

City of Kingsville, Texas

AGENDA CITY COMMISSION TUESDAY, OCTOBER 11, 2022 REGULAR MEETING

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

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

OR

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

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- September 26, 2022

APPROVED BY:



Mark McLaughlin
City Manager

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

1. None

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, 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.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage 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).
2. Motion to approve final passage 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).
3. Motion to approve City support for events and parades for FY22-23 as per staff recommendation. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider appointment of Sylvia Molina to the Main Street Advisory Board to fill an unexpired term expiring on May 10, 2023. (Downtown Manager).
5. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's FY 2023 ALERRT Travel Assistance Grant Program. (Police Chief).
6. Consider a resolution authorizing Phase II and Change Order #1 for City-Wide Misc. Concrete and Drainage System Improvements Agreement between the City and Etech Construction Inc. (City Engineer).
7. Consider out-of-state travel for the Mayor, the City Manager, and the Economic Development Director for travel to Washington, D.C. from October 16-19, 2022 for military relations/economic development meetings. (City Manager).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.

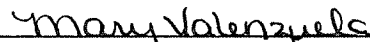
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

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

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

October 3, 2022 at 2:30 P.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)

SEPTEMBER 26, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 26, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Hector Hinojosa, Commissioner
Norma N. Alvarez, Commissioner
Edna Lopez, Commissioner
Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
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
Charlie Sosa, Purchasing Manager
Bill Donnell, Public Works Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 P.M. with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Special Meeting - August 15, 2022

Motion made by Commissioner Lopez to approve the minutes of August 15, 2022, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting "FOR". Hinojosa "ABSTAINED".

Regular Meeting - August 22, 2022

Motion made by Commissioner Alvarez to approve the minutes of August 22, 2022, as presented. seconded by Commissioner Torres. The motion was passed and approved by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Fugate voting "FOR". Hinojosa and Lopez "ABSTAINED".

Special Meeting - September 6, 2022

Motion made by Commissioner Alvarez to approve the minutes of September 6, 2022, as presented, seconded by Commissioner Hinojosa and Commissioner Lopez. The

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

Regular Meeting- September 12, 2022

Motion made by Commissioner Lopez to approve the minutes of September 12, 2022, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

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

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).

Ms. Courtney Alvarez, City Attorney explained that due to notices not being mailed to all residents within the requested zoning area, it is being recommended that no discussion or action be taken during this public hearing or for agenda item #5.

No discussion took place for this public hearing.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, 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 announced upcoming events that will be occurring during the upcoming weekend. He further stated that the City Commission has received the 3rd Quarter Investment Report for FY 21-22. Also reported, Somerset Land poster is available for viewing which is displayed during this meeting. He further stated that he will be out of the office next week, October 5th through October 12th.

Mayor Fugate asked if residents have had the opportunity to view the poster. Mr. McLaughlin responded no, as staff received it late last week, but it is available for viewing.

Commissioner Hinojosa thanked the Kingsville Record for their story on the city's budget.

Commissioner Torres commented that she recently spoke with staff regarding mosquitos and tall grass around the city. She visited the old hospital which has tall grass. She would like for staff to look into this as soon as possible. She further reported that she attended the Wine Walk event that occurred this past weekend which was well attended by out-of-

towners. The Veteran's booth raised \$275 at this Wine Walk event. Torres also commented that she is currently working on her master's degree at Texas A&M University-Kingsville and will be working on a project that she hopes gets published, the project is on female Latinas in the city political arena. She stated that in conjunction with the city, she would like to have this published somewhere within the city.

Ms. Courtney Alvarez, City Attorney reported that as for agenda item #1, on today's agenda, the budget amendment was passed out to the Commission during the meeting on September 12th which is the correct budget amendment that the Commission will be voting on tonight. She further reported that the next Commission meeting is scheduled for October 11th due to city office's being closed on October 10th for the Columbus Day Holiday. Agenda items for the meeting on October 11th are due by Wednesday, September 28th.

Commissioner Alvarez commented that she attended the Wine Walk event this weekend which was well attended. She further asked if there was a master calendar of events for our community as it seemed that many events were occurring all at the same time.

Mayor Fugate responded that he didn't believe there was a master list, but would need to check with the Chamber of Commerce.

Ms. Janine Reyes, Tourism Director gave an update on the Wine Walk event from this past weekend.

IV. Public Comment on Agenda Items.³

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

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

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to 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.⁴

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).

No discussion took place on this item.

6. Consider appointment of Taulia Laureno to the Historical Development Board for a three-year term. (Historic Preservation Officer).

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

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).

Ms. Alvarez stated that on July 11, 2022, the Commission had a similar resolution with a different dollar amount with the location being the same, and what the PID would be allowed to pay for. This is the same thing that Commission approved in July but with a different dollar amount due to cost increases

Mayor Fugate asked if the city's legal team reviewed the documents. Ms. Alvarez responded that these are the documents that were received from the city's legal team which she has also reviewed with them.

Mr. McLaughlin stated that this is also calling for the public hearing which will take place on October 24, 2022, at 5:00 P.M.

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

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).

Mayor Fugate commented that this is a big event for our community. This event will provide the opportunity for the residents to come and visit the Vietnam Memorial Wall.

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

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).

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

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).

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

11. Consider awarding RFQ #22-13 for 2022 Bridge Repairs-N. 6th 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 6th Street Tranquitas Creek Bridge Inspection and Repair Recommendations. (City Engineer).

Motion made by Commissioner Hinojosa to approve the award of RFQ #22-13 for 2022 Bridge Repairs-N. 6th 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 6th Street Tranquitas Creek Bridge Inspection and Repair Recommendations, seconded by Commissioner Lopez.

Mayor Fugate asked what the condition of the bridge was. Mr. Rudy Mora, Engineer responded that it has some exposed rebar and would need to be covered for it not to deteriorate any further. An inspection report was done by TXDOT which was provided to city staff earlier this year.

Mr. McLaughlin commented that only one bid was received for RFQ #22-13 which was from International Consulting Engineers.

Commissioner Torres asked if all the bases were covered for this as she would not like for it to become something like the Harbor Bridge issue. Mr. Mora responded yes.

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

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances 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).

Commissioner Hinojosa asked if there is a cost to the city to install the lights, it will be funded by AEP.

Mr. Mora responded that they would fund the existing lights, but for those that are high-pressure sodium, they will be converted to LED which has a cost saving.

Commissioner Hinojosa further asked if AEP would furnish the lights and not the city. Mr. Mora responded yes.

Introduction item.

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).

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:27 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**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.

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

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 26th day of September, 2022.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2



CITY OF KINGSVILLE

AGENDA MEMORANDUM

TO: City Commissioners
FROM: Deborah Balli, Finance Director
DATE: September 21, 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 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
Fund 001 – General Fund					
<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	
Fund 101 – Texas CDBG Main Street Grant					
<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

AGENDA ITEM #3

City of Kingsville Downtown

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Alicia Tijerina, Downtown Manager/Special Events Coordinator

DATE: September 17, 2022

SUBJECT: Request for City Support for Events & Parades

Summary:

The City Commission has a tradition of granting support for certain community parades and events that are held each year downtown. Instead of bringing these as individual agenda items, it is requested that the City Commission waive the street closing fees and support costs for the attached listing of parades and events for this fiscal year.

Background:

For any event requiring temporary closure of one or more streets, City ordinances require a fee to be paid for the requisite street closure(s) and require that City be reimbursed any actual costs and expenses incurred by them in support of the event. Ordinances also allow the City Commission to waive these requirements. Event organizers are still required to comply with all City ordinances and state laws with regards to health and safety issues. And are still required to submit a request for a permit for the required street closure(s).

Financial Impact:

The total parade/event costs to the City for FY 2022-2023 is \$10,560 of which \$150 are street closing fees.

Recommendation:

It is recommended that street closing fees be waived and the services provided by the City in support of these parades and events be considered as in-kind sponsorship.

Downtown Parades and Events FY 2022-2023 requiring street closings

Main Street Monthly Wine Walk, Sat., Oct. 22, 2022, 2-6pm Kleberg Avenue

TAMUK Homecoming Parade, Thurs., Oct. 13, 2022, 6 pm, Kleberg Avenue

Veteran's Day Parade, Friday, Nov. 11, 2022, 5 pm Kleberg Avenue

Ranch Hand Festival, Tree Lighting, Wine Walk & Street Dance, Fri., Nov. 18, 2022, 5-10 pm,
100-300 blocks E. Kleberg

Ranch Hand Festival, Sat., Nov. 19, 2022, 9 am – 4 pm, Downtown centered at 6th & Kleberg

Children's Day, Sat., Dec. 3, 2022, 10:30 am – 2:30 pm, Alarcon St. & Downtown Pavilion

Holiday Sip & Shop, Sat., Dec. 3, 2022, 2-6pm Kleberg Avenue

La Posada de Kingsville Parade, Dec. 3, 2022, 7 pm, Kleberg Avenue

Main Street Monthly Wine Walk, Sat., Feb. 25 2-6pm Kleberg Avenue

Main Street Monthly Wine Walk, Sat., Mar. 25 (time to be determined) Kleberg Avenue

Kleberg-Kenedy County Junior Livestock Show Parade, Jan. 2023, 10 am, Kleberg Ave. (TBD)

MLK Day Parade & Celebration, Mon., Jan. 16, 2023, 11 am, Kleberg Ave.

PDAP (Palmer Drug Abuse Program) Drug Free Walk, Sat., April 22, 2023 (Tentative date),
12pm, Yoakum Ave.

Festival de la Loteria, Sat., April 22, 2023, 10 am – 4 pm, Kleberg Ave.

CrossFit Kingsville Competition, Sat., June 2023 (Date TBD)

4th of July Parade & Concert Celebration, Sun.-Tues., July 2 - 4, 2023 8 am – 11:30pm, Kleberg
Ave. & Downtown Pavilion (Actual date of concert TBD)

HM King High School Homecoming Parade, Sept. 2023, 6:30 pm, Kleberg Ave. (Actual date TBD)

Main Street Monthly Wine Walk, Sat., Sept.23, 2023 2-6pm Kleberg Avenue

Parade Costs to the City FY 2022-2023

Community Parades (6)

TAMUK Homecoming Parade, Oct. 13, 2023

Veteran's Day Parade, Nov. 11, 2022

Kleberg-Kenedy County Junior Livestock Show Parade, Jan. 2023

MLK Day Parade, Jan 16, 2023

4th of July Parade, July 2-4, 2023 (TBD)

HM King High School Homecoming Parade, Sept/October. 2023 Date TBD

Public Works

Barricades: Build-up & Tear-down \$17/hr. (10 men/6 hrs) = \$1,020

Parade permit = 0

Cost of \$1,020 per parade

Christmas Parade (1)

La Posada Parade & Children's Day, Dec. 3, 2023

Holiday Sip & Shop, Dec. 3, 2023

Public Works

Barricades: Build-up & Tear-down \$17/hr. (15 men/6hrs) = \$1,530

Trash & Recycling: Delivery/Pickup/Dumping \$6 (x20) = \$120

Dumpsters: \$30 (x3) = \$90

Parade permit = \$0

Cost of \$1,740

Total parade costs \$7,860

Event Costs to the City FY 2022 – 2023

COMMUNITY EVENT (11)

Kingsville Wine Walk, October 22, 2022, February & March 2023 (4th Saturday of the month)

Public Works

Barricades: Build-up & Tear-down \$17/hr (3men/4hrs) x 2 = \$204

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 3 containers x 2 = \$36

Street closing permit for large events = \$0

Cost of \$240

Imagine the Possibilities Tour, TBD

Public Works

Barricades: Build-up & Tear-down = \$0

Trash & Recycling: Delivery/Pickup/Dumping = \$0

Street closing permit for large events = \$0

Cost of \$0

Ranch Hand Festival, Nov. 18-20, 2022

Public Works

Barricades: Build-up & Tear-down \$17/hr (10men/8hrs) = \$1,530

Trash & Recycling: Delivery/Pickup/Dumping

Cost of \$1,530

PDAP Walk, April 2023 (TBD)

Public Works

Barricades: Build-up & Tear-down \$17/hr (3men/4hrs) = \$204

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 3 containers x 2 = \$36

Street closing permit for large events = \$0

Cost of \$240

Festival de la Loteria, April 22, 2023 (10am – 4pm)

Public Works

Barricades: Build-up & Tear-down \$17/hr (3men/4hrs) = \$204

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 3 containers x 2 = \$36

Street closing permit for large events = \$0

Cost of \$240

CrossFit Kingsville Competition, June 2023 (TBD)

Public Works

Barricades: Build-up & Tear-down \$17/hr (3men/4hrs) = \$204

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 3 containers x 2 = \$36

Street closing permit for large events = \$0

Cost of \$240

2nd - 4th of July Concert, 2023

Public Works

Barricades: Build-up & Tear-down \$0 (will be left out from previous day)

Street Closing Event permit = \$150

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 10 containers = \$60

Cost of \$210

Total Event costs \$2,700

REGULAR AGENDA

AGENDA ITEM #4

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: September 16, 2022

To: City Commission via City Manager Mark McLaughlin

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

From: Alicia Tijerina, Downtown Manager

Summary: A vacancy exists on the Main Street Advisory Board for a Downtown Merchant Representative for a term ending on May 10, 2023, so that position needs to be filled.

Background: Main Street Advisory Board was created in 2017 by City of Kingsville City Commission. The board meets monthly to develop and make recommendations to the City Manager regarding the Main Street District. All members are appointed to the board by the City Commission at the recommendation of the City Manager.

Effective February 9, 2022 member Lesley Estes was removed from board due to attendance issues. Her term would have expired May 10, 2023.

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

- Sylvia Molina, Downtown Merchant Representative to complete the term of Estes through May 10, 2023.

Mrs. Sylvia Molina has agreed to complete the term of out-going board member till May 2023.

Financial Impact: None.

Recommendation: Appoint Sylvia Molina to the Main Street Advisory Board to complete an unexpired term for the Downtown Merchant Representative position whose term ends on May 10, 2023.



www.cityofkingsville.com

AGENDA ITEM #5

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: September 28, 2022

SUBJECT: ALERRT Grant Program, FY2023

Summary:

The Kingsville Police Department is requesting a resolution to apply for funds from the ALERRT Travel Assistance FY2023. The purpose of this grant request is to offset law enforcement agency-incurred travel costs for sending peace officers to Advanced Law Enforcement Rapid Response Training (ALERRT) training.

Background:

State funds for these projects are authorized by a Budget Execution Order proposed by the Legislative Budget Board and ratified by Governor Abbott on June 28, 2022, pursuant to Texas Government Code, Section 317.002, and Section 317.005(b). All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. The Office of the Governor, Public Safety Office (PSO) expects to make available \$3M for FY2023.

Applications may be submitted by independent school districts, institutions of higher education, units of local government, and other educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure. All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government.

Applications may only be submitted after receiving confirmation of registration for an ALERRT course. Proof of course confirmation will be required prior to the issuance of a grant award.

Eligible Activities and Costs

Funds may only be used for agency-incurred costs associated with sending peace officers to ALERRT training; including:



City of Kingsville Police Department

Peace Officer Overtime. Overtime costs incurred by the agency to backfill peace officer shifts for officers who are traveling to attend ALERRT training.

Travel Expenditures. Mileage, registration fees, incidentals, or other related travel costs incurred by the law enforcement agency to send peace officers to ALERRT training.

Training Stipends. Agencies that are hosting ALERRT training courses may offer training stipends to other local law enforcement agencies to send their officers to the host site location

Program-Specific Requirements

Eligible Officers. Grant funds may only be used to offset travel costs for peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency. ALERRT Minimum Standards. All training courses must meet

ALERRT training requirements; which includes both Direct Delivery and Indirect Delivery options:

- Direct Delivery: The list of upcoming training courses can be found on ALERRT's Upcoming Courses Catalog.

- o Host sites must be coordinated and pre-approved by ALERRT. Hosting requests can be submitted via the Hosting Request Form.

- Indirect Delivery: Indirect courses must be delivered by an ALERRT Train-the-Trainer certified instructor and pre-approved by ALERRT.

- o Please contact Zane Childress, Logistics Coordinator (childress@alerrt.org) for more information about the Indirect Delivery Program.

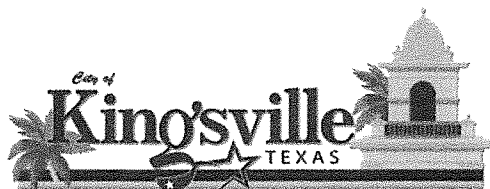
NOTE: Agencies will be required to provide copies of ALERRT training certificates prior to receiving reimbursement for approved expenses.

Financial Impact:

At the drafting of this memorandum we are not certain what the entirety of the costs will be for getting as many of our officers thru this training during the grant period. We will make every attempt to send every officer thru the training and request reimbursement for costs while grant funds are available.

Recommendation:

We request approval of a resolution to apply for and accept and expend funding approved through this grant.





Office of the Governor, Public Safety Office
Criminal Justice Division
Funding Announcement: ***ALERRT Travel
Assistance, FY2023***

Purpose

The purpose of this announcement is to solicit applications from law enforcement agencies to offset agency-incurred travel costs for sending peace officers to Advanced Law Enforcement Rapid Response Training (ALERRT) training.

Available Funding

State funds for these projects are authorized by a Budget Execution Order proposed by the Legislative Budget Board and ratified by Governor Abbott on June 28, 2022, pursuant to Texas Government Code, Section 317.002 and Section 317.005(b). All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. The Public Safety Office (PSO) expects to make available \$3M for FY2023.

Eligible Organizations

Applications may be submitted by independent school districts, institutions of higher education, units of local government, and other educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure.

All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government. For example, police departments must apply under their municipal government, and community supervision and corrections departments, district attorneys, and judicial districts must apply through their affiliated county government (or one of the counties, in the case of agencies that serve more than one county).

Application Process

Applications may only be submitted after receiving confirmation of registration for an ALERRT course. Proof of course confirmation will be required prior to the issuance of a grant award.

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *eGrants User Guide to Creating an Application*, available [here](#).

Key Dates

Action	Date
Funding Announcement Release	08/17/2022
Online System Opening Date	08/17/2022
Final Date to Submit and Certify an Application	08/31/2023 at 5:00PM CST
Earliest Project Start Date	09/01/2022

Project Period

Projects must begin on or after 09/01/2022 and may not exceed a 3-month project period.

Funding Levels

Minimum: None

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funds may only be used for agency-incurred costs associated with sending peace officers to ALERRT training; including:

Peace Officer Overtime. Overtime costs incurred by the agency to backfill peace officer shifts for officers who are traveling to attend ALERRT training.

Travel Expenditures. Mileage, registration fees, incidentals, or other related travel costs incurred by the law enforcement agency to send peace officers to ALERRT training.

Training Stipends. Agencies that are hosting ALERRT training courses may offer training stipends to other local law enforcement agencies to send their officers to the host site location.

Program-Specific Requirements

Eligible Officers. Grant funds may only be used to offset travel costs for peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency.

ALERRT Minimum Standards. All training courses must meet [ALERRT training requirements](#); which includes both Direct Delivery and Indirect Delivery options:

- **Direct Delivery:** The list of upcoming training courses can be found on ALERRT's [Upcoming Courses Catalog](#).

- Host sites must be coordinated and pre-approved by ALERRT. Hosting requests can be submitted via the [Hosting Request Form](#).
- Indirect Delivery: Indirect courses must be delivered by an ALERRT Train-the-Trainer certified instructor and pre-approved by ALERRT.
 - Please contact Zane Childress, Logistics Coordinator (childress@alerrt.org) for more information about the Indirect Delivery Program.

NOTE: Agencies will be required to provide copies of ALERRT training certificates prior to receiving reimbursement for approved expenses.

Eligibility Requirements

1. Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [Cybersecurity Training Certification for State and Local Governments](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources [Statewide Cybersecurity Awareness Training](#) page.
2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.
4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make

Funding Announcement: ALERRT Travel Assistance, FY2023

themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2023 or the end of the grant period, whichever is later.

5. In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS's Sexual Assault Evidence Tracking Program website for more information or to set up an account to begin participating.
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database and have an UEI (Unique Entity ID) number assigned to its agency (to get registered in the SAM database and request an UEI number, go to <https://sam.gov/>).

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the Guide to Grants or any of the following unallowable costs:

1. Any costs ancillary to peace officer travel expenditures or backfill overtime, such as policy development, equipment, and indirect costs; and
2. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

Application Screening: The Office of the Governor will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: The Office of the Governor will review applications to understand the overall demand for the program and for significant variations in costs per item. After this review, the Office of the Governor will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-

share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

Final Decisions: The Office of the Governor will consider these factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, or state government priorities and strategies, legislative directives, need, geographic distribution, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

RESOLUTION #2022-_____

A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION'S FY2023 ALERRT TRAVEL ASSISTANCE GRANT PROGRAM; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept and administer the Office of the Governor, Public Safety Office, Criminal Justice Division's FY2023 ALERRT Travel Assistance Grant Program, which provides funding to offset law enforcement agency-incurred travel costs for sending peace officers to Advanced Law Enforcement Rapid Response Training (ALERRT) training as described in the grant information; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project as required by the grant application, if any, though no match is expected at this time; and

WHEREAS, to support the safety of officers and citizens, the City would like to use grant funds as allowed by the grant (ie, categories such as overtime, personnel costs, travel expenditures & training stipends); and

WHEREAS, the City agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

WHEREAS, the City of Kingsville has previously applied for similar grants that assist with improved officer and citizen safety; and

WHEREAS, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, alter or terminate the grant on behalf of the applicant agency.

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

I.

THAT the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the Office of the Governor, Public Safety Office, Criminal Justice Division's FY2023 ALERRT Travel Assistance Grant Program.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the Office of the Governor, Public Safety Office, Criminal Justice Division's FY2023 ALERRT Travel Assistance Grant Program, including but not limited to any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 11th day of October, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6

**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: October 11, 2022

SUBJECT: Consider authorizing and approving Phase II of 2021 City-Wide Miscellaneous Concrete and Drainage Improvements Project (Bid# 21-11) and Change Order No.1.

Purpose:

The purpose is to authorize moving forward with 2021 City-wide Misc. Concrete and Drainage Improvements Project – Phase II for the drainage improvements along W. Sage Road between N. Armstrong St. (FM1898) and Young Drive, since the contractor has successfully completed Phase I of the project. The project will also include awarding Change Order No.1 for the remaining work on W. Kenedy Ave.

Summary:

Original bids were received on August 3, 2021, and the project was then split into two phases. The original construction cost for work on W. Sage Road (Alternate Bid No. 1) and including Alternate Bid No. 2 was \$211,091.70. The contractor recently submitted a revised construction cost of \$259,962.27 due to the increased material and fuel prices caused by inflation since the item was bid out in 2021. The cost increase is 23%. This revised cost is still under the original bid of the second lowest bidder. The prices have been verified and justified with the current market prices.

Original Contract Amount Revised	\$259,962.27
<u>Add Kenedy Avenue Amount (CO No. 1) +\$ 9,645.50</u>	
Total Contract + Change Order No. 1	\$269,607.77
<u>Original Contract Amount Revised</u>	<u>-\$259,962.27</u>
Change Order No. 1 Amount	\$ 9,645.50

Original Contract Time (calendar days)	90 days
<u>Change Order No. 1 (calendar days)</u>	<u>+30 days</u>



**City of Kingsville
Engineering Dept.**

Original Contract + CO No. 1 120 days

Per the General Conditions of the Contract, City may order the Contractor to proceed with desired unit prices specified in the Contract, provided that in case of a unit price contract the net value of all changes does not increase the original total amount of the agreement by more than twenty-five percent (25%). Here not more than \$64,990.57.

Background:

On August 3, 2021, the city received two (2) bids for Bid #21-11: City-Wide Miscellaneous Concrete and Drainage Improvements Project, which were publicly opened and read. Bidder 1 was A. Ortiz Construction and Paving, Inc. from Corpus Christi, Texas. Bidder 2 was Etech Construction, Inc. from San Antonio, Texas. The total bids (base plus alternate no. 1, and 2) ranged from \$597,808.70 to \$1,115,682.00. This project was awarded on August 23, 2021, to the low bidder Etech Construction, Inc. The total project exceeded the Contractor's bonding capacity, so it was proposed to create two phases. Phase I includes the base bid in the amount of \$386,717.00. Phase II includes Alternates 1 and 2 in the amount of \$211,091.70. The sum of Phase I and II equals \$597,808.70 as previously awarded. Phase II will be authorized once the contractor has successfully completed the work in Phase I.

Financial Impact:

Authorizing Phase II and Change Order No.1 which will be funded by Fund 055 Utility Storm Water Drainage Fund in the amount of \$269,645.77.

Recommendation:

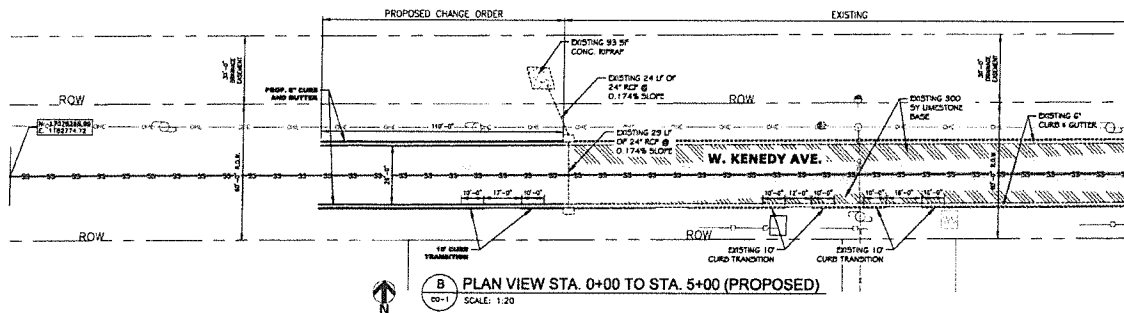
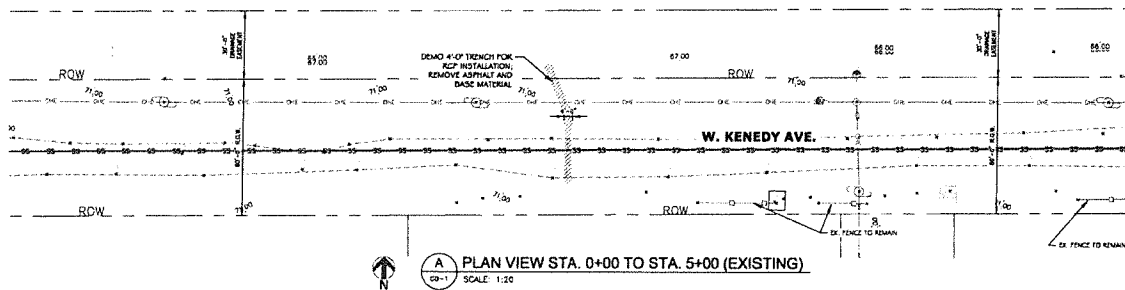
Staff recommends authorizing Phase II (W. Sage Road) and approving Change Order No.1 which adds drainage improvements to W. Kenedy Ave. in the amount of \$269,645.77 and 120 days for the total contract price and calendar days for Phase II.

Attachments:

Change Order No.1
Change Order Exhibit



DRAFT



CITY OF KINGSVILLE
 ENGINEERING DEPARTMENT
 400 W. Main St.
 Kingsville, Texas 78343
 Office: 361.595.8007
 Fax: 361.773.8053



Drawn by: M. MEDRAMO
 Date: 02/25/2021
 Checked by: R. MOHA
 Job:
 Scale: AS NOTED

**2021 CITY-WIDE MISCELLANEOUS CONCRETE
 AND DRAINAGE IMPROVEMENTS**
W. KENNEDY AVE. - MAY ST. TO DEAD END
PLAN AND PROFILE STA. 0+00 TO STA. 5+00

**SHEET
 CO-1**

RESOLUTION #2022-_____

A RESOLUTION AUTHORIZING PHASE II AND CHANGE ORDER #1 FOR THE CITY-WIDE MISC. CONCRETE AND DRAINAGE SYSTEM IMPROVEMENTS AGREEMENT BETWEEN THE CITY AND ETECH CONSTRUCTION INC.; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville (City) intends to make some city-wide miscellaneous concrete and drainage improvements and went out for bids via BID #21-11 which was advertised on July 15, 2021 and July 22, 2021;

WHEREAS, the City received two bids on August 3, 2021 responsive to BID #21-11 and after reviewing the bid submittals staff recommended BID #21-11 be awarded to the bidder scoring the low bidder providing the best value to the City, which was Etech Construction Inc. (Etech) ;

WHEREAS, the City awarded BID#21-11 to Etech at a Commission meeting on August 23, 2021;

WHEREAS, the City and Etech worked to prepare two contracts for City-wide Miscellaneous Concrete and Drainage Improvements and the parties both agree to the terms of the proposed contracts for the base bid (Phase I) of \$386,717.00 and for alternates no. 1 & 2 (Phase II) of \$211,091.70, which together is a total amount of \$597,808.70, with the contracts being approved by City Commission via Resolution #2021-70 on October 12, 2021;

WHEREAS, due to inflationary cost increases for materials and fuel prices since the time the bid was awarded until now when Phase II is to be started, the total cost for Phase II needs to be adjusted to \$259,962.27 which is still under the original bid of the second lowest bidder;

WHEREAS, work on Phase I has been completed so staff is recommending the contractor proceed with Phase II and Change Order #1 to add drainage improvements to West Kenedy Avenue in a total amount of \$269,645.77 with a contract time of 120 calendar day;

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

I.

THAT the City Commission approves and the Mayor is authorized and directed as an act of the City of Kingsville, Texas to authorize Phase II and execute Change Order No.1 for Phase II of the Standard Form Agreement between the

City of Kingsville, Texas and Etech Construction Inc. for City-wide Miscellaneous Concrete and Drainage Improvements as per staff recommendation and 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
11th day of October, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CHANGE ORDER NO. 1
2021 CITY-WIDE MISCELLANEOUS CONCRETE
AND DRAINAGE IMPROVEMENTS - PHASE 2



BASE BID CONTRACT AMOUNT

WORK ACTIVITIES	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
6" "L" Curb and Gutter	203	LF	\$ 44.50	\$ 9,033.50
2' Concrete Valley Gutter	17	LF	\$ 36.00	\$ 612.00
Total				\$ 9,645.50

PHASE II BASE BID TOTAL	\$ 259,962.27
ADD - W. KENEDY AVE. (CHANGE ORDER)	\$ 9,645.50
ORIGINAL CONTRACT + CHANGE ORDER NO. 1	\$ 269,607.77
ORIGINAL CONTRACT	\$ (259,962.27)
CHANGE ORDER NO. 1	\$ 9,645.50

ORIGINAL CONTRACT TIME (CALENDAR DAYS)	90 DAYS
CHANGE ORDER NO. 1 (CALENDAR DAYS)	30 DAYS
ORIGINAL CONTRACT + CHANGE ORDER 1	120 DAYS

Contractor's Authorization

Contractor's Signature

Date

Engineer's Recommendation

Engineer's Signature

Date

City Commission Approval

Mayor's Signature

Date

AGENDA ITEM #7

Courtney Alvarez

From: Courtney Alvarez
Sent: Friday, September 30, 2022 12:14 PM
To: Mark McLaughlin
Cc: Mary Valenzuela
Subject: RE: Out of state travel

Yes sir. It is on the 10/11/22 meeting agenda with travel dates October 16-19, 2022.

Thanks,
Courtney

-----Original Message-----

From: Mark McLaughlin <mmclaughlin@cityofkingsville.com>
Sent: Friday, September 30, 2022 9:58 AM
To: Courtney Alvarez <calvarez@cityofkingsville.com>; Mary Valenzuela <mvalenzuela@cityofkingsville.com>
Subject: Out of state travel

Courtney and Mary,
Appears as if we have some solid meetings in Washington D.C. on 17&18October. Mayor, myself and Manny will need out of state travel approval on the 11 Oct meeting please. We will be traveling with Dick Messbarger. We have a confirmed meeting with Commander, Naval Installations Command, VADM Lindsey at the Navy Yard.
Thank you
Mark

Sent from my iPhone