

NOVEMBER 28, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 28, 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
Edna Lopez, Commissioner
Ann Marie Torres, Commissioner
Norma N. Alvarez, Commissioner (Arrived at 5:08 P.M.)

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
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
Kobby Agyekum, Senior Planner/HPO
Uche Echeozo, Director of Planning & Development Services
Joseph Ramirez, Engineers Assistant
Michael Mora, Capital Improvements Manager

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)

None.

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

1. Public hearing regarding alcohol variance for a Wine Only Package Store (Q) for the establishment known as Kwik Pantry #2 at 730 W. Corral Street, Kingsville, Texas. (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 location falls within 300 feet of a school, Texas A&M University-Kingsville. Notices were mailed to property owners within a 300-foot radius. The Planning Department staff received no citizen feedback regarding the alcohol variance.

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 5:04 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, 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 that the Golf Course agreement had been approved by Kleberg County Commissioners Court. He further reported that the trash service is running late this evening.

Ms. Courtney Alvarez, City Attorney reported that the next meeting is scheduled for December 12, 2022. The deadline for staff to submit their agenda items is December 2nd.

Commissioner Torres thanked everyone who participated in the opening of the VA Mobile Unit.

IV. Public Comment on Agenda Items.³

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

Mr. Rudy Madrid, Kleberg County Judge commented that the JK Northway Exposition project is 100% complete with 90% completion of phase 3. The rodeo arena will have the capability to hold 100 attendees which will assist with placing heads in beds in Kingsville. As the venue has been booked for the last six weeks, he would like the parking at the JK Northway to be completed soon. He further stated that he is working on additional parking areas for the venue.

Dr. Ugarte commented that he has served the community for many years. This place would not exist if the King Family wasn't here in Kingsville. Their contribution to this community has been great. He further commented that the late Helen Kleberg Groves assisted in the building that we stand on now. He further stated that he is in support of the statue that will be placed in front of City Hall.

Mrs. Mary Valenzuela, City Secretary read the following two public comments from Tadeo Pina and Rose Damron.

Mr. Tadeo Pina, 5410 Pressler, Corpus Christi, TX comment read as followed: My name is Tadeo pina Jr, 5410 Pressler, Corpus Christi, Texas. I am sending this email to express my concern about spending \$280,0000 on a monument for Richard King and his wife. The King Ranch is a byproduct of white people taking land that belonged to Hispanic and indigenous people. Most of the land was taken by lying or by force. So now you want to reward these people with a monument. Have we not learned anything after so many years? Shame on you.

Ms. Rose Damron, 315 S. Frances, Kingsville, TX comment read as followed: Mayor and Commissioners can we please concentrate on the City Parks we have already instead of adding more parks, memorials, or gardens? The City of Kingsville has not even fixed the ball fields as promised and you want to build something that kids can't even play at. I am tired of these kids being left out just because something has been the same way for 60 or 100 years or just because some city officials think that Kingsville locals are poor and uneducated doesn't mean they don't deserve better. The Kingsville kids would like for you to take pride in them and they in turn will take pride in their city. Kingsville can do better for the kids. I mean if you can build a memorial can't you fix ball fields before a monument goes up? #KVILLEKIDSFIRST.

Mr. Oscar Salazar, 724 E. Warren, Kingsville, TX commented that he has several concerns he would like to address. One is the broadband issue. He stated that back in March a study was done which cost the city more money. The second thing he would like to comment on is that he agrees with the public comment that was read regarding kids and the need for improvements at the parks. He commented that King Park is great but there are other issues that money can be used for. Mr. Salazar further commented that he would like to know, with regards to the lighting of the ball fields, which ball fields are getting lights.

Ms. Sandra Rideout-Hanzak, 1530 Virginia Avenue commented that she would like to speak about the stray animal problem in Kingsville and the number of dogs being killed by Animal Control. She stated that she has been here twice before, and many other people have made several pleas as well. In February, she stated that they were told by the City Manager that the only dogs which are killed are those that are too sick or injured to be saved without a large investment of money. She stated that this is simply not true. She further commented that according to the Facebook page this morning, six animals are scheduled to be killed tomorrow; four of them are three- to four-month-old puppies. Two puppies were kicked on November 22nd after being treated for intestinal parasites, which is a stupid misuse of money, she stated. At least two adult dogs were killed on the 18th and at least three adult dogs were killed on the 10th. She further stated that this is just what was reported on Facebook in November only. She states that this is

the status quo here. Perfectly good dogs and puppies are killed every few weeks to make room for more dogs and puppies that will be killed to make room for more, etc. She stated that we have the tail wagging the dog right now. There is a never-ending supply here because the city has done nothing to curb the problem. She asks, what is your end game here? Ms. Rideout-Hanzak also stated that they don't want to be told that it is a cultural problem, as they live here as well. It isn't fair to those of them who do take care of their pets and yards to have stray dogs and cats running around lose all the time. It's not our culture she stated, but they vote too, and they elected the Commission to be the leaders. Leaders do the hard stuff. They tackle difficult situations to make positive changes in the community. She further commented that the Commission has been asked several times by several different people to create an Ad-Hoc Committee to work on a possible solution to this problem. Putting together a committee won't cost the city any money or even any effort. She commented to the Commission that if they leave here tonight without moving the needle forward at all on the stray pet problem, then they are part of the problem and saying to the city that they don't care about pets on the streets and the never-ending funneling of animals into the shelter to be killed so more pets can be placed in the shelter ad nauseam. She further commented that six dogs, including four puppies, will be killed by the City of Kingsville tomorrow to make room for more puppies to be killed. She then asked, are you going to do anything to change the situation?

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)

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. **Consider alcohol variance for a Wine Only Package Store (Q) for the establishment known as Kwik Pantry #2 at 730 W. Corral Street, Kingsville, Texas. (Director of Planning & Development Services).**

Motion made by Commissioner Alvarez to approve the alcohol variance for a Wine Only Package Store (Q) for the establishment known as Kwik Pantry #2 at 730 W. Corral Street, Kingsville, Texas, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

2. **Consider authorizing the purchase of one commercial garbage truck from Doggett Freightliner of South Texas via BuyBoard Purchasing Cooperative, as per staff recommendation. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the purchase of one commercial garbage truck from Doggett Freightliner of South Texas. The new commercial truck will replace one of the older commercial garbage trucks. Most garbage trucks are at the end of their efficient lifespan thus increasing maintenance and operations expenses. The existing garbage truck to be replaced has exceeded the efficient lifespan and will continue to have high maintenance costs. Funds are available through Fund 087-5-1702-71100 of which \$308,529.00 are available this fiscal year. The amount of the truck will be \$284,894.40. It is recommended that the city purchase one commercial garbage truck from Doggett Freightliner of South Texas.

Commissioner Hinojosa asked what the estimated date of arrival was. Mr. Sosa responded sometime in March or April 2023.

Motion made by Commissioner Lopez to authorize the purchase of one commercial garbage truck from Doggett Freightliner of South Texas via

BuyBoard Purchasing Cooperative, as per staff recommendation, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

3. **Consider a resolution authorizing the submission of a Community Development Block Grant Council of Governments Method of Distribution (CDBG COG MOD) application to the Texas General Land Office for eligible mitigation project activities and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program. (Updated projects list) (City Engineer).**

Mr. McLaughlin stated that the city staff worked to revise the AROA Projects list for both the general and utility funds. In order to receive the GLO money, the city will be required to submit applications per CDBG Guidelines to the General Land Office.

Motion made by Commissioner Hinojosa to approve the resolution authorizing the submission of a Community Development Block Grant Council of Governments Method of Distribution (CDBG COG MOD) application to the Texas General Land Office for eligible mitigation project activities and authorizing the Mayor and City Manager to act as the City's Executive Officers and Authorized Representatives in all matters pertaining to the City's participation in the CDBG-MIT Program. (Updated projects list), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

4. **Consider approving the revised ARPA Projects list as per staff recommendation. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the approval of a revised ARPA Project List due to the revision of the GLO State of Texas CDBG Mitigation COG MOD Funds Project List and budget amendment for the revised ARPA Project List. Funds are available for certain types of mitigation projects that are approved by GLO. Funds available to the City of Kingsville come to a total of \$3,946,500. On November 16, 2022, city staff participated in a meeting with representatives of the GLO about the city's initial proposed project list. After that meeting, staff worked on updating the list of GLO projects that were previously suggested during a City Commission meeting on November 14, 2022. Several projects that have been earmarked with ARPA funding have been realigned to be funded with FLO mitigation funds, which allows more ARPA funding to be available for city projects that do not qualify for mitigation funding. After the realignment of the COG MOD funding project list and the new ARPA project list, ARPA funds available will be \$0.

Motion made by Commissioner Hinojosa to approve the revised ARPA Projects list as per staff recommendation, seconded by Commissioner Alvarez. 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 Fiscal Year 2022-2023 Budget to appropriate funding for ARP Projects funded in FY 22-23 but not completed and for FY22-23 approved ARP Projects not appropriated. (Finance Director/Purchasing Manager).**

Introduction item.

6. **Consider a resolution authorizing the City Manager to execute the Master Equity Lease Agreement, the Maintenance Agreement, the Amendment to the Master Equity Lease Agreement, and the Amendment to the Full Maintenance Agreement with Enterprise Fleet Management. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the City Manager to approve and enter a Master Equity Lease Agreement and a Maintenance Agreement and amendments to each of those two documents, consisting of 12 new Service Trucks for the Utility Division through Enterprise Fleet Management through TIPS Purchasing Cooperative Contract #190402 for the Public Works Department. The new service trucks will replace older vehicles that require periodic maintenance and service, causing downtime in responding to callouts for the water and wastewater department. The existing service vehicles will be repurposed for other departments such as streets, landfill, parks, and health departments. Funds are available through the vehicle replacement fund, year one of which \$89,642 are budgeted this fiscal year. Mr. Sosa further stated that it is the staff's recommendation to approve and enter into a Master Equity Lease Agreement, Maintenance Agreement, and amendments to each of those two documents for 12 new service trucks for the Utility Division through Enterprise Fleet Management through TIPS Purchasing Cooperative Contract #190402 for the Public Works Department.

Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute the Master Equity Lease Agreement, the Maintenance Agreement, the Amendment to the Master Equity Lease Agreement, and the Amendment to the Full Maintenance Agreement with Enterprise Fleet Management, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

7. **Consider a resolution authorizing the Mayor to execute a Roadway Easement Agreement (public road) and a Release of Easement with the Board of Regents of the Texas A&M System for constructing, maintaining, repairing, replacing, rebuilding, and operating a public roadway (Santa Rosa curve). (City Attorney).**

The University discovered during its planning phase that the City of Kingsville easement does not accurately reflect the location of the actual roadway known as the curved intersection of Corral Ave. and Santa Rosa Street as it currently exists, the parties' purpose is to rectify the discrepancy. City staff has worked with representatives from Texas A&M University System to prepare a Roadway Easement Agreement and Release of Easement between the two parties.

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute a Roadway Easement Agreement (public road) and a Release of Easement with the Board of Regents of the Texas A&M System for constructing, maintaining, repairing, replacing, rebuilding, and operating a public roadway (Santa Rosa curve), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

8. **Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the Downtown Planter Project that was not completed in FY21-22. (Finance Director).**

The Downtown Planter Project was started in FY 21-22, but completed in FY 22-23. This project was originally budgeted in Fund 033 for a project cost of \$15,000, but the final cost was \$12,290. City has received the final invoices for this project.

Introduction item.

9. **Consider approving city hall landscaping plan. (Mayor Fugate).**

Mr. Sosa stated that this item is for the landscaping and statue of Richard and Henrietta King. As Mrs. Helen Kleberg Groves did not want the use of concrete around the statue it is being proposed to use crushed granite. There will be a sidewalk that will lead from the southwest area of the parking area to the northeast of the parking area. The area will be landscaped with benches where citizens can come to area and visit. He further stated that in the agenda packet, there is information that will show what the area will look like around the statue. The cost estimate for this project is \$285,000 from ICE Engineering. This includes the engineering for the base and landscaping. Bids will be done for the contracting through the city to make sure that the procurement is done correctly.

Commissioner Alvarez asked if anyone else submitted bids for the planning. Mr. Sosa responded that this was a last-minute thing, therefore, he called out to different engineering firms to see if they could handle a project of this magnitude within the timeframe that it was needed. There were two other firms that he spoke with but were unable to meet the timeline that was being requested.

Commissioner Hinojosa commented that this was too much money for this project especially when there are other things that this money could go towards, such as potholes and other priorities. He would like to see this money spent elsewhere.

Mr. Sosa commented that the foundation is one that donated the building for the new City Hall that we sit in today and this is just one way of saying thank you.

Commissioner Hinojosa further commented that \$285,000 is the amount quoted, will the city need to pay the entire amount?

Mr. Sosa responded that if it is the \$285,000 that will be used for the construction, then yes, but he has not heard what the cost is for the statue which was paid by them to build it.

Commissioner Torres asked what the cost would be to maintain the statue.

Mr. Sosa responded that it wouldn't be no more than the cost to maintain the landscape. The statue is made of bronze so he would need to get with the University to see what the maintenance would be.

Commissioner Alvarez commented that she also agrees with Commissioner Hinojosa in stating that it is too much money for the project.

Mayor Fugate commented that he does not like the idea of city staff not having enough time to thoroughly investigate how to do this. It may be best to wait and see if other companies can come in and give the city a quote for the project. He further asked if the Commission could take no action on this item and bring it back in a future meeting.

Ms. Alvarez responded that the City Manager has the authority, based on the dollar amount, to hire the engineering firm. She further stated that the reason the item was brought to the City Commission is to approve the landscaping plan that was proposed. Nobody will know the actual cost until the engineering firm that the city works with goes out for bids publicly. She further stated that at that point the Commission can accept a bid or reject all bids as it is done when the city publicly bids something out.

Commissioner Alvarez asked that since the statue has been completed, is there a timeframe for when the statue needs to be delivered?

Mr. Sosa responded that it will take time to build it, and it would not be built in a week. There is still a process that needs to be taken before the statue is built.

Commissioner Torres commented that it was stated that it was a rushed job, but other projects have been put forth which they don't have any information on one project which is the \$150,000 for the baseball parking lots. She further stated that what concerns her is that no one asked the city to do this first before the statue was built.

Mr. McLaughlin responded that this project started when the previous City Manager, Mr. Jesus Garza was with our city. The landscaping was part of the plan when this became City Hall and if you look around there is no landscaping. He further stated that the city is way behind on its commitment to the King Family and the late Mrs. Groves. He stated that Mrs. Groves was very clear about the landscaping around the new city hall building.

Commissioner Hinojosa asked if this landscaping project was only for the area near the proposed statue. Mr. Sosa responded yes.

Mayor Fugate suggested to the commission not to take any action on this item tonight.

The commission agreed to take no action at this time.

10. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the City Hall Landscape Project. (Mayor Fugate).

Introduction item.

11. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the J.K. Northway Parking Lot Project. (City Manager).

Agenda Item #11 was discussed before agenda item #1, as per Mayor Fugate's request.

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the J.K. Northway Parking Lot Project, seconded by Commissioner Hinojosa.

Commissioner Hinojosa commented that within the \$158,000, he wants to make sure what is included in that cost is labor, equipment, and whatever the cost it is that FEMA pays per hour and materials. He further asked what would happen to the debris, will it be taken to the landfill, and will the city charge any tipping fees as the city would have to pay some of the tipping fees to the state. He further commented that depending on the answer given to his questions, will determine how he votes for this item.

Mr. McLaughlin responded that the \$158,998 from the city is material only. The city is absorbing the labor and any other fees for the landfill, and he doesn't think anything will be going out to the landfill from this project.

Commissioner Hinojosa asked about the cement that the county will have.

Mr. McLaughlin responded that there are no tipping fees for cement as it doesn't go into the pit. He stated that no material will be going into the pit from this parking lot project.

Commissioner Hinojosa commented that his concern is the cost of labor, equipment, and any other incidentals. He doesn't feel that the city should be paying the full amount of the labor and equipment.

Mr. McLaughlin stated that it is not the way that it was calculated.

Commissioner Hinojosa responded that it was his understanding that it would be the total cost.

Commissioner Alvarez asked if the city was providing the labor and equipment.

Mr. McLaughlin responded yes. When this was first brought up and it was said that this was the city's project to do this parking lot it is including city labor, equipment, and purchase of the aggregate.

Commissioner Hinojosa stated that he understood this when it was the city's project, but it is no longer the city's project as it was going to be under the city's control. He further stated that anytime a project is done, the number of hours worked can be tracked. As for the equipment, it would be determined at the cost that FEMA pays when there is a hurricane.

Mayor Fugate asked how long will it take to fix the parking lot. And how many employees will be working on this project?

Mr. McLaughlin responded that with perfect weather and that if all the material is delivered to the site, it will take 15 business days with the entire Street Department staff working on it, which is 13 employees.

Mayor Fugate asked Ms. Alvarez if Commissioner Lopez can amend her motion to include everything, \$158,000 is what the city will give for the project which includes not only material but also labor.

Ms. Alvarez responded that Commissioner Lopez can amend her motion to include that and the second could be amended to add the language to the interlocal.

Commissioner Lopez agreed to amend her original motion, seconded by Commissioner Hinojosa.


Commissioner Torres asked if there would be any overtime for employees for this project.

Mr. McLaughlin responded that they could incur overtime.


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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:09 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary