

JULY 25, 2022

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

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Ricardo Torres, Police Chief
Emilio Garcia, Health Director
Steven Palacios, Fire Marshall
Deborah Balli, Finance Director
Uchechukwu Echeozo, Director of Planning & Development Services
Janine Reyes, Tourism Director
Charlie Sosa, Purchasing Manager
Rudy Mora, Engineer
Michael Mora, Capital Improvements Manager
Diana Gonzales, Director of Human Resources
Susan Ivy, Parks Director
Joseph Ramirez, Engineers Assistant
Kobby Agyekum, Senior Planner/HPO
Jennifer Bernal, Parks Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-Tem Hinojosa opened the meeting at 5:00 p.m. with four City Commission members present. Mayor Fugate was absent from this meeting.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting - July 11, 2022

Motion made by Commissioner Lopez to approve the minutes of June 27, 2022, as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".

II. Public Hearing - (Required by Law).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, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project,

Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mr. Mark McLaughlin, City Manager reported that staff received a letter from a citizen regarding a parade they would like to have on Hoffman Street. Citizens will hold the parade as an appreciation to the Street Department for their hard work on paving Hoffman and 13th Street.

Ms. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for Monday, August 8, 2022, with agenda items for this meeting due on Friday, July 29, 2022. There are two special meetings scheduled for August 15th and August 16th at 4:00 p.m., for budget workshops.

IV. Public Comment on Agenda Items.³

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

Mr. Bo Polhemus, 309 S. FM 772, commented on the use and fees for the use of the baseball fields at Dick Kleberg Park. He stated that he would like for the city to drop the fees for the use of baseball fields. He is not asking for the Parks Department to provide lighting, which would be a cost to their budget. He is a volunteer who provides his time to not only coach the children but to also push them to move forward and teach them life skills and respect. He enjoys coaching teams and does not expect to benefit from it. It does not cost the city any extra funds to open the fields at no cost. He has attempted multiple times to get on the ball fields to coach his team and comes across gates being locked. He stated that his concern is that if he moves his practices to another location if the balls roll to the street and the child runs after them, they may get hit by a car. He further spoke about ball fields 3 & 4 and the conditions after the improvements were done. His nephew played on one of those fields and slid and hit rocks while sliding into a base. He further asked for the Commission to consider dropping the fees for the use of the ball fields and allow the children to practice in a safe area.

Mr. Donald Wayne Polhemus, 1708 Ryde Road stated that he also is here to speak about the ball fields at Dick Kleberg Park. He picked up a bag of rocks he collected from one of the ball fields which he showed to the Parks Director. He wanted staff to see how many rocks and pieces of concrete he picked up near one of the bases on field 5. He also stated that he is also a coach and manages two teams. He has coached baseball and football in Kingsville for over 20 years and has never seen a field in bad condition. This season 641 children signed up to play baseball at \$75.00 per child. They didn't have any empires, so they had to get volunteers to assist. They were told that they couldn't get any empires as Corpus Christi was paying \$75.00 per game with Kingsville paying \$20.00 to \$30.00 per game. He stated that he would not empire any games that are within the same age group he coaches so that there aren't any conflicts when he makes a call. He stated that for 20 years he has been asking the question, which he addressed to Sheriff Kirkpatrick, before he became Sheriff, he asked that he had heard that the Sheriff had confiscated \$500,000 of drug money on the highway and asked if some of that money could be donated to the teams so that a child can have a helmet with a chin strap that isn't old and flopping on their head that would keep them safe. He further stated that he was told that the money would have to stay with law enforcement. He also stated that during a storm event, he volunteered his time to assist in an area in Kleberg County to cut down trees. He stated that during that time he also spoke with Kleberg County Judge Rudy Madrid regarding the donation of funds but was told that the money would need to stay with law enforcement. Mr. Polhemus further stated that Judge Madrid mentioned to him what he was thinking was of Kleberg County Sheriff's Department Pony League, or Kleberg County Task Force League, where then the money that is picked up off the highway can be used to improve the fields. Mr. Polhemus commented that we live at the headquarters of the King Ranch which is multi-million-dollar cooperation, and they can't find a way to give money to improve the fields. He also commented that the King Ranch has plenty of money and can assist now, which would invite other teams to come to Kingsville and play ball and make it a tournament-quality facility. He further commented that the fields and restrooms at the park are in terrible condition. All surrounding cities that are near Kingsville have better-improved fields than in Kingsville. He further stated that Kingsville can do better.

Mrs. Vicki Benys, 1914 Martin Street, commented that she stands here before the Commission in support of the police officers. When she lost Sherman last year, she vowed that she would step up and support these officers in every way that she possibly could. At this time, they are in the middle of negotiations, so she is here today asking each of the Commissioners to get involved now and themselves in their perspective as each request is considered. She further stated that we must find a way to retain these officers for our community's safety and their safety. Some have retired and some have

moved on to work in the same field. She further stated that she would like to share a few thoughts with the Commission. She stated that Sherman and herself made the same hourly pay. They struggled at times, but they always knew that if they wanted or needed something extra, he could always sign up for overtime, if available, or work off duty, as many of these officers must do today. She stated that she never thought twice about his pay and whether it was enough for the risks he would take each day. The day she was handed the calculation of his remaining holiday and sick pay, the day she was handed that piece of paper with the hourly rate, she stated that it truly hit her like a ton of bricks. She stated that she didn't have to get up day after day, although they made the same pay, and strap on 30 to 40 pounds of equipment in hopes that it would protect her and keep her alive when she needed it. She didn't have to walk out every day leaving her family and knowing in the back of her mind that she may never walk through that door again. She didn't have to walk out carrying an AR-15 or keep herself trained or qualify to keep herself, her community, or fellow officers safe. They go through a lot, police officers deal with a lot and as a spouse of one for 20-plus years she knows this for a fact. She further stated that we don't see this. They put this all aside and do what they must do day after day. They don't hesitate to answer each call knowing that it may very well be their last. They know they are targets and with all the training they receive is it ever how things are going to go down? How many times weekly, or daily do they answer the most dangerous of calls, domestic violence, or shots fired, ask them if they feel safe walking up to a vehicle or just sitting in a parking lot. She further commented that she asks, from the bottom of her broken heart, during negotiations, please put yourself in their place or better yet, put yourself in hers.

Mrs. Mary Valenzuela, City Secretary read a public comment received from Mr. Daniel Cruz, 603 W. Ave. F. The comment read as follows: Daniel Cruz, 603 W. Ave. F, we need to start repaving many streets in the university area to help improve the appearance and functionality and enrollment into A&M Kingsville and surrounding areas. Kind of embarrassing for the city, especially when people come to visit the university from other areas. Let's have some pride in this amazing place! Thanks for your consideration.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend Tourism ARP funding for magnetic photo frame promotional items. (Tourism Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations from B.C. and Addie Brookshire Foundation for summer youth camps and ballfield lighting project. (Parks Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to provide funding for the downtown planter boxes. (Director of Planning & Development Services).

4. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for cost overruns on operating leases and motor gas and oil in Planning. (Finance Director).

5. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to close out Fund 086-TX CDBG Grant #7218269. (Finance Director).

6. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for cost overruns on motor gas and oil in Fire. (Fire Chief).

7. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend grant funding from the Ed Rachal Foundation for minor equipment for the Police Department. (Police Chief).

8. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for motor gas and oil and SWAT overtime for the Patrol Division. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. Consider a resolution authorizing the city to submit an application to the Ed Rachal Foundation for ball field lighting improvements at Dick Kleberg Park. (Parks Director).

Mrs. Susan Ivy, Parks Director stated that the department would like to submit an application to the Ed Rachal Foundation for ball field improvements at Dick Kleberg Park. They will be applying for \$50,000 in funding from this foundation. Mrs. Ivy further stated that they have received a \$25,000 donation from the Brookshire Foundation to apply to this project and would like to submit the application to the Ed Rachal Foundation. The field that is being focused on is Field 6 for the lighting which is one of the fields that services one of the highest age groups in the league. The other field serves a smaller age group and doesn't play as late as some of their play is restricted. The quote for the lighting at Field 6 is priced at \$193,000, for just lighting.

Commissioner Alvarez asked Mrs. Ivy to repeat that dollar amount. Mrs. Ivy responded that the price is \$193,000 just for lighting. She further stated that most of the electricity comes from where they installed lighting on Field 5 which was done through a grant from Texas Parks and Wildlife back in 2009. She further stated that she would be applying for \$50,000 from the Ed Rachal Foundation which will be combined with the donation of \$25,000 from the Brookshire Foundation and some of the money that was put aside from ARPA Funds that was done from the loss of revenue calculations. Staff is also reaching out to other foundations to request assistance as well. Mrs. Ivy further stated that she has researched Baseball Tomorrow and they want a substantial amount committed before they consider funding. These funds awarded would take them to about \$110,000 that they would have which would be substantial enough.

Commissioner Lopez asked if what is being asked is for this money but doesn't have the rest of the money and asked what the deadline is for the project or grant.

Mrs. Ivy responded that there is no deadline for the project. She further stated that they are not applying for a Texas Parks and Wildlife grant which would have been submitted on August 1st. She has spoken with representatives of the Texas Parks and Wildlife Committee, and the grant does have a 50/50 match, and we could not commit by August 1st to come up with enough cash match. The Parks Department will not score high enough if there aren't enough projects to include in the grant application that it takes to compete with all other cities that are applying for this grant.

Motion made by Commissioner Alvarez to approve the resolution authorizing the city to submit an application to the Ed Rachal Foundation for ball field lighting improvements at Dick Kleberg Park, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Hinojosa voting "FOR".

10. Consider accepting donations for Kingsville Parks Youth Pony League All-Star Teams competition expenses. (Parks Director).

Mrs. Susan Ivy, Parks Director stated that the Kingsville Parks Youth Pony League has several teams that will be traveling to All-Star Competitions in McAllen, Laredo, and Youngsville, LA. The teams have done many fundraisers and have also solicited funds from businesses. These funds were turned into the Parks Office and have been deposited into the bank. Staff in turn is issuing payments for gate fees and hotel stays for the exact amount of funds collected and deposited. The funds need to be formally received and approved for expenditure for their donation.

Motion made by Commissioner Torres to approve the acceptance of donations for Kingsville Parks Youth Pony League All-Star Teams competition expenses, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".

11. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations for the Pony League All-Star Teams' travel expenditures to competitions. (Parks Director).

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for utilities at the Golf Course. (Parks Director).

Mrs. Ivy stated that this department is running short on funds due to increasing costs, therefore requiring additional funding for utilities to end the fiscal year.

Mayor Pro-Tem Hinojosa commented if the staff was doubling the budget, what was budgeted was \$28,000.

Mr. McLaughlin commented that what was budgeted was \$28,158 and through June 30th we have expended \$38,129. As the golf course has gone through some significant renovations requiring more watering.

Introduction item.

13. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2023 Operation Lone Star Grant Program (OLS); authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that this item is a request to apply and if awarded to accept and expend FY 2023 Operation Lone Star Grant Program funds. The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates.

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

14. Consider a resolution authorizing the submission of an application to the Texas Water Development Board Asset Management Program for Small Systems. (Capital Improvements Manager).

Mr. Mike Mora, Capital Improvements Manager stated that this item is to approve the submission of an application to the Texas Water Development Board for the Asset Management Program for Small Systems. This will allow the Texas Water Development Board to provide a contractor to work with the city in setting up a more versatile comprehensive asset management program.

Motion made by Commissioner Lopez to approve the resolution authorizing the submission of an application to the Texas Water Development Board Asset Management Program for Small Systems, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Hinojosa voting "FOR".

15. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices, providing for the restriction of parking during certain hours on the North side of East Ailsie Avenue between 14th Street and Shelly Blvd. and the South side of East Lott Avenue between 18th and 19th Streets. (City Engineer).

Mr. Rudy Mora, City Engineer stated that his department received a revised resolution from the Kingsville Independent School District (KISD) Board of Trustees requesting No Parking Zones in relation to student safety. The request is because the No Parking Signs would be located inside of the city's right-of-way. The agenda item is proposing two new No Parking Zones one for Jesus R. Perez Elementary School and the other for A.D. Harvey Elementary School. At Perez Elementary School the No Parking Zone would impact 1000, 1100, and 1200 blocks of E. Ailsie Avenue between 14th Street and Shelly Boulevard, northside only. At Harvey Elementary School the No Parking Zone would impact the 1400 block of E. Lott Avenue between 18th Street and 19th Street, on the south side only. The proposed no parking signs would be in effect during school drop-off from 6:45 A.M. to 8:00 A.M. and school pick-up from 2:30 P.M. to 4:00 P.M. Mr. Mora further stated that letters were mailed to the adjoining property owners

affected along E. Lott and E. Ailsie. A total of 12 property owners were notified by certified mail for both proposed no-parking zone locations. Engineering Department received a total of six responses from adjoining property owners. Six property owners were "FOR" and six did not respond. No parking signs will be paid for and installed by the city. KISD requests signs to be installed before the first day of school in August.

Mr. Mora displayed multiple maps showing his recommendations for the no parking zones in relation to student safety. During the presentation, Mr. Mora stated that the Texas Municipal Uniform Traffic Control Device Manual, states that parking and stopping regulatory signs may be used to prevent parking or waiting vehicles from blocking pedestrians and driver's views of pedestrians and to control vehicles as part of a school traffic control plan. Mr. Mora further stated that in the resolution that was submitted by KISD, he had some concerns with the second one, which is the Ailsie plan. He further stated that his recommendation for this area is to have internal traffic circulation. Mr. Mora further took his presentation to the maps displayed on the projector. He stated that what he is proposing is a three-lane system with a center turning lane. This would eliminate the parking currently along Ailsie on the north side and south side, as well on Shelly Boulevard.

Commissioner Lopez asked if one of the recommendations was to have a turn lane on Ailsie? Mr. Mora responded yes. Commissioner Lopez further asked if Ailsie is wide enough to have a center turn lane. Mr. Mora responded yes. Commissioner Lopez further commented that traffic in this area goes across Brahma with school buses in front of the school. She stated that the recommendation from staff will work but placing No Parking Signs will put the parents at a loss of where they can park to pick up their children. This will put those vehicles to park in the residential areas using driveways. She further commented that there are signs in place now, that is not being followed. The school buses pick up children in the front of the school blocking the entrance, but parents get off their vehicles and move the cones aside to gain entrance. Commissioner Lopez further commented that it is an accident waiting to happen.

Mr. Mora stated that the recommendation will be different from what was written on the agenda item. He stated that approving the plan for Harvey Elementary School between 18th Street and 19th Street is reasonable, but the plan for Perez Elementary School he recommends for the Commission not act on this plan and allow him to provide his recommendation to KISD.

Mr. McLaughlin commented that the definition Mr. Mora pulled from the regulation talks about visible areas where you see children. If you allow parking on the southside of Ailsie, knowing that people will be parking on the northside, kids will run out there, even if the city installs no parking signs, placing that child in the middle of Ailsie causing that child to get hit by a car. He further stated that we can leave it as is and have the school redo their parking area and come up with new driveways and exits onto Shelly Blvd. or just make it all no parking. If one side is closed, all we will be doing is pushing the traffic out onto another location making other areas congested with traffic, and having children running in areas that they are not today.

Ms. Alvarez asked for clarification from Mr. Mora, if what he is asking the Commission to consider, although the city has no jurisdiction to tell KISD what to do with their property, is to recommend the proposed changes to East Ailsie be removed from this ordinance and only look at the East Lott amendment. Mr. Mora responded yes.

Introduction item.

16. Consider awarding Request for Qualifications (RFQ 22-13) for Bridge Repairs at N. 6th Street and Tranquitas Creek to International Consulting Engineers, as per staff recommendation, and authorizing staff to begin negotiating a contract. (City Engineer).

Mr. Mora stated that RGQ 22-13 for 2022 N. 6th Street and Tranquitas Creek bridge repairs was advertised on Jun 16, 2022, and June 23, 2022, in the local newspaper and the city's website. Statement of Qualifications was due July 12, 2022. One statement of qualification was received from International Consulting Engineers (ICE) located in Corpus Christi. The evaluation committee reviewed the one statement of qualification received. The committee is recommending the RFQ be awarded to ICE. The next step is to negotiate a contract for professional engineering services.

Motion made by Commissioner Lopez to approve awarding Request for Qualifications (RFQ 22-13) for Bridge Repairs at N. 6th Street and Tranquitas Creek to International Consulting Engineers, as per staff recommendation, and

authorizing staff to begin negotiating a contract, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Hinojosa voting "FOR".

17. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to cover additional budget costs for the Engineering Department due to increased operating costs. (City Engineer).

Mr. Mora stated that this budget amendment is needed to cover increased operational costs. The operational costs will address the following: Motor Gas & Oil, Printing & Publishing, and Vehicle Maintenance. The utility fund will cover the cost of \$1,300.

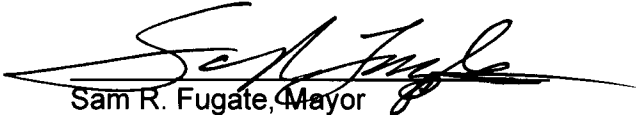
Introduction item.

18. Consideration and approval of a resolution amending a resolution accepting a petition for and calling for a public hearing on the creation of the Somerset Public Improvement District Number 1 within the City of Kingsville, Texas pursuant to Chapter 372 of the Texas Local Government Code and authorizing the mailing and publication of notice of the public hearing. (City Manager/City Attorney).

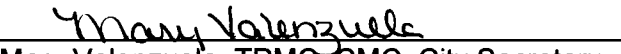
Motion made by Commissioner Torres to approve the resolution amending a resolution accepting a petition for and calling for a public hearing on the creation of the Somerset Public Improvement District Number 1 within the City of Kingsville, Texas pursuant to Chapter 372 of the Texas Local Government Code and authorizing the mailing and publication of notice of the public hearing, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:04 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary