

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 8, 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 S. Lopez, Commissioner
Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Uchechukwu Echeozo, Director of Planning & Development Services
Janine Reyes, Tourism Director
Rudy Mora, Engineer
Michael Mora, Capital Improvements Manager
Diana Gonzales, Director of Human Resources
Susan Ivy, Parks Director
Kobby Agyekum, Senior Planner/HPO
Bill Donnell, Public Works Director

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting-July 25, 2022

Motion made by Commissioner Lopez to approve the minutes of July 25, 2022, as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres voting "FOR". Fugate "ABSTAINED".

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

1. Public Hearing on request to replat Kingsville 25 Acres Ltd, 16.353 acres of Tract F less 0.157 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas. LFL Properties Kingsville LLC, applicant/owner. (Planning & Development Services Director).

Mayor Fugate read and opened this public hearing at 5:03 P.M.

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

Mr. Uche Echeozo, Planning & Development Services Director stated that this is a request for a replat to enable the applicant to correct an error that was made earlier.

Mr. Mark McLaughlin, City Manager commented that this would be the Culpepper Plaza area.

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

2. Public Hearing on request to rezone Garcia Ind Ac, Block 11, Lot 1 (Property ID 21326), 1.2 acres, also known as E. Santa Gertrudis; Garcia Ind Ac, Block 11, Lot 2, 1 acre (Property ID 13682), also known as E. Santa Gertrudis; and, Garcia Ind Ac, Block 11, Lot 3, 1 acre (Property ID 22101), also known as E. Santa Gertrudis, Kingsville, Texas, from AG (Agricultural) to I2 (Heavy Industrial). Saul Figueroa, applicant; Cassie Longoria, owner. (Planning & Development Services Director).

Mayor Fugate read and opened this public hearing at 5:05 P.M.

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

Mr. Echeozo stated that this request is for a rezone of Garcia IND AC Block 11, Lots 1-3 to enable the applicant to carry out his recycling business. This applicant owns Kingsville Recycling on 6th Street and because their business is growing, they would like to move out from that area and move business to a location on E. Santa Gertrudis.

Commissioner Alvarez asked for the location where the business will be moving to.

Mr. Echeozo responded that it is off E. Santa Gertrudis, the location does not have an address at this time. Planning & Zoning Commission voted unanimously to approve the rezoning.

Mr. McLaughlin commented that the location is across from the North Wastewater Treatment Plant.

Commissioner Torres asked if the new location was near a church.

Mr. Echeozo and Mayor Fugate both responded that they didn't believe there was a church near the new location.

There being no further comments Mayor Fugate closed this public hearing at 5:08 P.M.

3. Public Hearing on request to rezone KT&I Co, Block 2, Lot Pt 9 (Tract 8), 5.47 acres, also known as 1526 Young Drive, Kingsville, Texas from AG (Agricultural) to R1 (Single Family). John Carrales, applicant/owner. (Planning & Development Services Director).

Mayor Fugate read and opened this public hearing at 5:08 P.M.

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

Mr. Echeozo stated that this is a request for a rezone to enable the applicant to carry out a housing development. This area is zoned as AG and the applicant would like to have it rezoned to R1.

There being no further comments Mayor Fugate closed this public hearing at 5:09 P.M.

III. Reports from Commission & Staff.²

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

Mr. McLaughlin reported that the next Facebook Live Q&A session has been scheduled for August 16, 2022, at 8:15 A.M. with Mr. Manny Salazar, President/CEO of Kingsville Chamber of Commerce, and Mr. Dick Messbarger. Questions for the panelist may be submitted in advance to Ms. Janine Reyes, Tourism Director or participants can ask their question(s) during the session. Mr. McLaughlin further reported that the first budget workshop is scheduled for August 15, 2022, at 4:00 P.M. He further stated that the second budget workshop is scheduled for August 22, 2022. This budget workshop will begin at 3:00 P.M. with the regular meeting at 5:00 P.M. Mr. McLaughlin further reported that the Engineering Department is currently working on the street list for the new fiscal year. If the Commission would like to have city staff look at streets that may be concerned, now is the time to make staff aware.

Ms. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for August 15, 2022, at 4:00 P.M. The next regular meeting is scheduled for August 22, 2022, which will begin with a budget workshop at 3:00 P.M. with the regular meeting to begin at 5:00 P.M. Deadline for staff to submit their agenda items for the August 22nd meeting is Friday, August 12, 2022.

Mayor Fugate commented that staff is working hard on putting the upcoming budget together. Due to the economy, this will be a hard budget to work with.

Commissioner Lopez commented that staff needs to keep on top of the equipment, as some equipment is new.

IV. Public Comment on Agenda Items.³

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

Mr. Lance Hamm, 912 South Creek, commented that he would like to comment on a written grievance procedure for the City of Kingsville. He further stated that this discussion has taken place before primarily, from his experience as he has a complaint on file and has been over three months and has not received a resolution to his complaint. He further commented that Commissioner Torres had spoken about her complaint at a previous meeting and to his knowledge, other complaints have not been resolved. He would like to ask the commission to put on the agenda asking the City Manager and City Attorney to come up with a grievance procedure for the residents, for the people that the Commission works for. To file a complaint and not have any idea if it was heard, looked at, or if the person the complaint is against was notified. Mr. Hamm commented that no procedures at all are not right for the residents. The residents deserve a procedure telling them that when they file a complaint against an employee of the city, within three days the City Secretary let the Commission know that a complaint had been filed. Within ten days, the person the complaint is against will be able to write a response, then it will go to the supervisor. The supervisor will then come up with a resolution and it will be told what that resolution is. A procedure that tells a resident in writing, which he proposes that it goes to the website so that they can look at it, and they can see what will happen; they will have some clue of what's going on. He further stated that in the discussion that occurred a couple of meetings ago, each one of the Commissioners said that they didn't know what was being talked about, which could open a can of worms. Mr. Hamm also commented that he doesn't think that the Commission wants residents in front of them to open cans of worms. Especially if it's sexual allegations or criminal allegations. Why would you want a resident here telling the commission this type of stuff? Wouldn't the Commission want this in writing so that it can be seen and go through a process have it taken to the right department? The person being complained against has a right to respond. Mr. Hamm stated that he is asking the Commission to place this on the agenda and vote on it. Let the residents know if the Commission agrees with him. He stated that it is very simple, is right or is it wrong for a resident to have those types of expectations? Not only of what will happen next, but who will be held accountable for that procedure. He further stated that this goes back to the city's core values. Integrity talks about treating others the way you want to be treated. He stated that what he is asking for is for the Commission to treat others as they would want to be treated. Integrity is a core value of the city. Talk the talk, you talk as if it's in the core value, now it's time to walk the walk. He further commented, do it, put it in writing so people know. Another core value is leadership. Leadership talks about walking the walk. Doing what you say you are going to do. He again asks the Commission to put this on the agenda and vote on it, and hopefully, the Commission can agree with him that this would help the residents of the City of Kingsville.

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: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations for the Pony League All-Star Teams' travel expenditures to competitions. (Parks Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to provide additional funding for utilities at the Golf Course. (Parks Director).

3. Motion to approve final passage 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 South side of East Lott Avenue between 18th and 19th Streets. (City Engineer).

4. Motion to approve final passage 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).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider request to replat Kingsville 25 Acres Ltd, 16.353 acres of Tract F less 0.157 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas. (Planning & Development Services Director).

Motion made by Commissioner Lopez to approve the request to replat Kingsville 25 Acres Ltd, 16.353 acres of Tract F less 0.157 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

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

Mr. McLaughlin commented that the property is on the edge of the city limits before getting to the county line.

Introduction item.

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

Introduction item.

8. Consider new L.E. Ramey Golf Course logo. (Parks Director).

Mrs. Susan Ivy, Parks Director stated that two logos had been presented to the Commission at a prior meeting. One logo had a golf ball around it, but staff has decided to eliminate that to make it a bit cleaner. The other logo, the only difference that there would be is the color of it, depending on what was going on. The schools are interested in staff carrying lines of clothing that fall within their school colors.

Motion made by Commissioner Alvarez to approve the new L.E. Ramey Golf Course logo, seconded by Commissioner Torres.

Discussion took place as to whether the Commission would need to choose one of the logos that is being presented. Mrs. Ivy stated that the only thing the Commission would need to approve is the adjustment of color on the logo, which would allow for the colors to be changed depending on what it was going to be placed on.

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

9. Consider approving certification of 2021 excess debt collections and certification of 2022 anticipated collection rate. (Finance Director).

Mrs. Deborah Balli, Finance Director reported that the Tax Assessor has delivered the certification and for the excess debt collection from 2021 property taxes is at \$11,946.97. For the estimated debt collection rate, it has been certified that it would be 99.06.

Motion made by Commissioner Lopez to approve the certification of 2021 excess debt collections and certification of 2022 anticipated collection rate, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

10. Consider accepting 2022 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Finance Director).

Mrs. Balli stated that the amount that has been certified for net taxable value is \$1,013,910,781.00 in value.

Commissioner Hinojosa commented that what was received was an estimate certified, and further asked if it would be a problem accepting it as it is versus it being an actual.

Mr. McLaughlin stated that he has spoken with Ms. Ernestina Flores from the Appraisal District, and he was told that by Texas law if there is a certain amount that is in arbitration regarding people's property values and if it's over 6%, they can't certify it as an actual value, it would have to be an estimate. Estimates are still legal to be forwarded to a taxing entity. These values fall within the letter of the law, and they have to be estimated since there were more than 6% of those that are arguing their values, but they are still good for the city set its tax rate.

Commissioner Hinojosa asked if this was the first year that they have had 6%.

Mr. McLaughlin responded that he was told by Ms. Flores that we had received it last year as well.

Commissioner Hinojosa commented that he does not recall receiving estimates in the past, they gave certified values last year. He stated that he just wants to make sure that this is legal, and the Commission can act on this with it being estimates.

Mr. McLaughlin responded that it was his concern as well and he asked Ms. Flores if the city could act on estimates and Ms. Flores responded to him that it was.

Ms. Alvarez stated that what the City Manager has stated is consistent. She checked on last year's and they also had the language about the estimated on what they presented to the city, and we have what the Appraisal District submitted along with what the Tax Assessor submitted, and the Commission would be voting on what the Tax Assessor has attached to her letter, which is what is in the packet for today's meeting.

Motion made by Commissioner Hinojosa to accept 2022 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

11. Consider proposed tax rate, if it will exceed the no-new revenue tax rate or the voter-approval rate (whichever is lower), take record vote, and schedule public hearing for September 6, 2022. (Finance Director).

Mrs. Balli stated that the tax calculation ended up with the following rates: No New Revenue Tax Rate \$.81303; Voter Approved Tax Rate \$.84485; and Proposed Tax Rate of \$.84000 which is the same rate as Fiscal Year 21-22.

Motion made by Commissioner Lopez, I move that the proposed property tax rate be \$0.84000 and that one public hearing be set for Tuesday, September 6, 2022, at 5:00 P.M. in the Helen Kleberg Groves Community Room, City Hall, 400 W. King Avenue, Kingsville, Texas with additional funds to be used for city infrastructure upgrades, equipment, employee wages & benefits, and technology, seconded by Commissioner Hinojosa.

Commissioner Hinojosa commented that this is a proposed tax. This does not mean that this would be what the Commission would vote on. It is only proposed, even though the \$.84 is in the budget.

Mrs. Balli responded that this was correct.

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

12. Consider a resolution authorizing the city to submit an application to the State Defense Economic Adjustment Assistance Grant Program for the purpose of requesting grant funding for Fire and Rescue Truck Facility at NAS Kingsville. (City Manager).

Mr. McLaughlin stated that this is the city's ongoing effort to improve the infrastructure to assist Naval Air Station Kingsville and make it more resilient to any potential conflicts coming up in the future that could close it. This DEAGG Grant would assist them in building out a new fire and rescue facility to store their four new fire fighting vehicles for aircraft. Naval Air Station (NAS) Kingsville has purchased four of these trucks but have

not been delivered as the Department of Defense has nowhere to store them. He further stated that this is a very strong package. We are asking for 43% of the entire funding to be from the DEAGG from the State which means that 57% would come from other sources. Navy Region Southeast has given \$1 million with the City of Kingsville giving \$500,000, \$200,000 of in-kind services by NAFAC, and \$558,000 for the trucks themselves. Mr. McLaughlin stated that staff needs Commission approval to apply by August 31st.

Commissioner Hinojosa asked if there is a plan for this facility that is ready to go. Mr. McLaughlin responded yes, the Department of Defense already has a layout which is how they came up with the total cost of \$3.8 million and it will be attached to the current dual-use fire station on NAS Kingsville. Commissioner Hinojosa further asked if the four trucks have been purchased and just waiting for delivery, but it won't be for two years before the structure is finished. Hinojosa also asked if it would be the same ones. Mr. McLaughlin responded that he is not sure of the construction timeline. They say 24 months from shovel ready, but it could be faster than that. The vehicles cannot be unprotected which is why this facility is needed.

Commissioner Hinojosa further asked if it would be the same fire trucks they already have or will they be new ones.

Mr. McLaughlin responded that it would be four new trucks. As soon as the facility is built, the Department of Defense will send out the four new vehicles.

Mayor Fugate asked if these vehicles would be part of the MOU that the city has with NAS Kingsville.

Mr. McLaughlin responded yes, they could be used but they are designed and equipped for fighting an aircraft fire. He further stated that he had a conversation with Captain Korsmo, who recently retired, where he agreed that he would assist the city in any mutual aid calls, especially to the southside as we know the growth is going south.

Commissioner Hinojosa asked if the \$500,00 was already in the budget.

Mr. McLaughlin responded that it is DEAGG funds that the city had and specifically addressed in a DEAGG line item and since the city can't seem to win a DEAGG grant, it is being apportioned to this grant.

Motion made by Commissioner Lopez to approve the resolution authorizing the city to submit an application to the State Defense Economic Adjustment Assistance Grant Program for the purpose of requesting grant funding for Fire and Rescue Truck Facility at NAS Kingsville, seconded by Commissioner Hinojosa.

Commissioner Torres asked if this would help with the BRAC and more employment within the area.

Mr. McLaughlin responded yes. If they ever have another round of BRAC, every installation will be scored on capabilities and how good their facilities are. The stronger facility the more points you get.

Mayor Fugate commented that what is looked at is community involvement as well.

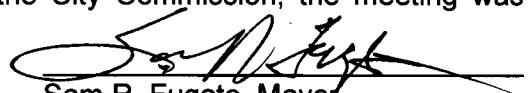
The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

13. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

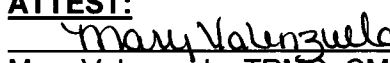
Mayor Fugate announced the executive session and convened the meeting in closed session at 5:36 P.M. Mayor Fugate reconvened the meeting into open session at 5:58 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:58 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary