

MAY 23, 2022

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 23, 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  
Ricardo Torres, Police Chief  
Emilio Garcia, Health Director  
Charlie Sosa, Purchasing Manager  
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  
Janine Reyes, Tourism Director  
Diana Gonzales, Human Resources Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S)**

None.

**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, 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 provided the Fiscal Year 2021-2022 Second Quarter Investment Report to the City Commission. He stated that the City of Kingsville is sitting financially strong. He further reported that the Kingsville Chamber of Commerce is hosting a State of the City on May 25, 2022, in the ballrooms of the Student Union Building located at Texas A&M University-Kingsville.

Ms. Courtney Alvarez, City Attorney reported that a special City Commission meeting is scheduled for Tuesday, May 24, 2022, at 4:00 P.M. Also scheduled is a workshop on



Friday, June 3, 2022. The next regularly scheduled Commission meeting is set for Monday, June 13, 2022.

Ms. Margaret Somereve, Executive Director for Texas Coalition of Affordable Power (TCAP) presented the City of Kingsville with a Founding Members Trophy.

Mayor Fugate presented a proclamation for Flood Awareness Week.

Commissioner Alvarez commented that she would like to clarify something as there have been two posts that have been made by Judge Madrid that mentions her name. She continued to state that the first one states that she was against the re-doing of the JK Northway parking lot. If the Judge would have stayed for the rest of the meeting two weeks ago, he would have heard that I am not against it. She further commented that the latest post, which was sent out early Friday morning, and by the way, it was sent out before the agenda was even posted and she didn't even know what was on the agenda, or before when I saw this post. She further stated that she is going to quote the comment, "City Commissioner Norma Alvarez has teamed up with City Commissioner Hector Hinojosa and City Commissioner Ann Marie Torres. Commissioner Alvarez commented that this is not her first rodeo as she has been a City Commissioner for four years in the late 90s and County Commissioner for eight years and knows how this works. Alvarez further commented that she does not team up with anyone and no one teams up with her and commented that she makes her own decisions. Alvarez further stated that the Judge went on to say and I read, "The City obligated several years ago to re-do the entire parking lot if the county refurbished the JK Northway." She further stated that the JK Northway is not completed yet and now, on Friday I attended the COG meeting where I asked about the grant. They received \$5 million, but it's only to be used for a new building that will be attached to the coliseum, which is to help 14 counties. She stated that her question was, 'What are the other counties going to contribute?' The County does not have the money for the parking lots, but they are giving away money. \$10,000.00 for Epiphany School and \$10,000.00 for the Education Foundation. Since when is it legal to give out public money? We need more streets paved, potholes fixed, and the ballpark parking lots re-done. She further stated that Mayor Fugate, at the last meeting said that if we wanted to blame someone for the conditions of the park, we need to blame the county. Well, I am not here to blame anyone, but to see we start working on the fields as soon as possible; with a study and if we need a study for the ballpark fields then we also need a study for the parking lot. She continued to comment that lastly, I will say this again, I am not against re-doing the parking lot. Only when it will be done and with what money. I will be adding an agenda item for the next City Commissioner meeting, for, work to begin on the parking lot, until the new EOC building is built, and the coliseum is refurbished.

Commissioner Hinojosa commented that since his name was mentioned on social media, he makes his own decisions and does not allow anyone to persuade him in any way. He stated that if he wants to say something to someone, he will tell them. He doesn't agree with the money coming from Fund 92 as it is for the streets. He further commented that he would hate for this money to be used for a parking lot and he is not against the city's help, but what he is against is the cost. Is the city going to pay the full amount? Hinojosa stated that the city is hurting as well but doesn't mind helping but the county has skin in this game. They need to come up with the money as they have savings in other items such as a reduction in their insurance fund which was done by Mr. Phil Esquivel. Hinojosa commented that he does not want to hear that the County doesn't have any money and he agrees to 50/50 at this point.

Mayor Fugate commented that this is something that needs to be tended to at a regular meeting.

Commissioner Torres commented that her comment is regarding the Kingsville Record edition of May 19, 2022, Our Opinion, and further stated, I appreciate everyone's opinion but not sure whose opinion it is as there is no name. If it is only the opinion of one person, Mr. Fitzwater, then the column should read My Opinion. She further stated that she would like to clarify some misinformation. She further commented that her name is spelled, Ann Marie. She stated that she knows that she is a Latina, but she is an American Latina. So not all of us are named Anna, so she would like to clarify this. She further commented that the budget did not have a specific budget line item it was placed under the street maintenance and further stated that it was in regards to one of the paragraphs of Our opinion. This is the first I hear of an informal agreement. Now the question that we have is Kingsville citizens and the commission should be asking who made the informal agreement, what was discussed, and who made these decisions without the City Commission. Budget amendments are extremely common, and they are done at City Commissioner's meetings, things change within our city all the time and if you see our city agendas, there are some to consider. JK Northway Regional Emergency, please explain the \$5 million grant for that and its details, but I'll ask that during the agenda items. Will any of the 14 counties be assisting with any funds? Now we all know that heavy equipment, she has driven heavy equipment, can do damage to our streets and our



parking lots. So how will this affect the JK Northway parking lot before it is even complete? Do we know the phase that the JK Northway is in? You don't have to second guess why this matter is being brought forward and it was discussed in agenda item #17 at the last city commissioner's meeting, the one that everyone left before it was even discussed, but I will discuss it again. According to the City Manager in an email I do have from him, there has never been a study for the JK Northway parking lot. So how do we need to have a study done for our park's parking lots and ballparks when one hasn't been done for the JK Northway, but we are ready to proceed with that parking lot. He guesstimated and I will repeat that he guesstimated at \$400,000. He has no concrete evidence of anything that it will cost \$400,000. We have never gone out for a bid, no one has ever attempted to fix that, not the county and not the city; and those are in the count records and the city records. Why not begin a study now since we don't have concrete plans for the JK Northway. What is the rush for the parking lot, when the JK Northway hasn't been completed at all? I know when a home property in Kingsville fixes or changes something they are required to have plans due to city ordinances brought to the planning department, especially for inspection which are very rigorous, and she is aware of that as she has built her home in Kingsville. If the county wants the city to adhere to the budget, then the county should also do that. The counties can promise monies everywhere else, yet they have no money to fix the parking lot. I believe everyone wins when our city streets and our city parks are fixed before a parking lot that has not begun building anything. What is the rush, the JK Emergency Center has not even begun? So, it can't be said that the rush for the emergency center is not even there. I hope this clarifies some things for the Kingsville Record. Our opinion individual or individuals, thank you.

Mayor Fugate commented that he attended Mrs. Helen Kleberg Groves funeral last week. One thing that made him feel prideful is that Mrs. Groves photograph that was displayed as you walked into the church, which was in a place of prominence, and the foyer was full of flowers, and the flowers that the family picked to put next to her photograph, were those sent from the City of Kingsville. He further stated that Kingsville was near and dear to Mrs. Groves heart. She spent a lot of her early youth and time here and was a great philanthropist here, for this particular project which is why the Community Room has been named after Mrs. Groves.

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

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

Mayor Fugate further stated that as we move forward to the public comments on this agenda, he is aware that this is some emotional issue, but we conduct our business in an orderly fashion. There will be no outbursts and no clapping, everyone will have an opportunity to make their comments but ask that everyone be professional about it. Because there are so many individuals that will be making public comments, the Commission will only allow the allotted 3 minutes for comments. This will allow everyone to speak.

Mrs. Elizabeth Ramos, 615 Elizabeth, commented that while she was sitting in this room listening to Mayor Fugate's comments, she noticed a white dog walking along the side of city hall. She further commented that the reason she is here today is that she likes to voice her opinion and allows and encourages it on her Facebook page as a school board member. She encourages citizens to come to their meetings and participate as it means so much more than a comment on social media or a text message to a council member or board member. She further commented that the reason for her being here today is that she woke up this morning with a child who is slightly unruly about getting to school this morning. Under her circumstances this morning, she had to take him outside so that he wouldn't wake up anyone else. While she was discussing going to school today with her child, she was rushed by three large German Shepard dogs into her back patio area. Scared for herself and her son she grabbed him and went inside. As she is doing this, four furry four-legged friends of theirs spread out and start running for it. She further stated that all these things happen in any place where you live, she is not here to file a grievance with anyone as she is aware that the city works very hard, but she is wondering if there is any follow-up to a lot of the communication that has been had from the pet groups in the area. She stated that she thought there were talks about a Mayoral Adhoc group. She went online to voice her opinion about how, oh it's just a dog running around which could be a bit more serious than a dog running around. She stated that they spent three hours not going to school and looking for his favorite pet this morning. Granted that it is not life-threatening, it could be. She believes that someone commented that the dog attacked their cat but is not sure. She further stated that she feels that we need to educate the community and having a group run by you, the city manager would help inform these people about what should be right or wrong. She received some comments such as, you should have had your cat on a leash as if the cat enjoys being on a leash. She further commented that maybe she should have put her kid on a leash while she was out there you know, as that makes total sense. She further commented that she should be a responsible pet owner and not allow her pets out onto her yard, those are the comments she has



received. Mrs. Ramos commented that we have to do better than that and a committee would be a great place to start. Our local businesses being more dog friendly would help. She further commented that the city has a dog park and therefore should keep going, what else can we do to get these dogs out of the house, instead of there being freedom, let me run for it and terrorize a neighborhood. She stated that she has been looking at the agendas and hasn't seen anything, but she would be on board to help with anything like that.

Mr. Kamlish Beca, Quality Inn Hotel owner, commented that he would like to say thank you for making the right decision that will be held today, financially. He further commented that he and other hoteliers are in support of all efforts to complete the upgrades necessary for the JK Northway. This can host various events which help the entire Kingsville businesses in the community. As a hotel owner, he can assure that they will see a positive impact on hotel stays when large events are hosted at the JK Northway facility. He further commented that not only are they benefitting from this, but the community at large sees an impact when visitors eat at our restaurants and shop at our stores. He further commented that they are in full support of Kleberg County together with the City of Kingsville to upgrade to the JK Northway Exposition Center.

Mrs. Dianne Leubert, 715 W. Nettie commented that she is the President of Kingsville Animal Advocates, and she would like to know if everyone here thinks that it's going well with the city's animal control. In the last two to three weeks there have been over 11 dogs killed and she believes that there are five to seven or eight coming up on Friday. She stated that they are not sitting on their duffs. Kingsville Animal Advocates has over 30 animals right now that they keep out of the pound leaving. They spend thousands of dollars in this community to help save animals. They have parvo puppies and a cruelty or abandonment case at this time. She further commented that they are fighting and working with these animals. She further asked that she like to know what the city has done. What has animal control and the City of Kingsville done to improve anything in the last 10 years, besides putting stuff on paper and saying hey, we are going to be doing this; and yet, what is going on? Mrs. Leubert stated that we have had opportunities and people who have begged to help, begged to give information, begged to come and speak to the Commission, and do anything that they can to help, but no, they are doing just fine.

Mr. Rudy Madrid, Kleberg County Judge, commented that he would like to address the comments that were just mentioned. He stated that the county never said it didn't have any money, as they do have money. They worked very hard for this community to make money, and the county's finances will prove this to the Commission. He further commented that they work very hard for grants that the city gets to take advantage of as well, which has been proven time and time again. He stated that they have a Regional Emergency Operation Center and a Regional Law & Fire Rescue being built right now as well as a beautiful expo center that is being built. He challenges every one of the commissioners to come out. He stated that last week when he attended the Commission meeting, he told the Commission to come out and look at the progress and if there were any questions, he would walk them through it and show them where they are at. He stated that the City Manager has visited with him multiple times and knows where they are at on the progress of the project. He commented that everyone keeps saying about the timeline and that it's not even built, they are working hard every day. It's going to be built according to the City Manager's timeline. Both Mayor Fugate and Commissioner Lopez came out to see the progress, but not the other three commissioners. He further commented that they had a meeting with Commissioner Torres, but she canceled 30 minutes before the meeting. He stated that he had a proposal to assist her with the parks. He further stated that the city roads and the parking lot are near and dear to them as well, and he had a proposal for her. He stated that it is right, the county park was left in disarray 9 to 10 years ago before he came to Kleberg County then it was given to the city. He further stated that the county gives the city \$500,000 a year to maintain it and he hasn't seen anything done yet. He also commented that Commissioner Alvarez was a County Commissioner when the county-owned it and went bad, so she can be at fault for this as well. He stated that what she has done as a county commissioner he has no idea as she didn't do anything for the county, and she is proven what she is doing for the city. He stated that when it comes to Commissioner Hinojosa, he knows for a fact what he and Commissioner Alvarez have been saying about him, which will be kept for another day, another authoritative body, but right now he will tell both of them, if they know what is best for them they will recuse themselves tonight as he knows what they have done and at this time they are in violation of their fiduciary duties. He stated that they need to be voting on behalf of Kleberg County, citizens, and taxpayers and not about their personal beliefs about him. He further stated that he is sorry that Commissioner Alvarez's husband decided to run for County Judge, let him wear his boots, and run against him, he's got this. Mr. Madrid further commented to Commissioner Hinojosa that he should be ashamed of himself as you give the eucharist at church. He also commented to Commissioner Torres that



he loves her to death and has grown up together and he wanted to make her an offer as he sees how important the parks are, he gets this. He further stated that the parks belong to the city, and he had an offer for her to assist the city in putting the parking lots together which the county is willing to assist with that, but if she would have shown up at the meeting today, he would have let her know of his plans. Together they could have come to this meeting and said that we fixed it and we will be getting both done. Mr. Madrid further stated that as of the city's road budget, the city was in budget workshops, and it should have been figured out during budget workshops. You don't wait until the middle of an emergency operation project to decide to defund it. He commented that this is for our kids, and we are fighting for the same kids that use it. With all of the money that this project is bringing in and the safety value that it puts on the community, you just can't put a price on safety. He stated that they worked very hard to make this happen and have so many people involved in this. He commented that Mrs. Groves would be so upset if she knew that this was going on, as he guarantees that she would be the first one here in support of this as she is the one who gave the idea to move it to the JK Northway. He commented that he is aware that his comment time is up and wishes that he had more time to speak about this and hopes to get called during the agenda meeting, and he is here in support of the taxpayers as they deserve it. He further commented that he is sorry that the Commission doesn't feel that giving money to schools is important, he does, and they did that the first time during COVID to help the school district to give each school district \$10,000 and will do it again this year and is sorry that Commissioner Alvarez doesn't approve of that.

Mr. Terry Fitzwater 231 E. Kleberg commented that he apologizes for misspelling Commissioner Torre's name but doesn't ever play the race card with me. He has five Hispanic women working for him and to say that this was racially motivated is an insult to him and it's below her dignity. He further commented to not ever do that again. Mr. Fitzwater commented that he is here today to say that the newspaper will support any project that the city does for rehabilitating the parking lots. He visited the area and spoke with baseball coaches this weekend. What he was told is that it needs to be done, but what they are more worried about is the speed that is going through there. It is not about the parking as they are worried about kids running between cars. It is not parking, it's the speed that people are traveling. He further commented that he urges the Commission to keep on track of what they are doing. The Commission had it in budget workshops, voted on it, and approved it. He stated that he is not going to speculate as to the real reason this is coming up at this time, but the Commission had all this time to go through it and Mr. Madrid has received a lot of money from the State to get this project done and wants it done by the end of the year. To put \$150,000 in the streets and is sure that the city manager will not have to guesstimate as he will tell you that he can't do an entire street on \$150,000. To say that this is for streets, there is another reason here. He commented that it isn't for streets, support what the Commission has agreed to do, and do not sully the city's reputation by going back on a deal that was made. Mr. Fitzwater commented that Mayor Fugate made the deal, and he owns up to it as he called him and asked him and admitted that they made it. He further commented that the Commission knew about this when it came up for budget workshops and doesn't believe anybody stating that this was the first you have heard of this last week or read about it in the editorial. He further commented that the editorials are not assigned, they are in the position of the paper, the column he writes. Mr. Fitzwater commented that he urges the commission what they said they would do over a year ago, follow through and keep the city's reputation so that when they make an agreement and they make a promise, you keep it as he hates to be Manny Salazar if the commission turns down this agreement that has been made or put it off and Mr. Salazar has to bring in a business or try to bring in a business to town. He further commented that the Commission's promises aren't worth the paper for its written on as it will only have detrimental effects down the road.

Mr. Lance Hamm, 912 South Creek commented that he would like to thank the City Commission, Judge Rudy Madrid, County Commissioners, and all Independent School Districts in this community as it was a community effort to help out with agenda item #4 in tonight's agenda for 45mph on the highway. He further commented that he is here primarily today to go back to the discussion he had about the City Attorney's comment about the March 28<sup>th</sup> item #8 on the agenda. He further commented that the last time he was here he spoke about the City Attorney's comment about liability. It's never going to be on the city's liability for a speed limit on the Texas highway or US highway as it is not possible. Mr. Lance stated that today he is here to speak about her other comment which was that the study shouldn't have been done because there is no speed study and the fact that she said that we have absolutely no basis of fact for setting that limit. Mr. Hamm commented that he believes that this is false. Mr. Hamm stated that you have her opinion, and you have his opinion, and his opinion is based on fact. He further stated that TxDOT does a speed study and is based on planning. They plan that construction zone years in advance where there are distances, speeds, and times which is all math on paper and basis on fact. He stated that he was out there walking



the project and although we got 45mph, what he would like the commissioners to do is that the next time the commission speaks to TxDOT to say is 45mph within all the standards for safety for 6,000 vehicles a day or is there some exception that TxDOT used to get down to 45mph. he further asked what those exceptions are. He stated that right now we have decel lanes coming into the RV Park and South Creek Subdivision that are below standards. They are not safe. The RV Park has about 300 feet of decel lane. He stated that his neighbors in South Creek have 125 feet. He further commented that if you look at the TxDOT numbers in their manual's basis of fact. It is well below what is required for safety. For South Creek, 125 feet at 45 mph an hour they need 345 feet. He stated that there is your exception and basis of fact that the speed limits they were going to initially set at 55mph were way out of the window. The speed limit of 45mph goes us closer but with 45mph they need 345 feet, and they have 125 feet. He stated that even if you go down to 35mph, their manual, their study, and books say 160 feet. He stated that it still doesn't meet the safety standards of the TxDOT manual. Mr. Hamm stated that the email he sent the commission on January 8<sup>th</sup> when he went through A through G items are all the basis of fact items that the commission needs to ask TxDOT if that highway meeting those standards based on those seven items. Are there any exceptions to their project and their 45mph?

Mr. Filemon Esquivel 1232 E. King Ave commented that he knows that there is an issue tonight, but the bottom line is we are all in this together. It is a good situation right now, the city is getting some money of \$5.9 million that the city wasn't expecting that Judge Rudy Madrid assisted in getting for the city, and the county receiving \$5.4 million so everyone knows that there will be money available. Mr. Esquivel stated that the bottom line is that the only way we will go forward, Kingsville in general, the county, city, and school district is that the only way we are going to get better is by working together. He stated that if you agree with an agreement, you have to follow through with it as the county judge is on a timeline and he has seen this man work and how he makes things happen. He further stated that he is a good leader, a lieutenant commander, and an advanced nurse practitioner. He stated that this individual went from a negative budget to a positive budget. He has about \$9 million in surplus when they never had that before. He changed the Exxon building into a \$400,000 expense and now it is a \$400,000 rental income revenue coming to the county. Mr. Esquivel further commented that the county judge knows what he is doing. He stated that all he is asking is that the commission trust him. If you don't trust him then hang out with him and go and see what he is talking about and you will soon realize that there is a big picture to it all. Mr. Esquivel further stated that when this becomes the Emergency Management Center, they will be training being done which they will be staying in hotels and eating meals here. When there are large softball tournaments the kids will have a place to go to stay in a nice cool area rather than staying out and about. Mr. Esquivel further stated that all he is asking for is for everyone to work together and back each other up and stick to the plans that were agreed upon. He further that the county, city, and KISD are doing a good job.

Cindy Palljio, 470 West Private Road 2137 commented that she lives in Kingsville and has 3 boys that grew up here and they are livestock show people. The JK Northway is very dear to them as they have spent many hours there. She further commented that she is part of a group that runs the JK Northway three weekends out of the year and has been part of this group for ten years with the group being in existence for more than 15 years. She further stated that every year they do research and hire judges and people to come in and speak to the hotels and book the judges into the hotels. Every time there is a show the hotels are booked. She further stated that they know that restaurants are packed, and people are shopping. She stated that if she had to guess, they are probably the largest group that rents the JK Northway every year. She also stated that their county livestock show brings many visitors into the city and spends their money at local stores. The livestock show brings in lots of money into the city along with the art show that she is part of.

Mr. Billy Tiffie, 2714 Franklin Adams commented that he grew up in this town and played baseball, showed livestock, and rodeo out there. The facility is far behind and you can go to other towns this facility is far behind. He further commented that when Judge Madrid first was elected he didn't know much about him and wasn't high on him. He stated that he has been very impressed with what Judge Madrid has done. He has worked hard and is the only one in a lot of years that has tried hard to do something that is needed to be done for 30 years. Judge Madrid is the first individual to try and get it done. Mr. Tiffie commented that he stands behind Judge Madrid.

V.

#### **Consent Agenda**

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

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item*



or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

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

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

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

**1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Hoffman Addition, Block 7, Lot 20-21, also known as 200 Block E. Miller, Kingsville, Texas, from C4 (Commercial District) to R1 (Single Family Residential District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend ARP Funding for a Golf Course Greens Project. (Parks Director).**

**3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend scoreboard sponsorship donations on associated costs. (Parks Director).**

**REGULAR AGENDA**

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

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

Mayor Fugate asked that if there were no objections, he would like to move agenda item #9 before item #4. No objections were made.

**4. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, setting the speed limit at 45 mph on US Highway 77 By-pass southbound frontage road from 702 feet south of FM 1356 (General Cavazos Blvd.) to the southern city limits of Kingsville. (Pursuant to TxDOT study) (City Engineer).**

Ms. Alvarez stated that just for clarification for the City Commission, she understands sometimes that the law isn't easy to understand or follow if you are not certified or in the field, but the Texas Transportation Code, as she has emailed the mayor and one of the Commissioners, state that for a roadway that belongs to the State, any roadway in the State's highway system, i.e., the highway or access road to the highway is for them to set the speed limit and only after an engineering and traffic study. Mayor Fugate commented to Ms. Alvarez that she did not have to defend herself. Ms. Alvarez continued with her clarification and further stated that there is a reason why an opinion was given to the commission every time this item has come up and she still stands by that decision, of the advice that she gave. The commission should not have to adopt a speed limit before a speed study is done because doing so would have violated state law.

Mayor Fugate commented that he appreciates Ms. Alvarez and value's her advice. He did not take any significance to the comments that were made at the podium. He knows that what she is telling the Commission is correct. The city received the speed study now and the speed is recommended at 45mph, which should make everyone happy. This item will be brought back at the next meeting for a final vote.

Introduction item.

**5. Consider accepting donations for Parks Department Healthy Family Events and Kingsville Parks Youth Pony League Sponsorships. (Parks Director).**

**Motion made by Commissioner Alvarez to accept the donations for Parks Department Healthy Family Events and Kingsville Parks Youth Pony League Sponsorships, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".**

**6. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations for recreational programs and league sponsorship. (Parks Director).**

Introduction item.



**7. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to expend Tourism ARP funding for the Train Depot to be painted. (Tourism Director).**

Ms. Janine Reyes, Tourism Director stated that the Train Depot needs a fresh coat of paint. The Purchasing Manager has budgeted some improvements that are ongoing and due to lack of funds, power washing and painting of the building had not yet been budgeted. It is the staff's recommendation for the Commission to approve the use of ARPA funds for the power washing and painting of the Train Dept. Ms. Reyes further stated that she would like to mention that the memo submitted for this agenda stated that the lowest bid amount was \$12,900, but the correct amount is \$12,500.

Commissioner Lopez commented that as for the lowest bidder, she didn't see that they had insurance.

Ms. Reyes responded that she worked with the purchasing manager and is not sure if they did or not.

Commissioner Lopez commented that she would check with the purchasing manager on this, as this is only an introduction item.

Commissioner Hinojosa commented that if the cost is \$12,500 then the ordinance would need to reflect this amount as it shows \$12,000.

Mrs. Deborah Balli, Finance Director responded that the amount would be corrected for final approval at the next meeting.

Introduction item.

**8. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate an additional cash match due to rising costs of equipment covered by the Criminal Justice Division Grant for body worn camera for hardware and software for downloading and storing camera footage. (Police Chief).**

Mr. Ricardo Torres, Chief of Police stated that his department applied for this grant back in October, and unfortunately due to inflation, the cost increased by \$10,457.46. He stated that he did reapply to the grant to see if they would give him a budget adjustment, and they refused it, so now the city's match is an additional \$10,000 making it \$41,107.30 with the cash award \$91,049.54.

Introduction item.

**9. Discuss and consider the JK Northway parking lot paving plan and redirect the money from parking lot paving to additional city street paving projects per the recommendations of the City's Capital Improvement Program Manager and the Public Works Director. (Commissioner Hinojosa).**

Commissioner Hinojosa stated that a budget is a document that can always be changed. You must consider the money coming in and see how it will be spent. He further stated that fund 092 is for streets. It doesn't say anything about parking lots. Citizens are paying \$6.00 on their water bill for the city to repair the streets. He further stated that he understands that the JK Northway needs repairs, but it is not city property, but the city is willing to assist. Hinojosa stated that he is not against the parking lot at the JK Northway, it's just the source of funding for that project. He doesn't think that the project should be paid from fund 092. He stated he doesn't think the city promised to pay for the entire amount and the city needs to see what the cost for this project will be. He further stated that there has to be a limit that he is willing to assist with. He also stated that emergency management is the county's responsibility, and he doesn't mind helping out but are other counties assisting with this project? He commented that everyone needs to assist and not depend on the city.

Mayor Fugate commented that he thinks that the city has the money to do both projects and further asked Mr. McLaughlin if the city had enough funds to do all the parking lots at both the JK Northway and ballparks?

Mr. McLaughlin responded no, not for all of them, not in this fiscal year's budget. He further stated that there is a lot to the parking lots and the staff hasn't decided on the scope of work. There are about eight parking lots in the JK Northway area and the decision needs to be made as to which ones will be done and do they need curb and gutter. Staff will need elevations and flows for rainwater runoff. If you just build on top of them, we may move water where we don't want it to go. The decision of what exactly needs to be done and how the commission may want it done needs to be made.

Mayor Fugate asked for the cost to do the JK Northway project.



Mr. McLaughlin responded that the estimate is \$157,000 to do the three parking lots of the JK Northway-based hot mix overlay at \$12 a square yard. This was predicated on the numbers they did last year. He stated that his estimate is around \$157,000 to \$200,000.

Mayor Fugate asked that if the city commits \$157,000 to this project is the county going to pick up the balance?

Mr. McLaughlin stated that when it was discussed in the budget workshop last year, staff outlined those streets that were the highest priorities and if the city gets to a point, and the County Judge says that he is ready for the parking lot to be done, the city will put in the parking lot and see how much money is left over and continue with streets or we are done. If the judge was not ready for the parking lot, then the city would continue down the street list.

Commissioner Alvarez asked Judge Madrid if he told the city manager that the JK Northway was ready for the parking lot and further asked him how it could be ready if the building was not ready?

Mr. Madrid responded that this week they have already shelled the east side of the JK Northway which took one week to complete. According to the city manager's timeline, it wasn't going to be for several months. He further stated that when you speak about heavy equipment, the heaviest equipment comes from shelling. He stated that his contractor will be done with the shelling by July. He stated that they will be going out for bids for the exterior building, and there will be no heavy equipment required for that.

Commissioner Alvarez asked if they would need to pour cement for the exterior building?

Mr. Madrid responded yes, they will need to pour cement but the reason they are building the parking lot is, aside from being a parking lot for the expo center, that is an official FEMA staging ground for heavy equipment for FEMA, AgriLife, Texas Forestry, fire rescue, and law enforcement for pending hurricanes. Madrid stated that they have the exterior rodeo arena that the county paid for and wasn't part of this deal. He further stated that they have a financial plan put together where it pays for itself and a little cost to our taxpayers. He further stated that the inside of the facility does not have much to go for completion. He further stated that they removed the old fence arena, which was not part of the deal, and they had their welder weld a new rodeo arena. Madrid further discussed the findings that were discovered when they took off the old shell from the facility and found a two-pane wall with 50-year-old insulation which was not part of the budget. It was recommended to remove the insulation out and place good insulation with new panels. He further stated that the county paid for the entire cost of this.

Mayor Fugate asked if the city puts in \$157,000 can the county pick up the balance. Mr. Madrid responded yes. Mayor Fugate further asked if staff had another fund where this money could come from this fiscal year.

Mr. McLaughlin responded that the city could use HOT Funds and then reimburse the Tourism Department with ARPA money, but before doing this, staff would need to ask the experts if this is something that can be done with this fund.

Commissioner Hinojosa commented that ARPA money could not be used for parking lots as they are not considered streets.

Mr. McLaughlin responded that when ARPA money first came about, it was not to be used on streets or for street maintenance. He further stated that they have come back and said that if you tear up streets for whatever reason, you can repave your street. He stated that there are a lot of cities that are taking great liberties with that, but not our city. He further stated that the street maintenance that is being collected from both residential and commercial, is to maintain the street system which is something out of the ordinance. The ordinance states that the street system means, structures, streets, right-of-way, bridges, alleys, and other facilities within the city limits that are dedicated to the use of vehicular traffic, the maintenance and repair of those facilities, and the operation administration of such maintenance and repair under the street preservation program. He further stated that by that definition, the street maintenance fee is not just for streets as it has other things you can use it for which is why he was going to use the street maintenance for the JK Northway parking lot.

Commissioner Hinojosa asked if it can be used for any property or particular property?



Mr. McLaughlin responded that the street maintenance fee would be used for the general public use.

Commissioner Torres asked if Mr. Bill Donnell, Public Works Director had visited the ballparks? Mr. McLaughlin responded that he is not aware of Mr. Donnell had visited the ballparks. Commissioner Torres further asked if what staff had stated was that the cost to do the ballpark parking lots was going to cost \$150,000 to \$200,000.

Mr. McLaughlin responded that as for the ballparks he has no idea. Staff would need to measure those and is not aware of which fields the commission wants to do. He further stated that the one ball field parking lot, which is the one that starts at Escondido and goes back to the boy's field, is twice the size of the JK Northway parking lots combined. All that is going to be done at the JK Northway is hot mix over an existing parking lot that he knows has taken the stress of heavy equipment and vehicles as you can see the parking lots that are by the ball fields have grass-growing up through them so you can amply that the roots growing up through them you can only say that underneath is dirt. Mr. McLaughlin further stated that he is not aware of what the base is for those parking lots and is not sure what staff can do, it would have to be thoroughly researched by the city's engineering department.

Commissioner Torres asked if the JK Northway has been thoroughly researched? Mr. McLaughlin responded no; it hasn't been thoroughly researched but they have a parking lot already that needs to be resurfaced with a layer of asphalt on top of it. It holds up now or it would be crushed by now. McLaughlin further stated that this is not the issue, having to determine if their parking lot can handle big trucks as it has already been proven that it can. Commissioner Torres asked if without damage? Mr. McLaughlin responded that they don't appear to be damaged now, except for where it doesn't exist on the backside. Commissioner Torres again asked if it didn't appear to be damaged? Mr. McLaughlin responded no, as there are no ruts that he can see. Commissioner Torres asked none? Mr. McLaughlin responded that he can say none, but he thinks that this parking lot is easily correctable to what Judge Madrid wants by throwing a hot mix on it. Commissioner Torres stated that as you enter, you enter the JK Northway there is a large depth, it is cracked in that area, and asked how you could lay hot mix over that? Mr. McLaughlin responded that they go through and fill in all the potholes and fill in all the cracks.....Commissioner Torres commented that she has seen this. Mr. McLaughlin continued his comment and stated that the hot mix overlays the whole thing so that water doesn't get into it and cause more potholes in the future. Commissioner Torres further asked that if the hot mix was to go on there, what is the next phase for the JK Northway?

Mr. Madrid responded that the next phase for the JK Northway, is not the county's phase, that is the city's phase. He further commented that they are continuing work on the JK Northway, and it is 70% complete on the interior of the building and they are also beginning work on the exterior of the building, the shelling of the exterior. He further stated that they have the outdoor arena, which is a project that project is starting now, and the team is working with the city's permitting and fire staff on this project. Mr. Madrid further stated that the county will be going out for bids in mid-June and beginning the build of the external classroom which will be connected to the JK Northway on the front side.

Commissioner Torres asked if no heavy equipment will be used for this project?

Mr. Madrid responded that aside from a cement truck.

Commissioner Torres further asked how much a cement truck weighs?

Mr. Madrid responded if Commissioner Torres was asking him this question, as he is not Google or Alexa to be able to answer her question.

Commissioner Torres responded that a cement truck is extremely heavy and if they are going through a parking lot day in and day out, not including other projects.

Mr. Madrid commented that it is for one day and will be done at 4:00 a.m. and out by 11:00 a.m.

Commissioner Torres commented that what she is talking about is the heavy equipment. If the city will be laying hot mix on the parking lot, the city will have to go back and do it again if the heavy trucks will be using the parking lot.

Mr. Madrid responded that the city won't be responsible for it. If there is a problem with it the county will take care of it. He further stated that he relies on his engineers, experts, and contractors that are out there. If they give him the green light saying that they can



make it done, who is he to challenge them as he hires the best so that he can get the best advice.

Commissioner Torres asked if they had done a study on the parking lot? Mr. Madrid commented that he thought she was talking about the annex building. Commissioner Torres further commented that if what Mr. Madrid is saying is that he gets the best, they should have already done it.

Mr. Madrid responded that his guys have nothing to do with the parking lot, the city is doing the parking lot.

Commissioner Torres then asked if the city hadn't done anything?

Mr. Madrid commented that there is a parking lot that has some potholes that need filled and overlay for all three parking lots around the JK Northway.

Commissioner Torres then asked if the city was behind on this?

Mr. McLaughlin responded that he has no intention of doing a study and he is going to do exactly what Mr. Madrid asked for which is to hot mix it. This is what was included in the budget last fiscal year to prepare for this one.

Commissioner Torres asked if the city didn't have to worry about it?

Mr. Madrid commented that if potholes show up next week, shame on the city, but it is the county's problem after that and not the city's. He further stated that all that is being asked is for the city to live up to its obligation and do it.

Commissioner Torres asked what obligation this was as she looked at all the paperwork on this and there was no formal agreement. Her question is who made these agreements.

Mr. Madrid responded that the obligation is what the city did to its taxpayers when it was placed in the city's budget workshop. Commissioner Torres responded, to fix the streets. Mr. Madrid further stated that the city placed the JK Northway in its budget.

Commissioner Torres stated that according to the budget they are street fees and other streets were going to be done before the JK Northway and asked if the city was now moving up the JK Northway before those streets?

Mr. McLaughlin responded that the street list is not a priority list of 1 through 30 in that exact order. It is the highest determined that needs work. He stated that he leaves it up to the Public Works Director, Street Supervisor, and City Engineers to determine where they are mobilized, and do the streets. There are 30 of them on the list that needs to get done. He further stated that it doesn't matter how they get done, so long as they get done before the fiscal year is over. He further commented that they have done an excellent job in doing this. The JK Northway parking lots were in this plan and whenever they can get to it and whenever Mr. Madrid says we are good to go, that was the plan all along. He further stated that he thinks we can do this and it's not a problem.

Commissioner Torres further stated that the problem is that these streets need to be fixed, before the JK Northway. She further commented that if it is being said that there is no priority and staff decides, then the JK Northway can be the last project on the list, so long as it's done.

Mr. McLaughlin responded that this is what he has been saying. We have four streets, Ragland, Hoffman, Warren, and Huisache that have brand new, a quarter of a million dollars or more, in curb and gutter work and he doesn't want to ruin that by not paving those streets. He further commented that it will get done first and when those are done staff will then move to do the JK Northway then staff will see where the city stands on the money, which he thinks the city will be fine and have some money left over to continue to do more and what is not done this fiscal year from that list, it will start next fiscal year.

Commissioner Hinojosa commented that the city committed \$158,000, even though it was only budgeted at \$89,000, but it is listed as \$158,000 and the county will come up with the remaining balance if it's more than what the city budgeted.

Mr. Madrid responded that it is \$157,000 and not \$158,000.

Commissioner Hinojosa stated that his point is that the county will come up with the difference.



Mr. Madrid responded that the county would come up with the difference if necessary.

Mr. McLaughlin commented that this project has already been approved to be expended from the street maintenance fee. Commissioner Hinojosa responded that he does not agree with that. Mr. McLaughlin further stated that If the Commission wants to change the ordinance that authorizes him to spend the street maintenance fee and tell staff where it would need to be expended from.

Mayor Fugate commented that he is not sure what the disagreement is for and doesn't understand as this is a good project that will help the city's citizens and kids. He further stated that you talk about safety issues, the JK Northway parking lots look like they have been bombed. He further commented that the parking lots by the ball fields look like that back during the time he played baseball back in the 1960s. He further commented to allow staff to decide what needs to be done with the baseball field's parking lots, find out what the cost is then talked about it during the next budget.

Ms. Alvarez stated that before the city expends money from any of its revenue sources, there would still need to be an agreement with the county drafted before spending the city's taxpayers' funds on another entity's property.

Mayor Fugate stated that what he suggests is for the city to get with the county and get an agreement in place and within this agreement, it spells out how much money the city will give and how much the county will give and where the money will be coming from. He further suggested not taking any action on this item at this time and having it at a later meeting.

Commissioner Torres commented that she is confused as first there was an informal agreement and staff was going to do the JK Northway parking lot and now the city attorney is saying that there has to be an agreement before it gets done.

Ms. Alvarez responded that she had announced this at the last meeting as well.

Commissioner Torres then asked what this was for then if we don't have a formal agreement, to begin with.

Mayor Fugate responded that it needs to be done and it doesn't matter why and just get it done.

Commissioner Alvarez asked if the commission would be voting on this agenda item tonight?

Mayor Fugate responded that it's better not to take a vote on this item tonight and allow the city attorney and the county's attorney to draft up an agreement.

No action was taken.

Mr. Madrid commented that he does not do the social meeting thing and if his text message offended anyone he apologizes as it wasn't the intention of the text.

**10. Consider a budget amendment of \$150,000 from fund balance to begin Dick Kleberg Park baseball/softball parking lots. (Commissioner Torres).**

Commissioner Torres stated that she had sent a text to Ms. Alvarez and Ms. Alvarez responded that she needed to put a certain amount for the parks so that staff can begin to do the park's parking lots. She stated that the reason this came up is that she was at a baseball game and one of the kids got hit. He went down and in the parking lot it was packed and the reason she brought this item is that if EMS had to be called there was no way that EMS would have been able to park close to the ballfield and give that child any medical assistance. She further stated that it is her priority to make sure that everyone is taken care of while at the ball fields and the parks.

Commissioner Alvarez asked how much a study would cost? Mr. McLaughlin responded that he is not sure and further asked Mr. Rudy Mora, City Engineer if he would be aware of the cost.

Mr. Mora responded that for other projects that have had a study done, the cost was between \$5,000 to \$7,000, just for the engineering.

Mr. McLaughlin further asked what Mr. Mora thinks it would cost to do a study of these parking lots.



Mayor Fugate commented that it is not fair to ask Mr. Mora this question as he doesn't know what it would cost. He further commented that everyone agrees with Commissioner Torres that something needs to be done with those parking lots, but this is not how you start a project. A project is started by asking the City Manager to fix the parking lots and have him come back with a report to the Commission that will tell them what it will take to fix the parking lots. You can't put a dollar amount to it as you don't know what the cost would be.

Commissioner Alvarez commented that she would like to see the study done this fiscal year and not have to wait for the next fiscal year. She further asked where the money would come from? Mr. McLaughlin responded that he doesn't know yet.

Commissioner Torres commented that this is why she asked for this item to be placed on this agenda.

Commissioner Lopez commented that the commission is getting ahead, and the study needs to be done first and ask the City Manager to do his part. The City Manager needs to do his part first and then come back to the Commission and make his report. Budget workshops are coming up and this can all be discussed during that time.

Mayor Fugate asked the City Attorney that if the Commission votes on this item and it doesn't pass, will the 6-month rule come into play?

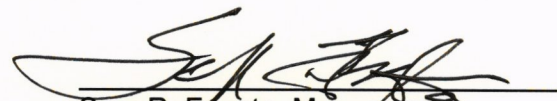
Ms. Alvarez responded that the commission can not bring a budget amendment of \$150,000 from fund balance to begin Dick Kleberg Park baseball and softball parking lots back for 6-months.

Commissioner Alvarez asked if it could come back with another figure? Ms. Alvarez responded that she would have to look back at the ordinance and see when the commission passed that ordinance that restricted bringing things that had failed back before the Commission within 6-months if that was needed. She further stated that if this was already going to be rolled into the budget, it would not be a problem. If you are talking about a budget amendment it may depend on what the actual budget amendment was for.

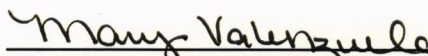
**Motion made by Commissioner Torres to consider a budget amendment of \$150,000 from fund balance to begin Dick Kleberg Park baseball/softball parking lots, seconded by Commissioner Alvarez. The was passed and approved by the following vote: Torres, Hinojosa, Alvarez voting "FOR". Lopez and Fugate voting "AGAINST".**

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

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 P.M.

  
Sam R. Fugate, Mayor

#### **ATTEST:**

  
Mary Valenzuela, TRMG, CMC, City Secretary



