

OCTOBER 24, 2022

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 24, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director  
Rudy Mora, Engineer  
Janine Reyes, Tourism Director  
Susan Ivy, Parks Director  
Ricardo Torres, Chief of Police

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting - October 11, 2022**

**Motion made by Commissioner Lopez to approve the minutes of October 11, 2022, as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

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

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

Mayor Fugate read and opened this public hearing at 5:02 P.M.

Mr. Uche Echeozo, Director of Planning & Development Services stated that this is a request for a rezone from R1 to C1. The rezone will enable the applicant to create additional space for Jubilee Academy. Letters were mailed to neighbors within the area. Staff received no calls opposing the rezoning. The Planning & Zoning Commission met on this item on October 19, 2022, and voted unanimously to approve the request.

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

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

**2. Public hearing regarding request for Special Use Permit for Childcare in home in R1 (Single Family District) at 803 Inez, Kingsville, Texas also known as Forrest Park 1, Block 2, Lot 20. Beverly Gant, owner/applicant. (Director of Planning & Development Services).**

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

Mr. Echeozo stated that this is a request for a Special Use Permit to enable the applicant to carry out childcare in their home. The applicant is licensed to care for 12 children but will have childcare availability for only 5 children. Letters were mailed to neighbors within the area. Staff received no calls opposing this request. The Planning

& Zoning Commission met on October 19, 2022, and they approved unanimously approved the request.

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

There being no further comments Mayor Fugate closed this public hearing at 5:07 P.M.

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

Mayor Fugate read and opened this public hearing at 5:07 P.M.

Ms. Courtney Alvarez, City Attorney stated that on September 26, 2022, the Commission approved a resolution for Public Improvement District (PID). Part of the process is to schedule a public hearing after notice has been given. The next step in the process after this public hearing, at a future meeting, is to have another agenda item that would create the PID.

Ms. Carola Serrato, 501 Billy Evans, commented that the information shows the outline of the subdivision which shows that only certain properties will abut the new subdivision, and her home is one of them. Properties on General Cavazos, Trant Road, and Brahma Blvd. will be affected by the new subdivision. Many residents residing near the new project are concerned about their sewer services. This area has a manhole in its backyard and does not know whether that sewer line will be extended into the new subdivision. She further stated that they also have some concerns regarding their property values as these properties will be abutting the new subdivision, which is about 1 acre lots, but smaller properties. She further commented that if the existing property owners would want to buy property in the PID, would they be subject to the additional taxation that will be applied on these properties, as they are part of the PID. Is there any way that the property could be purchased by them to allow a larger buffer from their home to the new subdivision and will those properties still be subject to the PID. Ms. Serrato further asked about water lines, sewer lines, and streets, and where would those go. She further asked if the properties are in default, would this hurt the bond rating for the city and how would it be taken care of?

Mayor Fugate commented to the City Manager that it is important that the city set up a meeting with the residents of this area and provide additional information and see what other concerns they may have. Staff needs to get with them and answer those questions that they may have.

Mr. Dan Martinez, Winstead, PC stated that the PID assessments are solely for properties within the district itself. No one outside the district pays any additional assessments, not taxes, assessments. With regards to water, sewer, and streets, those items are still being discussed with the city. Bonds for this project will not impact the city's bond ratings. Bonds are payable solely from the assessment, same as if a property owner doesn't pay their taxes, they become the default. Bonds are not an obligation to the city.

Commissioner Alvarez asked if property owners can purchase the property around them.

Mr. Martinez responded that he is not able to answer that questions, but the PID is solely the designated boundary. Whatever is outside of the boundaries whoever owns the property will have the option to either offer for sale or not.

Mayor Fugate commented that if you buy property inside the PID, they will be responsible for the assessment.

Further discussion took place between Ms. Serrato and Mr. Dan Martinez regarding whether or not the property inside the PID would be responsible for the assessment. It was also discussed whether or not the property owner of the land within the PID would be willing to sell the property within the boundaries.

Mayor Fugate restated again that staff needs to meet with these residents and give them some answers to their questions.

Mr. Wiley McIlwain, 520 Cecil Ave., explained what was done in Sinton with a similar project as proposed in Kingsville. He further described the entrances and exits of the upcoming subdivision.

Ms. Kay Herbie, 618 Pippin Lane asked what kind of homes would be built within the new subdivision.

Mr. McIlwain responded that properties will be sold to DR Horton and homes will be in the range of 1,400 to 2,000 square feet. The price range for these homes will be around \$245,000 to \$395,000.

Ms. Jaclyn Hailey Best, 521 Helen Marie stated that her concern is the sewage coming from this location.

Mr. Martinez stated that the developer will be required to follow all city codes. Requirements will be listed on the agreement.

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

There being no further comments Mayor Fugate closed this public hearing at 5:40 P.M.

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

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

Mr. Mark McLaughlin, City Manager reported on the United Way Campaign and the Vietnam Veteran's Memorial Wall. He further stated that the Comprehensive Plan Engagement Meeting has been scheduled for Thursday, October 27, 2022, at 5:00 p.m. The meeting will take place in the Helen Kleberg Groves Community Room. He further reported that at a future date there will be a workshop scheduled on the Garver Study.

Ms. Courtney Alvarez, City Attorney reported that the next Commission meeting is scheduled for November 14, 2022, with the deadline for staff to submit their agenda items of November 3<sup>rd</sup>.

Commissioner Torres stated that she would like to thank JM Lozano's Office as the VA Medical Mobile Unit had approached the city about bringing the medical mobile unit. She further commented that she was extremely disappointed with how it all came about and the hospital was going to charge the VA Medical Mobile Unit to park their unit at the hospital and charge close to \$600.00 a year, which is not a lot of money, but for a federal entity that has to have a budget which is harder for them to change the budget then it is for everyone else, they were seeking help for that. She further commented that we were not as receptive as she thought we would have been to our veterans. It doesn't affect only our veterans; veterans are coming in from different areas that will be eating and shopping as she knows that when she makes her appointments to go to Corpus Christi she tries to schedule as much as she can on that day. She further stated that the reason for the VA Medical Mobile Unit was to alleviate a lot of rural communities and their veterans and caretakers from having to drive two hours south, two hours north, or an hour to Corpus Christi. She further commented that she was disappointed with how our city handled the situation, it all got taken care of, but it got taken care of with the fact that she had to make phone calls to JM Lozano's Office and Congresswoman Flores's Office and everyone else to make sure that this happened. She stated that the VA approached the city, and they first approached Commissioner Alvarez and herself regarding this issue, which has been in the works for about 2 to 3 years before that. They could have chosen another city, Falfurrias, Bishop, or whatever, but she fought to get it here because she knew it would benefit our area as we have around 700 veterans within our community, not including the outlying areas. She stated that JM Lozano and the Christian Foundation worked together, and they are going to pay for it so that they can come here and on November 22<sup>nd</sup> there will be a ribbon cutting. She further commented that she was very disappointed.

Mayor Fugate commented that he appreciates all the hard work Commissioner Torres has done to get this project to Kingsville, as it is a good project. He further commented that it is his understanding that, as he has spoken with Mr. Rick Morin, Director of Spohn Kleberg Hospital, the Christus system will be taking care of that cost for the mobile unit.

Commissioner Torres stated that the Foundation is going to pick up the bill after JM Lozano's Office called them to get that taken care of.

Mayor Fugate commented that he thinks it was more of a communication issue, as when he spoke to Mr. Morin, he hadn't realized how important the \$600.00 was. He further commented that he appreciates Commissioner Torres's efforts in trying to get this resolved.

Commissioner Torres commented that she thought about it, not just our veterans but it brings, as she goes shopping in Corpus Christi when she makes her appointments. A lot of the rural communities and areas will shop here.

Commissioner Lopez commented that today starts the kickoff of Red Ribbon Week and had the honor of reading a proclamation at KISD.

Mayor Fugate read and presented two proclamations, Arbor Day and Patrolman Sherman Otto Benys, Jr. Day.

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

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

Mrs. Vicky Benys, 1914 Martin commented that she wanted to touch base on the launch of a non-profit in honor of Patrolman Benys and named after the heroes that responded on that day. They wanted to do something from the beginning and have discussed it with the Chief of Police as to what they can do to support the first responders. It was suggested to start a 100 Club. She stated that they discussed whether to go non-profit, which was decided to go non-profit as a lot of the monies that were going to be donated to them this past year, was the first question they had asked. The non-profit is set similar to the 100 Club but is an 81 Club, called 81's Heroes. Instead of the members paying a \$100 membership fee, they will be paying an \$81.00 fee annually, which is based on his badge number, which is one of the main reasons they have pushed to get his badge retired as they want that special honor, to set up this non-profit. She further stated that recognizing the challenges that our law enforcement and first responders face daily, the 81's Heroes is dedicated to making a lasting impact for Kingsville and Kleberg County First Responders with assistance in equipment and training, counseling, and other immediate financial hardship to ensure the community takes care of those who take care of them. Several events are scheduled to honor Patrolman Sherman Otto Benys as well as to commemorate the launch of 81's Heroes, which will be taking place the first week of November. On November 4<sup>th</sup> the Coastal Bend Blood Center will be located at the Kingsville Police Department for a blood drive, in memory of Patrolman Benys all first responders that have given their lives on the line of duty. The blood drive will be from 11:00 a.m. to 5:00 p.m. There will be a golf tournament taking place on November 5<sup>th</sup> at the L.E. Ramey Golf Course. Teams for the tournament and sponsorships are still being taken at this time. They are also asking for a donation of items that can be raffled during the tournament to raise funds for the non-profit. 81's Heroes has been in contact with the Kingsville Police Department as well as the Kleberg County Sheriff's Department to identify the need for new or replacement of life-saving equipment to donate to each agency for this month. The website for the non-profit is [www.81sheroes.org](http://www.81sheroes.org), where anyone can become a member of the non-profit. Members will receive a decal to display their support for the non-profit organization and all founding members will receive a commemorative challenge coin. Mrs. Benys stated that she would like to thank the City of Kingsville for all the support it has given to the family.

Mrs. Mary Valenzuela, City Secretary read a public comment received from Jane Prescott, 2801 S. Brahma. Comment read as follows:

Jane Prescott, 2801 S. Brahma, Kingsville, TX, I am glad to see events like the wine walk coming downtown, but I am concerned about some things I have seen on Facebook. Namely, a city employee and others dressed in an ableist costume which makes light of the disability of blindness for the sake of entertainment. Perhaps moving forward, we can just agree to all follow a general rule. If you don't have a certain disability, don't pretend you do for the sake of a Halloween costume. If you're looking for unique group costume ideas that are not ableist, Pinterest has hundreds.

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

**1. Motion to approve membership with Electric Reliability Council of Texas (ERCOT) for 2023. (City Attorney).**

**REGULAR AGENDA**

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

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

- 2. 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 Northbound Frontage Road from the southern city limits of Kingsville to FM 1356 (General Cavazos Blvd.) (City Manager).**

Mr. McLaughlin stated that this is a request from TXDOT to set a speed limit for when they shift the lanes which should be done on November 16<sup>th</sup>. A speed study will be done on November 11<sup>th</sup> and based on conversations with TxDOT, and the construction zone already has precedence of 45mph for the southbound lanes. The northbound lanes have more of a curvature to them than the southbound lanes and have a noticeable set of turns from the frontage road back onto the main lines before it starts to get on the overpass where General Cavazos is located. TxDOT is anticipating that their speed study will show a 45mph speed limit requirement. The process is being started early, as we would normally wait on the speed study before introducing something, but after discussions with TXDOT, it is believed that this would be the speed limit. If TXDOT is not ready for this by November 14<sup>th</sup>, the second reading for this ordinance can be delayed or inserted changed if their speed study warrants that.

Introduction item.

- 3. Consideration and approval of a resolution by the City Commission of the City of Kingsville, Texas authorizing execution of a Grant Agreement with the Texas Water Development Board and other matters related thereto. (City Attorney).**

Ms. Alvarez stated that the Commission had approved a resolution to apply to the Texas Water Development Board for the Paulson Falls drainage project which is one of the projects in the city's drainage study, which is about a \$700,000 project. Texas Water Development Board said yes as they had said yes to other projects that were in the city drainage study earlier this year. Part of this is to be funded through a grant of funds and the other part is to be funded through Certificates of Obligations (COs) that the city would issue that the Texas Water Development Board would then buy at 0% interest.

Mr. Don Gonzales, with Estrada-Hinojosa, stated that this year, 2022, the city applied for and received \$700,000 of total financing, a \$399,000 loan, and a \$301,000 grant. What the commission will be considering tonight is the \$301,000 grant. The loan of \$399,000 will be considered by the city at their November 14<sup>th</sup> meeting. The Texas Water Development Board is wanting to take their grant agreement, once it has been approved by the city, so that they may move forward on that. It takes them longer to move on to the grant documentation than the loan documentation. He further stated that to move on these quick what the Water Development does is that they release grant funds first and then the loan funds. To receive the grant funds, the Water Development would like to see if the city would pass on the grant agreement, and assuming the city would do that, the consideration for the certificates of obligations would be brought forward on November 14<sup>th</sup>. Those obligations will be at 0% interest which would be paid from water and sewer revenues and have no impact on the tax rate.

**Motion made by Commissioner Hinojosa to approve the resolution authorizing execution of a Grant Agreement with the Texas Water Development Board and other matters related thereto, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

- 4. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas, and the Kingsville Law Enforcement Association for Fiscal Year 2022-2023. (Human Resources Director).**

Mrs. Diana Gonzales, Human Resources Director stated that the City and KLEA met over several months from May through September 2022. The agreement presented is for a one-year with 4.5% increases to base wages and increases to peace officer certifications, shift differential, field training, clothing allowance, and the addition of 4 hours of Flex Leave Annually for birthdays. The additional contract cost for Fiscal Year 2022-2023 is \$204,168 including fringe benefits. A portion of these additional costs are incorporated in the FY 22-23 budget and the fund balance will be used to meet contractual obligations not currently budgeted since they were unknown at the time the budget was adopted.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas, and the Kingsville Law Enforcement Association for Fiscal Year 2022-2023, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

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

Introduction item.

6. **Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for Daycare use in R1 (Single Family District) at 803 Inez, Kingsville, Texas, also known as Forrest Park 1, Block 2, Lot 20; amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**

Introduction item.

7. **Consider reallocating ARP Funds for employee timekeeping software, equipment, and training. (Finance Director).**

Mr. McLaughlin stated that TimeClock Plus is the current software for time and attendance for city employees. The current software continues to have issues when changes in rates of pay during the middle of a pay period. Tyler Technologies has a time and attendance module which would solve the issues we are having with TimeClock Plus.

**Motion made by Commissioner Lopez to approve the allocation of ARP Funds for employee timekeeping software equipment and training, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

8. **Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend grant funds from the 2022 Patrick Leahy Bulletproof Vest Partnership Grant. (Police Chief).**

Mr. Ricardo Torres, Police Chief stated that the Kingsville Police Department applied for the FY2022 Bulletproof Vest Partnership Grant and is in receipt of funds thru this grant. He further stated that he also requests the rollover of \$1,598.86 which was previously awarded for FY2021 and is available for use until August 23, 2023.

Introduction item.

9. **Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend grant funds from the 2023 Local Border Security Program (LBSP). (Police Chief).**

Chief Torres stated that the Kingsville Police Department has been invited to participate in the 2023 Local Border Security Program. Grants funds for \$78,000 have been awarded. The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity.

Introduction item.

10. **Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional police academy training costs. (Police Chief).**

Chief Torres stated that the department is in receipt of checks from Del Mar Police Academy in the amount of \$11,124.00 and a check for \$8,843.00 for attendees of the Del Mar Regional Police Academy. He further stated that currently \$9,000 is budgeted for cost of sending cadets through the Del Mar Regional Police Academy. The Police

Department needs the reimbursed funds in the amount of \$19,967.00 to help cover the cost of potential police officers attending the police academy.

Introduction item.

**11. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate remaining grant funds from the 2022 Operation Lone Star Grant Program. (Police Chief).**

Chief Torres stated that the Kingsville Police Department requested a resolution to apply for and if awarded to accept and expend FY2022 Operation Lone Star Grant Program Funds. Fund in the amount of \$248,696.03 has been awarded to the Kingsville Police Department.

Introduction item.

**12. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to roll over the Golf Course remaining greens project. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year. This request is to roll over the Golf Course remaining greens project.

Introduction item.

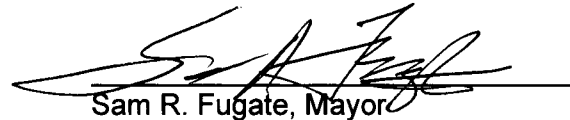
**13. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the carry-over purchase orders that were ordered or started last fiscal year and will be received or completed this fiscal year. (Finance Director).**

Mrs. Balli stated that at the end of each fiscal year, there are outstanding purchase orders that have been created and sent to vendors and due to various reasons, they remain outstanding.

Introduction item.

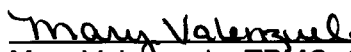
**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:25 P.M.



Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary