$15.24	\$19.24
400 W HPS	155	\$8.31	\$20.71	200-240 W LED (194 W)	73	\$10.95	\$16.79
1000 W HPS	367	\$7.02	\$36.38	N/A			

\*Assumes a Combined REP and TDU kWh Charge of \$0.08.

Customer acknowledges that AEP Texas does not provide street lighting design services, and that AEP Texas will only place replacement LED lights where instructed by Customer, to the extent it can do so consistent with Good Utility Practice. If a replacement LED light cannot be placed where Customer has instructed, AEP Texas will inform Customer, and Customer must provide AEP Texas an acceptable alternative location. Customer further acknowledges that the light pattern of replacement LED street lights may differ from the light pattern of Customer's existing street lights.

Photo metrics are available, upon request.

Signature

Title

Forward street light request to AEP Texas' Billing and Accounting at [unmetered@aep.com](mailto:unmetered@aep.com)

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV; PROVIDING FOR AMENDMENT TO SECTIONS 15-9-2 AND 15-9-3; REVISING THE TYPE OF STREET LIGHTING TO BE USED; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

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

I.

**THAT** Sections 15-9-2 and 15-9-3 of Article 9: Street Lighting of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**ARTICLE 9: STREET LIGHTS**

...

**§ 15-9-2 STREET LIGHTING ON RESIDENTIAL AND COLLECTOR STREETS.**

(A) Street lighting will generally be installed:

- (1) At intersections.
- (2) At the end of all cul-de-sac and dead-end streets longer than 200 feet.
- (3) At significant changes in direction of the roadway; generally defined as those where, when standing in the center of the roadway at one street light, you cannot see the next street light due to horizontal or vertical changes in the roadway.
- (4) Mid-block street lights will be allowed or required provided the spacing between the lights is 300 feet or greater. Street lights spacing along a City park shall be reduced to 200 feet or less.
- (5) In ranch and estate residential areas where the lots are larger than typical urban lots, i.e., 200 feet in width and larger, mid-block street lights will be allowed or required provided the spacing between the lights is 600 feet or greater.

(B) The standard design shall consist of a ~~70-watt high-pressure sodium-vapor~~ 60 watt LED luminaire, mounted on a wood pole, using underground wiring. Overhead wiring will be allowed in areas where the existing electric service is overhead.

(C) Existing utility poles may be used when available at the proper locations.

**§ 15-9-3 STREET LIGHTING ON ARTERIAL STREETS.**

(A) The standard design for arterial streets shall consist of a ~~250-watt high pressure sodium-vapor~~ 160 watt LED luminaire, mounted on a wood pole, using underground wiring. Overhead wiring will be allowed in areas where the existing electric service is overhead.

(B) Street lights should be installed at intersections and at a spacing of about 300 feet along the street.

(C) Existing utility poles may be used when at the proper locations.

(D) Street lights are usually not installed on arterial streets in an undeveloped or rural area.

...

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

**III.**

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

**IV.**

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

**V.**

**THAT** this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 26<sup>th</sup> day of September, 2022.

**PASSED AND APPROVED** on this the 11<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #13**





## CITY OF KINGSVILLE

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### AGENDA MEMORANDUM

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TO: City Commissioners  
FROM: Deborah Balli, Finance Director  
DATE: September 21, 2022  
SUBJECT: Budget Amendment – Negative Line Items

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**Background:**

This budget amendment request is to provide additional funding for those items that current budget cannot cover. The requested funding is due to inflationary cost increases.

**Financial Impact:**

All of the notated overages will come from the unappropriated fund balance of the associated fund.

**Recommendation:**

Staff recommends the approval of the budget amendment request to provide additional funding for various shortages.

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR NEGATIVE LINE ITEMS THAT CANNOT BE COVERED BY OTHER LINE ITEMS.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT #68

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
1801	Finance	Prof Svc- Software Maint	31410	\$2,000	
1805	Facilities	Utilities – Municipal Building	32302	\$2,100	
2200	Fire	Motor Gas & Oil	21500	\$4,010	
2200	Fire	Vehicle Maintenance	41100	\$9,000	
3050	Street	Motor Gas & Oil	21500	\$5,500	
4400	Health	Motor Gas & Oil	21500	\$2,404	
4400	Health	Animal Care	21900	\$2,688	
4400	Health	Postage & Freight	31300	\$243	
4400	Health	Professional Services	31400	\$1,450	
4400	Health	Professional Svc-Minor Vet	31488	\$4,500	
4400	Health	State Fees	32100	\$200	
4400	Health	Vehicle Maintenance	41100	\$500	
4501	Park Adm	Utilities	32300	\$7,600	
4502	Golf	Irrigation Supplies	21176	\$1,000	
6900	Transfers	Transfer to Fund 101	80101	\$1,059.75	
<b>Fund 101 – Texas CDBG Main Street Grant</b>					
<u>Revenues</u>					
0000	Transfer	Transfer from Fund 001	75001	\$1,059.75	

[To amend the City of Kingsville FY 21-22 Budget to provide additional funding for negative line items that cannot be covered by other line items. Funding will come from the unappropriated fund balance for General Fund.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 26th day of September 2022.

**PASSED AND APPROVED** on this the 11th day of October 2022.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney