

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, MARCH 27, 2023

REGULAR MEETING

CITY HALL

HELEN KLEBERG GROVES COMMUNITY ROOM

400 WEST KING AVENUE

4:00 P.M.- Workshop

5:00 P.M.-Regular Meeting

**Conference Line call: 1 (415) 655-0001 and
when prompted type access code: 126 210 9951 #**

OR

Live Videostream: <http://www.cityofkingsville.com/webex>

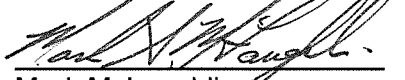
I. Preliminary Proceedings.

OPEN MEETING

CONVENE INTO BUDGET WORKSHOP:

Discuss proposed goals for fiscal year 2023-2024 budget for departments of the City of Kingsville. (City Manager).

APPROVED BY:



Mark McLaughlin
City Manager

REGULAR MEETING RESUMES AT 5:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting March 13, 2023

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

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, 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.”

IV. Public Comment on Agenda Items.³

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

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)

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to KT&I Co., Block 17, Lot Pt 6, (8.71 acres), also known as 1420 Senator Carlos Truan Blvd., Kingsville, Texas from R1 (Single Family Residential District) to R3 (Multi-Family Residential District); amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan. (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Municipal Building Parking Lot Maintenance. (City Engineer).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism ARP Funding for projects approved in FY21-22 but not completed in FY21-22 and not rolled forward to FY22-23. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for a new laptop for the warrant officer and scanners for the Municipal Court. (Finance Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to reallocate UF ARP Funding to GF ARP Funding for the asbestos removal, air monitoring, and demolition of the old Kleberg County Hospital. (City property on E. Caesar Ave.) (Purchasing Manager).
6. Motion to approve a resolution approving the City of Kingsville Investment Policy and Investment Strategies; designating the City Manager, Director of Finance, and City Accounting Manager as the authorized city representatives with full authority for investment purposes, and providing for disclosure of financial interest. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider a resolution authorizing the City Manager to execute a contract with R.L. Abatement, Inc. for asbestos removal, air monitoring, and demolition of old hospital at 400 E. Caesar Avenue. (Purchasing Manager).
8. Consider a resolution authorizing adoption and approval of the Texas Term Sheet for the Opioid Settlement and matters related thereto. (pharmacy settlements). (Police Chief).
9. Consider a resolution accepting award of Law Enforcement Officer Standards and Education funds from Texas Comptroller of Public Accounts; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
10. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend grant funds from Law Enforcement Officer standards and Education (LEOSE) for training. (Police Chief).
11. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for City Attorney salary adjustment. (Finance Director).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board located at City Hall, 400 West King Ave, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

March 23, 2023 at 3:45 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

Mary Valenzuela
Mary Valenzuela, TRMC, CMC, City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

MARCH 13, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 13, 2023, 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:

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
Susan Ivy, Parks Director
Kwabena Agyekum, Interim Director of Planning & Development Services/Senior Planner/HPO
Joseph Ramirez, Engineers Assistant
Mike Mora, Capital Improvements Manager
Ricardo Torres, Chief of Police
Diana Gonzales, Human Resources Director
Janine Reyes, Tourism Director
Belinda Tarver, Building Official

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 February 27, 2023

Motion made by Commissioner Lopez to approve the minutes of February 27, 2023, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

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

1. Public hearing for proposed rezone of KT&I Co., Block 17, Lot Pt 6, 8.71 acres, also known as 1420 Senator Carlos Truan Blvd., Kingsville, Texas 78363 from R1 (Single Family) to R3 (Multi-Family). Rick Deyoe, applicant. (Director of Planning & Development Services).

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

Ms. Alvarez commented that at a previous meeting, the Commission had approved a resolution for a senior living apartment complex, this is the rezone for this item. No

feedback from the community, based on the letter that was mailed out and Planning & Zoning Commission approved the item unanimously.

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

There being no further comments Mayor Fugate closed this public hearing at 5:04 P.M.

2. Public hearing for proposed replat of Tranquitas 2, Block 2, Lots 5, 6, 7 & 8, also known as 168 West Ave. D, Kingsville, Texas 78363. Santiago Cantu Jr., owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:04 P.M.

Mr. Kobby Agyekum, Interim Director of Planning & Development Services stated that the requestor had land that measures 150x140. He has a house on one side of the property and wants to split the property into two lots that are 75x140.

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

There being no further comments Mayor Fugate closed this public hearing at 5:04 P.M.

3. Public hearing for creation of nine (9) neighborhood districts proposed for district map needed for new master plan. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:04 P.M.

Mr. Agyekum stated that the Planning and Development Services Department of the City of Kingsville, in the process of preparing a comprehensive plan for the city, is delineating the city into nine administrative neighborhoods/districts. Consequently, a request is made for a Public Hearing geared towards engaging members of the community and for the adoption of the districts. The Planning and Development Services Department of the City of Kingsville is currently preparing an updated comprehensive plan for the city of Kingsville. To facilitate this, the city is being divided into 9 neighborhoods or districts geared toward effective administration. These neighborhoods are known as 1) Downtown; 2) West Side; 3) East Side; 4) Northwest; 5) Northeast; 6) North Side; 7) District 7; 8) Southeast; 9) South Side. Mr. Agyekum further stated that a public hearing is part of the requirements needed to ensure members of the community are adequately briefed on the details of the plan. Subdividing the city into these districts enables effective community engagement during the plan preparation and, in the future, fosters more robust monitoring and review.

Mayor Fugate asked if this was the public hearing that is required. Ms. Alvarez responded yes. Mayor Fugate recommended a town hall meeting to publicize this and allow the community to look at the plans to allow them to have input into this plan, as he doesn't think too many citizens have seen this.

Ms. Alvarez commented that this is a preliminary step into the comprehensive master plan. Once they get into more of the details for each district then there will be more notice or engagement. The creation of the map is a way to get it started.

Mayor Fugate asked if the Commission would still need to approve the final plan. Ms. Alvarez responded yes; this is just creating a map so that staff has a planning tool so that it is easier to reach each of the districts.

Commissioner Alvarez commented that letters have been sent out regarding this already, as she has a copy of the letter letting people know about the hearing tonight.

Ms. Alvarez stated that staff had previously had a community forum about the master plan a few months ago.

Commissioner Lopez and Commissioner Torres stated that they had just heard about this now. Commissioner Lopez commented that she feels that the citizens need more information and time to understand what this is about, as there are a lot of questions being asked by the citizens.

Commissioner Hinojosa asked why there are so many districts.

Mr. Agyekum stated that the reason for the districts is to have a citizen or citizens represent their area and voice their concerns for their district.

Commissioner Lopez commented that more information needs to be given so that everyone understands what this is for.

Mayor Fugate suggested not taking any action on this during tonight's meeting.

Ms. Alvarez asked the Commission if they would like to see if anyone in attendance would like to comment on this, before recommending not to take any action.

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

Ms. Crystal Emery, 1620 South 11th Street, which would be District 7, commented that she likes the phrase "less is more" and feels that we already have the county's area, Precincts 1, 2, 3, and 4, and brush zones 1, 2, 3, and 4, which are different already. With now there being 24 polling places, there are already too many numbers that citizens will need to remember where they are located. The addition of 9 new districts will just add confusion to the average voter and average citizen. Ms. Emery further commented that she would like to see this more in line with what we currently have, either by the city's brush zones or the county's precincts. She also agrees with the Commissioners that more notice needs to be given as this was only about 5 days out. As it is Spring Break for some schools this week so maybe some citizens are not able to attend the meeting tonight, maybe multiple sessions would be beneficial to the citizens to hear what these districts are for and could affect anything outside of the comprehensive plan or could it in the future. These are some of the questions she and some of the citizens have as well, about how this is going to affect administratively affect us in the future.

Mayor Fugate commented that this item will not be addressed during tonight's meeting.

There being no further comments Mayor Fugate closed this public hearing at 5:10 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.”

Mrs. Susan Ivy, Parks Director gave a brief update on activities occurring during Spring Break Week.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled meeting will be on March 27, 2023, with an agenda item deadline of Friday, March 17th.

Commissioner Torres gave a brief update on the Executive Board for the Council of Governments. This board will be meeting often, and a calendar of their scheduled meetings will be forwarded to the City Secretary. Commissioner Torres further thanked Mrs. Ivy for organizing spring break activities.

IV. Public Comment on Agenda Items.³

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

No public comments were made.

V.

Consent Agenda

Notice to the Public

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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. Discussion regarding financing options for certain city equipment and/or projects. (ie, water meters). (Finance Director).

Mrs. Deborah Balli, Finance Director stated that the City Commission has approved a Water Meter Replacement project with \$1 million of ARP funding. The total cost of the project is estimated to be \$6.5 million and will need to be funded through an outside bond issue paid back over 1-15 years with increased revenues resulting from the new

water meters. Information will be provided by the City's Financial Advisors and Bond Counsel at the City Commission meeting on the financing options, timetable of events, and other items related to the issuance of debt for this project.

Mr. Don Gonzales, Estrada Hinojosa Financial Advisors stated that there has been a lot of volatility in the interest rate market. Interest rates have moved up very quickly and today we have seen rates decrease quite a bit. This is primarily due to the Silicon Valley Bank that failed on Friday and Signature Bank in New York that failed over the weekend. This has caused a rush to the higher quality treasury on the United States Treasury side which brought interest rates down, and prices of those securities increasing. He further stated that we don't know if this will be here for a very long period. It could be something that can go back the other way within this week. The Fed has already come out and stated that they plan to create a bridge bank that will be shoring up the Silicon Valley Bank and other banks that may have issues financially. Mr. Gonzales commented that they think this will be short-lived. What they have seen in the past year and a half is interest rates coming up between 150 to 250 basis points, which is significant in terms of increases. Last year and at the beginning of this year, the Feds made comments that they are planning on increasing rates some more. With this pressure, one of the things they did, when this was brought to their attention was to move very quickly and see if it made sense to try and do a private placement with one financial institution that would be able to give us some good indication as to what the interest rates would be, knowing that they wouldn't be bringing to the Commission a deal that is done but one that has some indications in terms of interest rates and as to where they could come in. He further stated that they spoke to a few banks and among the two best banks they saw we would still be around 4%, between 4% and 4.25%, whereas others would be around 5% and higher. This would be for a 15-year to a 20-year type of financing. He further stated that with water meters if you do the installation properly they can last about 15 years on the low side and about 30-plus years on the high side. The city can finance this for more than 5 years. Mr. Gonzales did state that they asked the two banks that came in with the lower interest rates and see what a 7-year term, 10-year term, and 15-year term, in terms of interest rates look like. He further commented that because of the yield curve, the yield curve is higher on the short end and lower on the long end. What they are looking at is, on a 7-year term it will be about 4.25%, and going out 10 to 15 years you can see about a 4.10% to 4.15%. He commented that if the city wanted to move quickly it could do financing using certificates of obligation. The sooner the city can get the water meters ordered, installed, and operational, the sooner the revenue will be coming in from water meters that will be reading accurately. Mr. Gonzales stated that one of the recommendations they made to Mrs. Balli is to order the meters that are needed, keeping in mind future growth, order what may be needed within the next 7 years, and get it all in one purchase. The city can then reimburse itself with the reimbursement resolution. The city could spend the money today and get the order in and complete the financing. If the city decides to move forward today, public notice would need to be published for two consecutive weeks in the local newspaper then wait 45 days from the first publication before issuing the certificates of obligation. He further commented that the longer the delay for this purchase, the higher the risk that interest rates will increase in this type of environment, than where we are today. He also commented that if the commission was to approve moving forward today, they could get with the bank that gave the best indication and try to lock in an interest rate, roughly about 30 days from now. This would put this in the middle of April and interest rates could be locked through the time of closing in June.

Commissioner Alvarez asked what the interest rate is forecasted at. Mr. Gonzales responded that if we did a 15-year transaction, with the consideration that the Feds may increase at a later time, it is built at 4.25%.

Mayor Fugate commented that the city has purchased water meters in the past and further asked how long those meters will last.

Mr. Bill Donnell, Public Works Director, responded that meters were purchased sometime around 2004.

Ms. Alvarez commented that she recalls the city doing a CO back then to purchase meters for the entire city.

Commissioner Torres asked if this was the company that was too expensive which was discussed sometime back.

Ms. Alvarez responded that at this time the only thing that is being discussed is the potential financing options. The Commission will not be approving the purchase at this meeting tonight.

Commissioner Torres further commented that she understood, but is staff basing this on the \$6.5 million on quotes that staff had already received, or is this money that is being estimated from what?

Ms. Alvarez responded that the estimates are based on numbers that staff has obtained. The city did hire out an investment grade audit where they performed an estimate. Once the information was received staff did their due diligence in double-checking the numbers and checked to see what other options were available and what equipment, not just the meters, but the readers that go with the meters would be most compatible and beneficial for the city overall.

Commissioner Torres further asked if the estimate came from the company that was hired. Ms. Alvarez responded that it came from staff.

Mrs. Balli commented that the company that Commissioner Torres is referring to PSI which did the initial study. They then brought the city several meter companies and staff selected the meters that they thought were best suited for our city. Once staff decided that they no longer were going to use PSI to do the project, staff got a hold of the actual company that had the best meters for our city, and received their quotes for buying them directly from them along with the installation including the cost that will be involved in getting the meters for this project. The cost was less than if the city would have gone through with PSI contract which is about \$6 million to \$6.5 million.

Commissioner Torres asked if the \$6.5 million was at the higher-end cost. Mrs. Balli responded yes. Mrs. Balli further stated that it depends on the \$1 million which is not included in the \$6 million to \$6.5 million. There will be discussions on whether or not the \$1 million will be used as a contingency in the event of any changes.

Commissioner Torres asked if staff had the amount of money that the city is losing while using the current meters. Mrs. Balli responded yes.

Commissioner Hinojosa asked if the total amount would be \$7.5 million. Mrs. Balli responded yes if you include the \$1 million. She further stated that it would depend on if the city wants to use the \$1 million against that, staff can structure the financing a little differently if we were still going to use the \$1 million or we could not use it and then it would be a different structure for the financing.

Commissioner Hinojosa asked what Mr. Gonzales would recommend, as 15 years is a long time as he doesn't think that those meters would last 15 years. He would prefer to go with 7 to 10 years.

Mr. Gonzales responded that he originally was looking at 10 years as well, but what was determined was that the interest rate was lower for 15-year financing than for the 10 years. With the newer technology, in terms of the meters, the meters should do well. He further stated that the city is looking at a capital improvement plan and this capital improvement plan is going to require some water and sewer utility rate increases. If you couple that with having to make the utility system improvements, you don't want to put more pressure on the ratepayer due to shortening the debt service by 5 years, when it could have been left out at 15 years at a lower interest rate. Looking at the overall picture, if the city has to make some improvements to its wastewater treatment plants, which are more costly than the \$6 million, it makes more sense to spread this project into a 15-year financing.

Mrs. Balli commented that the other part of the contingency is that on the commercial water meters there will probably be a greater need to do additional work when commercial meters are pulled. The contingency amount would handle the unknowns that we have now. Not all commercial meters were tested, but once the meter swap-out begins the city may run into some problems with the swap-outs.

Commissioner Alvarez stated that Mr. McLaughlin had already commented at a previous meeting, that once the swap out of meters begins, there may be some repairs that will need to be done.

2. Consideration and approval of a plan of finance and a resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation. (City Attorney).

Mayor Fugate asked when was the last time the city had issued certificates of obligation. Ms. Alvarez responded that it was a few years ago, but when the city issues certificates of obligation the commission is asked to approve a resolution as such which will allow staff to move forward with purchasing the equipment. The purpose of this is to have the water meters read accurate readings so that the city doesn't lose too much revenue from inaccurate readings. She further commented that the savings from the new water meters being installed will assist in paying for this.

Commissioner Alvarez asked if this needed to be done by BuyBoard. Ms. Alvarez responded that this item is not for the purchase of the equipment, only asking for permission to put our notice that the city intends to issue Certificates of Obligation (COs) in the future. There is a requirement in the State statute that a notice be published in the newspaper for two consecutive weeks to notify the citizens of what the city is doing and what it's for. The notice that was published states that this is for sewer and water improvements including water meters and related technology. The tentative date of issue is May 8th at 5:00[p.m. with a total maximum amount of, not expected to exceed \$6.5 million with the city pledging to pay the \$6.5 million from ad valorem taxes but subordinate lien of the net revenues from the water and sewer system from the savings.

Commissioner Torres stated that as the city is doing \$6.5 million and with the Fed rates increasing 1.75, how is that going to change whether the city moves forward or not since the city will not be locked in and is the \$6.5 million going to remain the same knowing that companies will be increasing their prices.

Mr. Gonzales stated that as we don't have interest rates locked in and don't have a price lock on the product, what this process does is initiate the beginning so that the city can get to a date where the city can say to a vendor that it now wants a price lock on the product. The city can then also go to the financial institute and lock in an interest rate. If the city decides to wait on the process, there is a chance that prices and interest rates may increase.

A chart showing the Municipal Market Data Yield Curve was discussed by Mr. Gonzales. A copy of the chart was provided to the City Commission and staff. The chart showed how interest has fluctuated in the last 12 months. In the first year, in the short end, interest rates increased more than they have in the long-end thirty years out it increased by 1.57% and went up by 2.16% in year one. Instead of interest rates increasing naturally, they increased more on the short end in the first couple of maturities than in the long end for a maturity that is 30 years out. The last time this was seen was in a financial crisis. The change in a week's interest rate increased by 4 basis points to 7 basis points, which is typically seen during the course of a month but was done in one week. For years 1 through 5, current interest rates on the short end are higher than where they had been over the average of the last 20 years, which is what creates the inverted yield curve. When you look at 10 to 15-year financing the interest rates are not very different from where they are if you did something that is 2 to 3 years. Mr. Gonzales commented that if the city doesn't start moving sooner rather than later chances are, with inflation cost, the meters could increase as well as the interest rates. Mr. Gonzales stated that for this process the financing team is the City of Kingsville, Financial Advisor is Estrada Hinojosa & Company, Co., Bond Counsel is Winstead, PC, Purchaser is to be determined as well as Paying Agent. Mr. Gonzales commented that if things come back significantly different then it will be requested for the city to wait and maybe delay this for several months. Starting today it does not mean that the city has to come back and issue the debt in May. If the city gets to May and things are not where they need to be, the city can do a notice of extension and wait a month, as the publication has already been done in the newspaper, and see if the rate decrease then ask the bank to provide another quote. The city is not locking itself in but giving itself more flexibility by starting the process sooner rather than later.

Commissioner Torres commented that she was concerned about the \$6.5 million and then the meters would cost the citizens to have to pay more which is difficult when you see the changes in the market and if they will have to be paying more for groceries then need to decide if they want to purchase the groceries or pay the water bill, it makes it difficult for the citizens.

Mr. Gonzales stated that if the city can get 15-year financing with a lower interest rate it will ease some of the pressure on what the monthly payments will look like on a water bill. Mr. Gonzales stated that the city has debt that will be going down from \$3.25 million to \$2,750,000.00, which will give the city some debt capacity. The city may want to start thinking about what the city's capital projects will be and how much will the city need and by when it will be needed. The city will also need to look at issuing some debt so that there could be a payment in 2024 and keep the city's tax rate leveled and use the capacity the city has. Estimates have been provided in terms of what that debt capacity would look like, which is information that the city may want to have before going into its budget session for the upcoming fiscal year. He further commented that with regards to certificates of obligation, the Texas Legislature is in session, and they are looking at coming after certificates of obligation. What this means is that they have already limited, that if you are doing a quality of life type projects such as parks and recreation, it will not be allowed to issue certificates of obligation for that type of project, they will want the city to go to its voters for that, as it for quality of life. If the city needs to do a project related to utility systems such as streets, police, and fire, those are good. If the city

wants to make city hall improvements, it will not be allowed any longer. It will be very limited what a city can do with certificates of obligation.

Mayor Fugate commented that the monies that the city owes are for infrastructure.

Commissioner Hinojosa commented that another thing to consider is supply and demand.

Motion made by Commissioner Lopez to approve a plan of finance and a resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

3. Consideration and approval of a resolution declaring intention to reimburse certain expenditures. (City Attorney).

Motion made by Commissioner Lopez and Commissioner Torres to approve the resolution declaring intention to reimburse certain expenditures, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

4. Consider a resolution suspending the May 1, 2023, effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas-South Texas Division, to implement interim GRIP Rate Adjustments for gas utility investment in 2022 and requiring delivery of this resolution to the company and legal counsel. (City Attorney).

Ms. Alvarez stated that this involves a proposed rate increase by the gas utility that services our area. In between major rate case filings, gas utilities can propose Gas Reliability Infrastructure Program (GRIP), they can do these types of assessments. The only review that the city is allowed to do is to confirm that it complies with the Texas Utility Code. The city can recommend that the rate increase that is being proposed for May 1st be suspended for a period of up to 45 days to give the city time to verify that the utility did everything procedurally correctly. Ms. Alvarez further explained the different types of rate increases that can be contested by the city, but this is not one of those cases. All cities can do is postpone the increase to make sure that the statute was complied with. Rates will increase as follows, residential customers will increase by \$3.72 per month, general service small customers rate will increase by \$7.51 per month, and general service large volume will increase by \$59.85 per month. Ms. Alvarez further commented that the city cannot stop the increase, it can only delay it.

Mayor Fugate asked if it is staff's recommendation to approve this item. Ms. Alvarez responded yes.

Motion made by Commissioner Lopez to approve the resolution suspending the May 1, 2023, effective date of the proposal by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas-South Texas Division, to implement interim GRIP Rate Adjustments for gas utility investment in 2022 and requiring delivery of this resolution to the company and legal counsel, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

5. Consider request to replat Tranquitas 2, Block 2, Lots 5, 6, 7 & 8, also known as 168 West Ave. D, Kingsville, Texas 78363. (Director of Planning & Development Services).

Mayor Fugate asked why does this need to come back for a replat? Why can't a house be built on two lots 5 & 6 and 7 & 8 as they are already described?

Ms. Alvarez responded that it is her understanding that in the older section of town, the individual lots are very narrow and so the requestor wants to take the four lots that they currently have and break them off into two separate properties, which one of them already has a house on it which they would like to sell it. They would then have a second lot where they can place a second home and make it marketable. To sell it, they need to divide it up and create an address for each property which will make it a cleaner bill of sale.

Commissioner Lopez commented that it needs to be done as there is only one address for the entire property.

Ms. Alvarez commented that currently there is only one address for the four parcels.

Motion made by Commissioner Alvarez to approve the request to replat Tranquitas 2, Block 2, Lots 5, 6, 7 & 8, also known as 168 West Ave. D, Kingsville, Texas 78363, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to KT&I Co., Block 17, Lot Pt 6, (8.71 acres), also known as 1420 Senator Carlos Truan Blvd., Kingsville, Texas from R1 (Single Family Residential District) to R3 (Multi-Family Residential District); amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan. (Director of Planning & Development Services).

Ms. Alvarez stated that letters were mailed out as well as notices were posted in the newspaper. The city did not receive any feedback from those notified.

Introduction item.

7. Consider a resolution adopting a neighborhood/district map of the City for the new Comprehensive Master Plan. (Director of Planning & Development Services).

No action was taken.

8. Consider a resolution authorizing the Mayor to execute an Economic Development Grant Letter of Commitment between the City of Kingsville and LeRoy David Thibodeaux. (City Attorney).

Ms. Alvarez stated that in 2022 the city started with the Economic Grant Program and Manual to spur economic activity in the city, then a Board was created by the Commission. The Board began advertising and receiving applications that the Board reviewed. On November 14, 2022, three recommendations were brought forward to the Commission for consideration of approval. The City Commission approved the projects and the funding amounts that were revised from what the applicants request. This is the first commitment agreement with one of the three individuals. Because the Commission approved the project, this will specify the amount they would receive as a maximum and what it can be spent on in accordance with the program requirements.

Commissioner Hinojosa asked who would be monitoring this. As he recalls, it was determined that the Economic Development Director, Manny Salazar, would be monitoring it, but with him now being appointed as the interim to the Kingsville Record,

he pretty much has a lot to handle at this time. He further asked if the City Manager will be monitoring this now.

Ms. Alvarez responded that the city will be cutting the check for any items. The individual would have to submit an invoice that will then be reviewed by staff as well as the Finance Department before anything is cut.

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Economic Development Grant Letter of Commitment between the City of Kingsville and LeRoy David Thibodeaux, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

9. Consider awarding bid for RFP#23-04 to Donald Hubert Construction Company Inc. for the 2023 Municipal Building Park Lot Maintenance Project, as per staff recommendation, and approve resolution authorizing the City Manager to execute an Agreement for RFP#23-04 Municipal Building Parking Lot Maintenance Project. (City Engineer).

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the award for bid RFP#23-04 to Donald Hubert Construction Company Inc. for the 2023 Municipal Building Park Lot Maintenance Project, as per staff recommendation, and approve resolution authorizing the City Manager to execute an Agreement for RFP#23-04 Municipal Building Parking Lot Maintenance Project, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Municipal Building Parking Lot Maintenance. (City Engineer).

Introduction ordinance.

11. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism ARP Funding for projects approved in FY21-22 but not completed in FY21-22 and not rolled forward to FY22-23. (Finance Director).

Ms. Balli stated that in fiscal year 21-22, wayfinding signs and promotional frames were approved for Tourism ARP funding. These projects were not completed in fiscal 21-22 and the budget was not rolled over into the current fiscal year budget. These projects are now completed, and budgets need to be established to cover these expenditures. Funding for these expenditures will be covered by the Tourism ARP funding fund balance.

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for a new laptop for the warrant officer and scanners for the Municipal Court. (Finance Director).

Ms. Balli stated that the Warrant Officer needs a new laptop and the Municipal Court staff needs new scanners. These items are required to perform the duties of the Court. Funding for these expenditures will come from the Municipal Court Technology Fund.

Introduction item.

13. Consider awarding bid to R.L. Abatement, Inc. via TIPS Purchasing Cooperative as per staff recommendation for asbestos remediation, demolition, and disposal costs of old hospital building. (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the city to approve a contract with R.L. Abatement Inc. for the asbestos removal, air monitoring, and demolition of the old Kleberg County Hospital for the City of Kingsville through Tips Purchasing Cooperative Contract. City staff has been directed by the City Commission to search for an economical solution for the demolition of the old hospital, which is owned by the City. The priority was to have an independent asbestos detection company perform a test of the building. After asbestos was detected, further testing was needed, but all the debris prevented further testing, therefore removal of all the debris was done. The debris comes from the old hospital being used as a storage facility before the City purchased it. After the removal of debris, staff located another asbestos company from a purchasing cooperative list to perform an updated asbestos report. The information in the report still showed signs of the asbestos being over the state-regulated amount, requiring abatement by the company before the demolition of the building. R.L. Abatement, Inc., is a member of the TIPS purchasing cooperative and can perform the asbestos removal, air monitoring, demolition, and disposal of the old hospital. Funding is available through Budget Amendment for line item 121-5-1030-31400, which is the General Fund ARP Funding City Special Professional Services line item. The total cost of services is \$683,750.00. Currently, \$400,000 exists in the line item. A budget amendment of \$283,000 is needed to transfer funds from the Utility Fund ARP funding to this line item in the General Fund ARP funding to cover the full cost of the project.

Motion made by Commissioner Alvarez to approve the award bid to R.L. Abatement, Inc. via TIPS Purchasing Cooperative as per staff recommendation for asbestos remediation, demolition, and disposal costs of old hospital building, seconded by Commissioner Lopez.

Commissioner Torres asked if the company will be sending out letters to citizens that reside near the hospital due to the air quality.

Mr. Sosa responded yes. The company will be monitoring the air quality, and this will be done in 3 phases. Phase 1, which contains part of the hospital that does not have asbestos, that part will be demolished at the beginning of the project. While phase 1 is being done, the asbestos company will be removing the asbestos and monitoring the air quality of Phase 2. Once this gets cleared off demolition will begin in Phase 2 and then move on to Phase 3. This project will take about 3 to 4 months to have it all cleared and demolished.

Commissioner Lopez asked if this would include the walkway that connects the old hospital to the building directly behind it.

Mr. Sosa responded that the walkway will be removed only up to where the city owns.

Mayor Fugate asked if the walkway will be closed in. Mr. Sosa stated that Mr. Ted Figueroa has insured him that he would be boarding up the property.

Commissioner Lopez commented no and that staff needs to speak with Mr. Albert Garcia.

Mayor Fugate commented that he spoke with Mr. Garcia and told him to get in contact with the City Manager to work this out. Mr. Sosa stated that the city can send staff to board it up as it would be leaving it open.

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

14. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to reallocate UF ARP Funding to GF ARP Funding for the asbestos removal, air monitoring, and demolition of the old Kleberg County Hospital. (City property on E. Caesar Ave.) (Purchasing Manager).

Introduction ordinance.

15. Consider authorizing use of ARP Funds for the installation of an access control system and double gate system at the City's Dr. Pepper Building located on Lee Street. (Purchasing Manager).

Mr. Sosa stated that this item authorizes approval to use ARP Funds for the installation of the following: an Access Control System for the City's Dr. Pepper Building by American Integrated Solutions of Corpus Christi, TX through GoodBuy Purchasing Cooperative Contract; and a new Double Gate System on West Lee side of the building by D&C Fence Company of Corpus Christi, TX for the City of Kingsville Police Department. Currently, the Dr. Pepper Building has locksets on all doors throughout the building. The new access control system will allow the Police Department to isolate offices used for Slot and provide access for city employees. The Police Department has a gym in the building that can be used for fitness for all city employees. The new access control system will allow city employees to access the gym using their current ID badges. Funds are available through General Fund ARP line item 121-5-2000-71200 of which \$45,000 are available this fiscal year. The purchase price is estimated to be \$43,703.63.

Motion made by Commissioner Lopez to authorize use of ARP Funds for the installation of an access control system and double gate system at the City's Dr. Pepper Building located on Lee Street, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

16. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

Mayor Fugate announced the executive session and convened the meeting into closed session at 6:12 P.M. Mayor Fugate reconvened the meeting into open session at 6:17 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:17 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

Planning and Development Services
410 W King
Kingsville, TX 78363
PH: 361-595-8093



Rezone - Action Item

MEMO

Date: March 1, 2023
To: Mark McLaughlin City Manager)
From: Kobby Agyekum (Senior Planner, Planning and Development Services)
Subject: Rick Doyoe, Applicant; requesting the Rezoning of KT & 1 CO, Block 17, Lot PT, 6, Acres 8.71, also known as 1420 Senator Carlos Truan BLVD, Kingsville, Texas from R1 (Single Family) to R3 (Multi Family).

The Planning and Zoning Commission meeting was held as scheduled this evening, March 1, 2023, with 4 members in attendance.

Members deliberated over the issue of granting approval for a rezone of **KT & 1 CO, Block 17, Lot PT, 6, Acres 8.71, also known as 1420 Senator Carlos Truan BLVD, Kingsville** to enable the applicant to create a multi-family living area for Senior Apartments. Letters were sent out to neighbors and the City received no feedback. Commissioners, after deliberations, voted to approve the recommendation to rezone the said property from R1 (Single Family) to R3 (Multi Family). A recorded vote of all members present was taken and Commissioners Larry Garcia, Mike Klepac, Rev. Idotha Battle and the Acting Chairman – Brian Coufal all voted 'YES'.

The meeting was adjourned by about 6.23 p.m.

Thank you.

A handwritten signature in black ink, appearing to read "Kobby Agyekum", written in a cursive style.

Kobby Agyekum
Senior Planner
Planning and Development Services

**CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)Project Address 1420 Senator Carlos Truan Blvd. TX Nearest Intersection _____(Proposed) Subdivision Name _____ Lot PT 6 Block 17Legal Description: Legal Description (KT & I CO, BLOCK 17, LOT PT 6, ACRES 8.71Existing Zoning Designation R1- Single Family Future Land Use Plan Designation R3-Multi-family**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**Applicant/Authorized Agent Rick Deyoe Phone (512)426-5202 FAX _____Email Address (for project correspondence only): Rdeyoe@realtexdevelopment.comMailing Address 1114 Lost Creek Blvd. City Austin State TX Zip 78746Property Owner GHRAOWI FAMILY INVESTMENTS Phone 361-815-8902 FAX _____Email Address (for project correspondence only): Johairsabawi@yahoo.comMailing Address 204 Shore Dr. City Portland State TX Zip 78374
13631 WILDWOOD LN City REDDING State CA Zip 96003

Select appropriate process for which approval is sought. Attach completed checklists with this application.

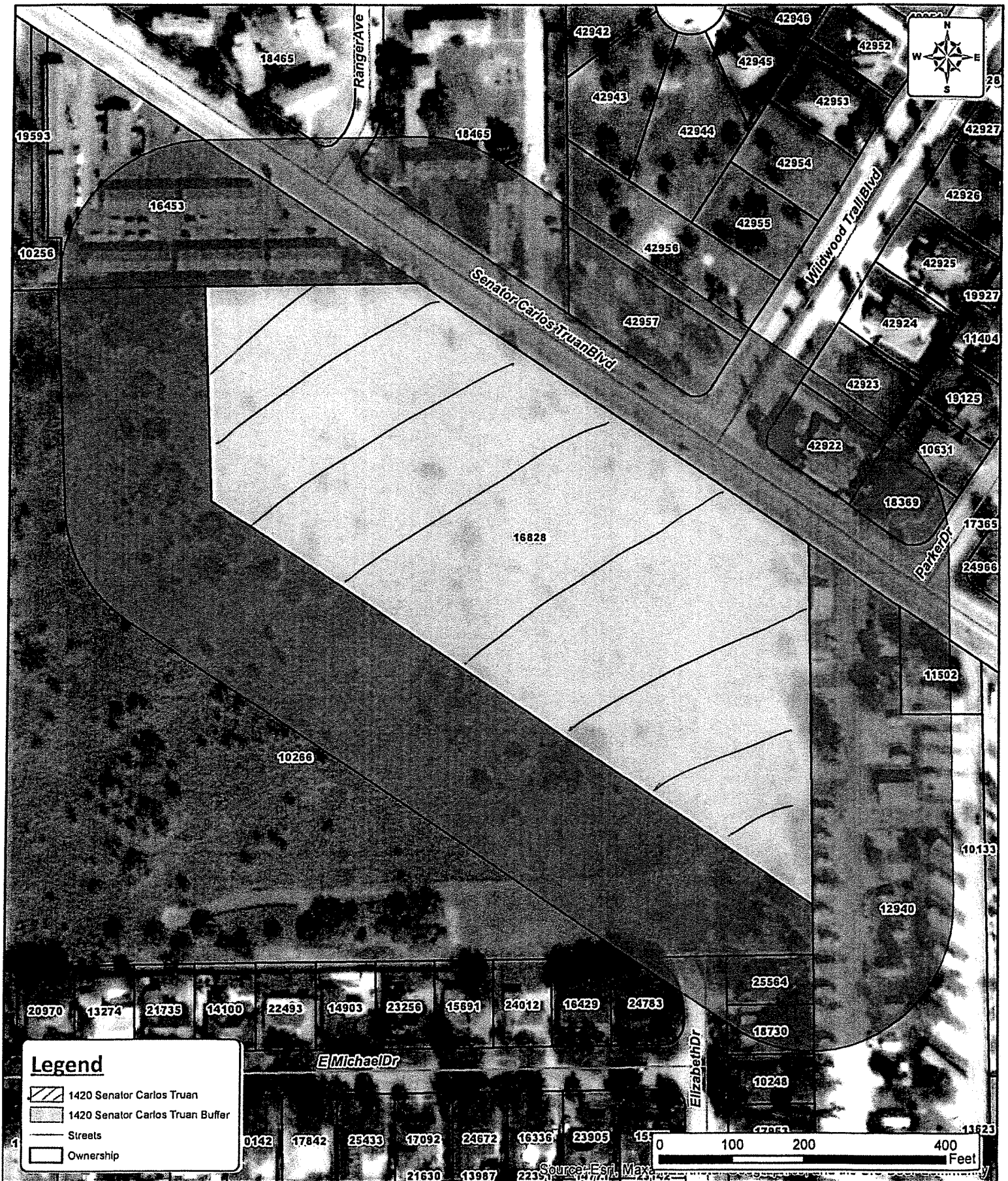
<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input checked="" type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Vacating Plat	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Development Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:
Multi-Family-Senior Housing Apartment Homes

I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature Rick J. Deyoe Date: 01/20/2023Property Owner's Signature _____ Date: 1/22/2023Accepted by: _____ Date: 1/22/2023 2/12/2023

200ft Buffer at 1420 Senator Carlos Truan



Page: 1/1

Drawn By: G. AMAYA

Last Update: 2/14/2023

Note: Ownership is labeled

DISCLAIMER:
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION
CONTAINED HEREIN IS USED FOR ANY
DESIGN, CONSTRUCTION, PLANNING, BUILDING,



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W King Ave; Kingsville, TX 78363
Office: (361) 595-8007

John C Tames
823 Kinney St
Corpus Christi, TX 78401
#10266

Wright's RV Park LLC
881 E County Road 2198
Kingsville, TX 78363
#11502

City Of Kingsville
Attention: Bill Donnell
PO Box 1458
Kingsville, TX 78364
#10256

Wright's RV Park LLC
881 E County Road 2198
Kingsville, TX 78363
#12940

TQR Kingsville LLC
25047 Toutant Beaurgard RD
San Antonio, TX 78255
#16453

Lisa G Schonefeld
1806 Elizabeth Ave
Kingsville, TX 78363
#18730

Rockstar Kingsville Pointe LLC
720 N Post Oak RD STE 650
Houston, TX 77024
#18465

Lowell M Burris
Etux Frances Jean
1514 Michael St
Kingsville, TX 78363
#24783

Zarsky Development CO LLC
PO Box 2527
Victoria, TX 77901
#42957

Carlos Ortiz
PO Box 294
Kingsville, TX 78364
#25564

Zarsky Development CO LLC
PO Box 2527
Victoria, TX 77901
#42956

Andrew J Wisegarver
3809 Copper Pond
Anacortes, WA 98221
#42922

Zarsky Development CO LLC
PO Box 2527
Victoria, TX 77901
#42923

Randal E Nielsen
403 S 6th St
Kingsville, TX 78363
#10631

Zelina Zavala
3916 S 6th St
Kingsville, TX 78363
#18369

Tax Year: 2023 - Values not available

Account

Property ID: 16828 Legal Description: K T & I CO, BLOCK 17, LOT PT 6, ACRES 8.71

Geographic ID: 290001706110192 Zoning:

Type: Real Agent Code:

Property Use Code:

Property Use Description:

Location

Address: 1420 SENATOR CARLOS TRUAN BLVD Mapsco: TX

Neighborhood: Map ID: B2

Neighborhood CD:

Owner

Name: GHRAOWI FAMILY INVESTMENTS Owner ID: 49923

Mailing Address: 13631 WILDWOOD LN % Ownership: 100.0000000000%

REDDING, CA 96003-7045

Exemptions:

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A
(-) Ag or Timber Use Value Reduction:	-	N/A

(=) Appraised Value:	=	N/A
(-) HS Cap:	-	N/A

(=) Assessed Value:	=	N/A
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2/13/2023 9:42 AM

Owner: GHRAOWI FAMILY INVESTMENTS

% Ownership: 100.0000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions: N/A

2/13/2023 9:42 AM

No improvements exist for this property.

2/13/2023

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	IMPR2	IMPROVED PASTURE	8.7100	379407.60	0.00	0.00	N/A	N/A

2/13/2023 9:42 AM

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$0	\$121,940	900	900	\$0	\$900
2021	\$0	\$121,940	1,210	1,210	\$0	\$1,210
2020	\$0	\$121,940	1,090	1,090	\$0	\$1,090
2019	\$0	\$121,940	1,310	1,310	\$0	\$1,310
2018	\$0	\$121,940	1,380	1,380	\$0	\$1,380
2017	\$0	\$121,940	1,290	1,290	\$0	\$1,290
2016	\$0	\$121,940	1,190	1,190	\$0	\$1,190
2015	\$0	\$121,940	1,110	1,110	\$0	\$1,110
2014	\$0	\$121,940	1,050	1,050	\$0	\$1,050
2013	\$0	\$121,940	980	980	\$0	\$980
2012	\$0	\$121,940	1,270	1,270	\$0	\$1,270
2011	\$0	\$121,940	1,250	1,250	\$0	\$1,250
2010	\$0	\$121,940	1,500	1,500	\$0	\$1,500
2009	\$0	\$54,840	1,640	1,640	\$0	\$1,640

2/13/2023 9:42 AM

2/13/2023 9:42 AM

2/13/2023 9:42 AM

2/13/2023 9:42 AM

2/13/2023 9:42 AM

Superintendent

CONTINUED FROM PAGE 1



Pictured are: TAMUK Leaders attend Valentine Lunch with KISD Superintendent from left to right: Dr. Lucy Villarreal, Dr. Linda Villarreal, Dr. Robert Vela President of TAMUK, and Henry Burgess. (Photo by Ted Figueroa)

Superintendent

CONTINUED FROM PAGE 1

asked the high school students to write her letters during their "Brahma time" and asked them to write about what they wanted for our district. The students asked for more tutoring options, class pets that can assist them with coping after traumatic events, and soccer goals for the soccer fields.

Commissioners

CONTINUED FROM PAGE 1

services with the U.S. Department of Commerce Economic Development Administration. Judge Madrid noted that phase one of the J.K. Northway is complete, they have broken ground on the Emergency Operations Center and the parking lot is under construction.

Approval was granted for computers and updates to J.P. Pet. 4 and J.P. Pet. 2 offices with funds coming from the JP Tech Fund. A memorandum of understanding between the Kleberg County Sheriff's Office and the Coastal Bend College Police Program to bring on interns to learn and develop professional skills at the Sheriff's Office.

A resolution authorizing the Kleberg and Kenedy Counties District Attorney's Office to apply for, submit, and seek continuance of it's (Victim's Assistance Grant No. 2699707) for the program year 2023 through 2024 was approved.

The Commissioners agreed to allow the library director to apply for the Ed Ruedel Grant, in the amount of \$50,000, as well as to replace 40 Dell Inspiron computers. The Commissioners then approved a payment to Macarena Signs in the amount of \$19,850 for the work done at J.K. Northway.

The court created a line item for an IT position at Kleberg County Human Services to be funded by TxDOT and the university, with the base pay to be \$14 per hour.

The Director's Position at the Kleberg County Vaccine Clinic will have a salary increase to \$25.00 an hour. A resolution authorizing the Kleberg County Sheriff to apply for the 2022 Operation Stone Garden Grant for the period of 3-1-2023 to 02-28-2024 was approved. Approval was granted to the Kleberg County Clerk to hire a new employee to begin on Feb. 21, 2023.

?? TRIVIA ??

HOW SMART ARE YOU?

- Think you know something about everything?
- What do you know about our area?

Play Kingsville Trivia brought to you by Harrel's Pharmacy

Questions:

1. Each Valentine's Day, the city of Verona, Italy, receives about 1,600 Valentine's cards addressed to a famous fictional character. Name that character.
 2. What was President John F. Kennedy's mother's first name?
 3. In what state would you find the city "LoveLand," once a hub for fur trading and named after a railroad President?
 4. First invented by a man named Milton in 1907, 70 million of what Valentine's Day favorites are now made every single day?
 5. In which U.S. city would one find an airport named "Love Field"?
 6. Name the comedy drama that aired from 1977 to 1997 on ABC featuring a Captain and a Gopher.
 7. Before "X" stood for a kiss, what did it represent at the end of a letter?
 8. When did Sweethearts first get their shape?
 9. In the Victorian era, many printed Valentine's Day cards were called "_____ Valentines".
 10. About how many roses are sent for Valentine's Day each year?
- (Answers will be on next issue)
- HOW SMART ARE YOU:
- 9-10: Okay Einstein, quit bragging
 - 7-8: Pick up your PhD at TAMUK
 - 5-6: You are on your way to your B.S. degree
 - 3-4: Do not skip any more school
 - 2 or less—don't leave home without a chaplain

For all your pharmacy needs, contact Harrel's. Lots of great items and downtown Kingsville's best deal!

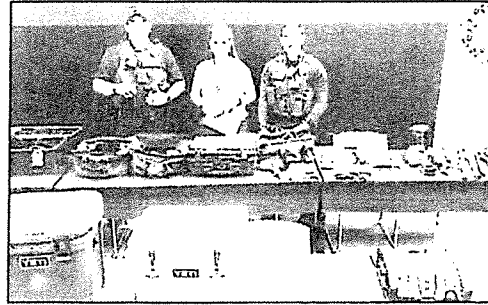
Harrel's
Kingsville Pharmacy
204 East Kleberg • Kingsville, TX
(361) 592-3354

TRIVIA ANSWERS

February 9, 2023 issue

1. Brown
2. Prunes
3. Switzerland
4. Tandoori
5. Tea
6. Honey
7. China
8. Netherlands
9. Coca-Cola

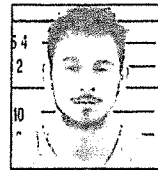
Kingsville police recover stolen property from numerous thefts



Pictured above from left to right: Patrolman Robert Garcia, Senior Detective Cindi Flores, and Gang Officer Richard Beltran, with recovered stolen items. (Submitted photo)

By TEO FIGUEROA
REPORTER

A man thought to be responsible for thefts of tools in motel parking lots over the past several months was arrested by Kingsville police. Jose De La Rosa, 32, was charged with theft of property valued at more than \$100 and less than \$750 and theft of property values at less than \$2,500, two or more previous convictions, according to Kingsville Police Chief Ricardo Torres.



Jose De La Rosa
(Submitted photo)

De La Rosa posted bond and has been released.

Torres said the crimes are still under investigation and further charges

may lead to the previous ones being enhanced. He asks citizens who may have had tools or other items stolen from their vehicles or who may have any tips regarding those thefts to call Sr. Det. Cindi Flores at the Kingsville Police Department Criminal Investigations Bureau. Torres praised officers and investigators for their "diligent work" in recovering several tools and work items that have been stolen from work trucks at local motels.

PUBLIC HEARING NOTICE

CITY OF KINGSVILLE (KLEBERG COUNTY)

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The City of Kingsville is giving notice of the City's intent to submit Texas Community Development Block Grant Program grant applications for a Main Street grant request of \$500,000 for the installation of ADA compliant sidewalks and lighting activity; road construction/renovation to include curb and gutter and related drainage; demolition and clearance activity. The public hearing will be held on Monday, February 27, 2023, at 5:00 PM. Para mas informacion en español, comuniquese con Herlinda Solis al 361-595-8055.

If you have any questions, do not hesitate to contact me.

Thank you

Yours Sincerely,

Uche Echezo
Director of Planning
and Development Services

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 1, 2023 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard: Rick Deyoe Applicant; requesting the Re-zoning of KT & I CO, Block 17, Lot PT 6, Acres 8.71 also known as 1420 Senator Carlos Truan BLVD, Kingsville TX 78363. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, March 13, 2023 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard: Rick Deyoe Applicant; requesting the Re-zoning of KT & I CO, Block 17, Lot PT 6, Acres 8.71 also known as 1420 Senator Carlos Truan BLVD, Kingsville TX 78363. The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.



**ADVERTISE YOUR
BUSINESS IN THE
KINGSVILLE**

ORDINANCE #2023-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO KT&I CO, BLOCK 17, LOT PT 6, (8.71 ACRES), ALSO KNOWN AS 1420 SENATOR CARLOS TRUAN BLVD, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R3 (MULTI-FAMILY RESIDENTIAL DISTRICT); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Rick Deyoe, owner/applicant, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 1, 2023 during a meeting of the Planning and Zoning Commission, and on Monday, March 13, 2023 during a meeting of the City Commission, in the Helen Kleberg Groves Community Room at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the item was APPROVED with a 4-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

WHEREAS, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of KT&I CO, Block 17, Lot Pt 6, (8.71 acres), also known as 1420 Senator Carlos Truan Blvd., Kingsville, Texas, from R1-Single Family Residential District to R3-Multi-Family Residential District, as more specifically described on the Zone Change Map, attached as Exhibit A.

SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 3. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 4. That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 13th day of March, 2023.

PASSED AND APPROVED on this the 27th day of March, 2023.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

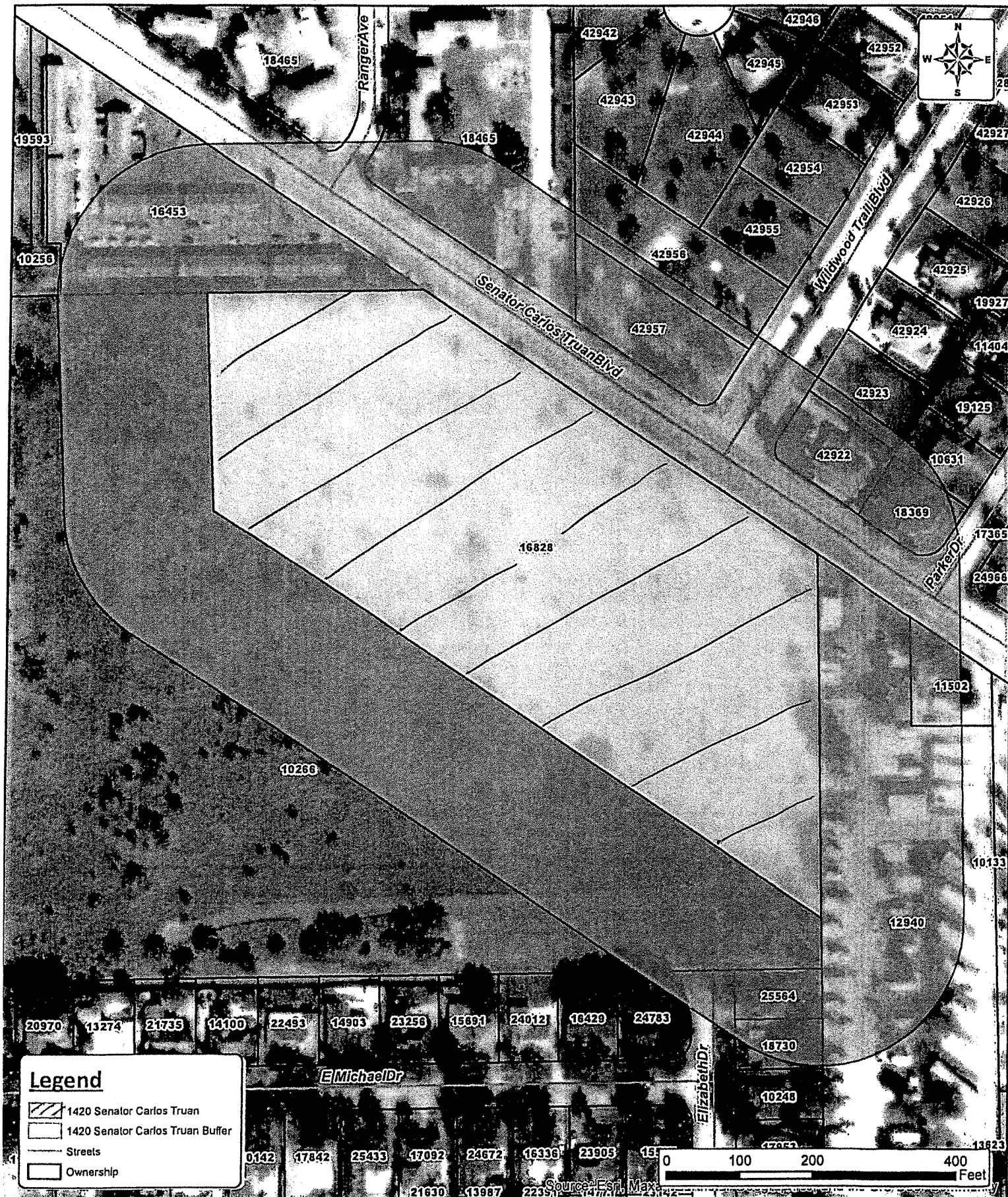
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

200ft Buffer at 1420 Senator Carlos Truan



AGENDA ITEM #2

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Rutilio P. Mora Jr, P.E., City Engineer
DATE: March 13, 2023
SUBJECT: Consider introduction of an ordinance amending the Fiscal Year 2022-2023 budget to cover 2023 Municipal Building Parking Lot Maintenance Lease Agreement with Kleberg First National Bank.

Summary:

The Budget Amendment will allocate funds to meet the parking lot agreement with Kleberg Bank used by Municipal Building employees, city vehicles, visitors, parking for city sponsored events. The agreement was entered on April 1, 2021, and expires on March 31, 3031, regarding the City's responsibility for parking lot maintenance per agreement.

Project includes maintenance of asphalt parking lot excluding concrete ATM drive for seal coating and striping for the parking lot as needed.

Financial Impact:

The General Fund Reserve funds of \$68,675.00 will be used to cover parking lot maintenance agreement.

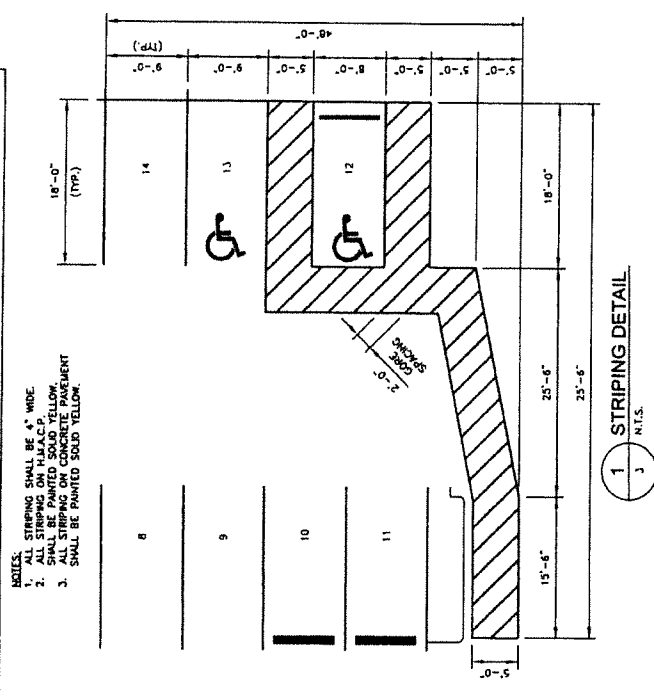
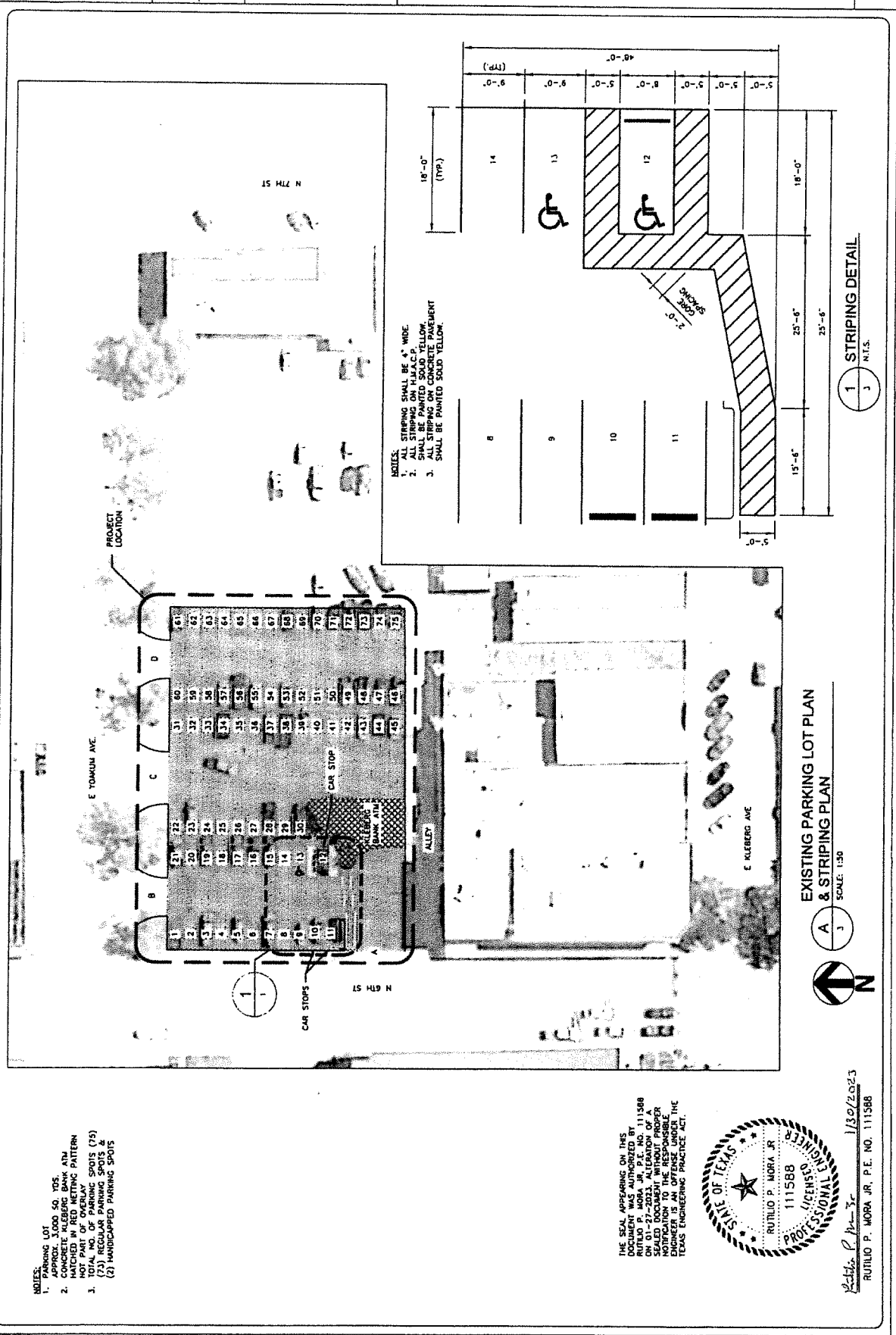
Recommendation:

Staff recommends approval of the Budget Amendment.

Attachments:

Ordinance No. 2023-_____
Exhibit of Proposed Parking Lot Improvements
Resolution 2021-65 – Lease Agreement with Kleberg First National Bank
Bid Proposal - Hubert Construction – Parking Lot Maintenance
Budget Amendment





EXISTING PARKING LOT PLAN & STRIPING PLAN
SCALE: 1/32

THE SEAL, APPEARING ON THIS DOCUMENT, WAS AUTHORIZED BY
RUTILLO P. MORA JR., P.E. NO. 111588
FOR THE STATE OF TEXAS. ANY
SEALING OF THIS DOCUMENT WITHOUT PROPER
NOTIFICATION TO THE RESPONSIBLE
ENGINEER IS A VIOLATION OF THE
TEXAS ENGINEERING PRACTICE ACT.



Rutillo P. Mora Jr.
1/30/2023
RUTILLO P. MORA JR., P.E. NO. 111588

BID PROPOSAL

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	1	L.S.	Mobilization/ Insurance and Bonds		\$4644.58
2	6	S.Y.	Minimum 1" thick Hot Mix Asphalt - Repairs	\$75.57	\$453.42
3	3,000	S.Y.	Minimum 1" thick Hot Mix Asphalt - Overlay	\$19.76	\$59,280.00
4	450	Gal	Prime Coat MC-30 (0.15 Gal/SY)	\$4.58	\$2,061.00
5	1800	L.F.	Parking Lot Striping and Goring	\$1.08	\$1,944.00
6	3	Ea.	ADA Handicap Parking Symbols - Pavement Markings	\$97.33	\$292.00
TOTAL					\$68,675.00

RESOLUTION NO. 2021- 65

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH KLEBERG FIRST NATIONAL BANK FOR PARKING ON THE NORTH SIDE OF THE MUNICIPAL BUILDING DOWNTOWN.

WHEREAS, the City Commission of the City of Kingsville desires to have sufficient public and employee parking for visitors to the Municipal Building and the downtown area;

WHEREAS, Kleberg First National Bank has a parking lot immediately to the north of the Municipal Building and had entered into an agreement with the City for parking in 1988, which is in need of update; and

WHEREAS, the performance of this agreement will be a benefit to the public.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Commission authorizes the City Manager to execute the Lease Agreement between the City and Kleberg First National Bank for parking on the north side of the Municipal Building, as per the agreement attached hereto.


II.

THAT the City Manager, or his designee, is hereby authorized and directed to act on the City's behalf in all matters pertaining to this contract.

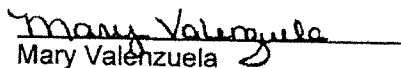
III.

THAT this Resolution shall become effective upon adoption.

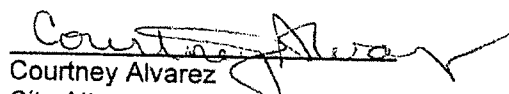
PASSED AND APPROVED by a majority vote of the City Commission on the 27th day of September, 2021.


Sam R. Fugate
Mayor

ATTEST:


Mary Valenzuela
City Secretary

APPROVED AS TO FORM:


Courtney Alvarez
City Attorney

THE STATE OF TEXAS §

COUNTY OF KLEBERG §

LEASE AGREEMENT

This Lease Agreement made and entered into as of April 1, 2021 by and between KLEBERG BANK, N.A. hereinafter called Lessor, and the CITY OF KINGSVILLE, a municipal corporation, hereinafter called Lessee.

WITNESSETH:

1. Premises. Lessor hereby leases to Lessee upon the terms and conditions hereinafter stated thirty (30) parking spaces of a parking lot located at the corner of Sixth Street and Yoakum Street in Kingsville, Texas. The parking spaces are designated as City Manager's Parking, City Commissioner, and spaces 30A, 31A, and 18A through 43A as indicated on Exhibit A which is attached hereto and made a part hereof.
2. Use. The leased parking spaces are to be used exclusively for personal vehicles of Lessee's employees working in the adjacent building and Lessee's vehicles used by departments located at the adjacent building.
3. Term. The Term of this Lease is ten (10) years, commencing on April 1, 2021 and ending ten (10) years from the date of commencement under the terms and conditions as set forth herein or March 31, 2031. As consideration for the use of the leased Premises, Lessee agrees to maintain the asphalt parking lot as indicated on Exhibit A, excluding Lessor's concrete ATM drive through, including seal coating and striping of the parking lot when needed, but no less frequently than once every five (5) years. The Lessee also agrees to provide Lessor water for irrigation of plants in and around the parking lot at no charge.
4. Liability and Indemnity. Lessee agrees to indemnify and hold Lessor harmless from all claims (including costs and expenses of defending against such claims) arising from any act or omission, customer, or invitees, or arising from any injury or damage to any person or the property of any person occurring within the leased spaces during the term of this Lease. Lessee agrees to use and occupy the leased Premises at its own risk and hereby releases Lessor, its agents and employees from all claims for any damage or injury except as may be caused by Lessor's negligence.
5. Assignment and Subletting. Lessee will not assign this Lease or sublease the Premises or any part thereof or mortgage or pledge its leasehold interest or grant any concession or license within the leased Premises without prior express written consent of Lessor.
6. Cancellation. It is agreed that this Lease may be canceled by either party upon ninety (90) days written notice to the other party.

7. Entire Agreement. This instrument and any attached addenda or exhibits constitute the entire agreement between Lessor and Lessee; no prior written or prior contemporaneous oral promises or representations shall be binding. This Lease shall not be amended, changed, or extended except by written instrument signed by both parties hereto. Paragraph captions herein are for convenience only, and neither limit nor amplify the provisions of this instrument. The provisions of this instrument shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties, but this provision shall in no way alter the restriction herein connection with assignment and subletting by Lessee.

EXECUTED in multiple counterparts, each of which shall have the force and effect of an original, as of April 1, 2021.

LESSOR:

KLEBERG BANK, N.A.

By: 

Name: Travis C. Nelson

Title: EVP - CFO

Date: 10-1-2021

LESSEE:

CITY OF KINGSVILLE

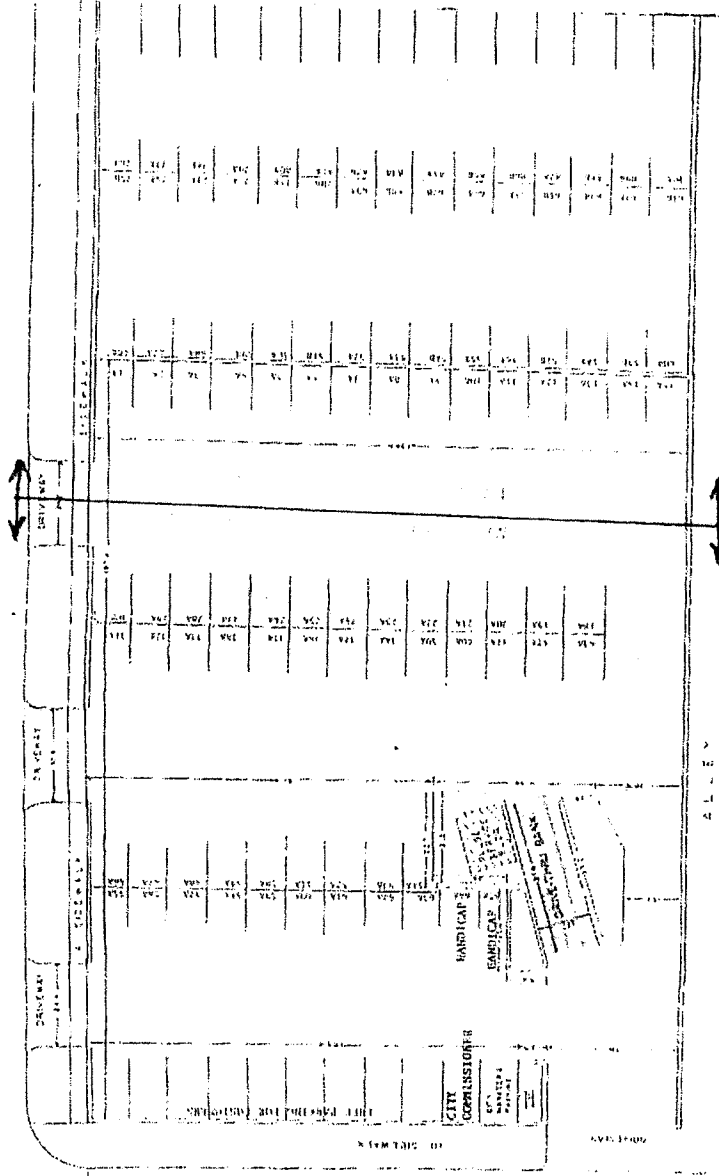
By: 

Name: MARK A. McLAUGHLIN

Title: CITY MANAGER - KINGSVILLE, TX

Date: 9/27/2021

EXHIBIT A



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR MUNICIPAL BUILDING PARKING LOT MAINTENANCE.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#33

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund Reserve					
<u>Expenditures</u>					
1030	City Special	Grounds and Permanent Fixtures	59100	\$68,675.00	
1030	City Special	Budget Amendment Reserve	86000		\$68,675.00

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for Municipal Building Parking Lot Maintenance. Funding will come from the Budget Amendment Reserve line item in City Special Division of the General Fund.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of March 2023.

PASSED AND APPROVED on this the _____ day of March 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: March 8, 2023

SUBJECT: Budget Amendment For Tourism ARP Rollover Projects

Summary:

In FY 21-22, wayfinding signs and promotional frames were approved for Tourism ARP funding. These projects were not completed in FY 21-22 and the budget was not rolled over into the current fiscal year budget. These projects are now completed, and budgets need to be established to cover these expenditures.

Financial Impact:

Funding for these expenditures will be covered by the Tourism ARP funding fund balance.

Recommendation:

Staff recommends the approval of the budget amendment for the Tourism ARP Rollover Projects.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE TOURISM ARP FUNDING FOR PROJECTS APPROVED IN FY 21-22 BUT NOT COMPLETED IN FY 21-22 AND NOT ROLLED FORWARD TO FY 22-23.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#35

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 205 – Tourism ARP Funding					
<u>Expenditures</u>					
1071	Tourism	Promotional Supplies	23200	\$9,824	
1071	Tourism	Wayfinding Signs	52201	\$5,000	

[To amend the City of Kingsville FY 22-23 budget to appropriate Tourism ARP funding for projects approved in FY 21-22 but not completed in FY 21-22 and not rolled forward to FY 22-23. Funding for the project will come from the Tourism ARP funding in Fund 205.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of March 2023.

PASSED AND APPROVED on this the ____ day of March 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: March 8, 2023

SUBJECT: Budget Amendment for Municipal Court Technology Fund Equipment

Summary:

The Warrant Officer needs a new laptop and the Municipal Court staff needs new scanners. These items are required to perform the duties of the Court.

Financial Impact:

Funding for these expenditures will come from the Municipal Court Technology Fund.

Recommendation:

Staff recommends the approval of the budget amendment for Municipal Court technology equipment.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR A NEW LAPTOP FOR THE WARRANT OFFICER AND SCANNERS FOR THE MUNICIPAL COURT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#36

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 031 – Municipal Court Technology Fund					
<u>Expenditures</u>					
1800	Finance	Computers & Assoc Equip	22600	\$8,600	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for a new laptop for the Warrant Officer and scanners for Municipal Court. Funding for the appropriation will come from the fund balance of the Municipal Court Technology Fund.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of March 2023.

PASSED AND APPROVED on this the ____ day of March 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: February 28, 2023
SUBJECT: Demolition of the Old Kleberg County Hospital Building

Summary:

This item authorizes the City to approve a contract with R.L. Abatement Inc. for the asbestos removal, air monitoring and demolition of the old Kleberg County hospital for the City of Kingsville through TIPS Purchasing Cooperative Contract #210205.

Background:

City staff has been directed by the City Commission to search for an economical solution for the demolition of the old hospital, which is owned by the City. The first priority was to have an independent asbestos detection company perform a test of the building. After asbestos was detected, further testing was needed but all the debris in the building prevented that, so removal of all the debris was done. You may recall that the old hospital was most recently used as a storage facility prior to the City purchasing it. After the removal of debris, staff located another asbestos company from a purchasing cooperative list to perform an updated asbestos report. The information in the report still showed signs of the asbestos being over the state regulated amount thus requiring abatement by the company prior to demolition of the building.

The company, R.L. Abatement Inc., is a member of the TIPS purchasing cooperative and can perform the asbestos removal, air monitoring, demolition, and disposal of the old hospital. The TIPS Purchasing Cooperative Contract number is #210205. As the vendor is a member of the Purchasing Cooperative, the procurement of their services meets Local Government Code Chapter 271 Subchapter F, which allows for the use of a cooperative purchasing program. Specifically, section 271.102(c) states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met. After numerous meetings and negotiations with the abatement company, City staff negotiated the best value for the City with the vendor.



City of Kingsville
Purchasing Department

Financial Impact:

Funding is available through a Budget Amendment for line item 121-5-1030-31400, which is the General Fund (GF) ARP Funding-City Special-Professional Services line item. The total cost of services is \$683,750.00. Currently, \$400,000 exists in the line item. A budget amendment for \$283,000 is needed to transfer funds from the Utility Fund ARP funding to this line item in the General Fund ARP funding in order to cover the full cost of the project. Please see attached Bid Proposal and budget amendment.

Recommendation:

It is recommended that the City Commission: 1) award the project and approve a contract with R.L. Abatement Inc. for asbestos removal, air monitoring, demolition, and disposal of the old hospital, which is City-owned property located on E. Caesar Ave., Kingsville, Texas; and 2) approve a budget amendment to cover the project cost.



R.L. ABATEMENT, INC.

P.O. BOX 332

WESLACO, TEXAS 78599

TEL: 956-968-2265 FAX: 956-968-3301

Email: rlai@rlabatement.com



REVISED BID PROPOSAL

Proposal No: 23-3446

Date: 02-17-2023

TIPS Contract No.: 210205

Submit: City of Kingsville

Project: Former Hospital
Austin, Texas

RE: Asbestos

BID ITEM: Removal and disposal of asbestos materials throughout basement, first and second floor. Material consists of ceiling texture, thermal insulation on pipping, vinyl floor tile and mastic throughout.

1. Total cost for complete abatement of 1st and 2nd floors and basement.

..... \$323,750.00

(Three Hundred Twenty-Three Thousand Seven Hundred Fifty Dollars and Zero Cents.)

2. Complete demolition and disposal of building plus back-fill to ground level.

..... \$310,000.00

(Three Hundred Ten Thousand Dollars and Zero Cents.)

3. Professional field services, includes project management, specifications, and air quality services.

..... \$50,000.00

(Fifty Thousand Dollars and Zero Cents.)

Total Project Cost for the Three Bid Items: \$ 683,750.00

(Six Hundred Eighty-Three Thousand Seven Hundred Fifty Dollars and Zero Cents.)

Exclusions:

*Hiring an Asbestos Consultant who will need to prepare specifications, conduct air monitoring and clearance testing, if applicable.

*Notification filing fees and State fees (ARU), which will be mailed directly to the owner, if applicable.

*Build Back or Replacements

*Payment / Performance Bonds

*Excess / Umbrella Liability, if applicable

R.L. ABATEMENT, INC. will provide labor, materials, equipments and insurances. Proposal is subject to change in accordance with the project's specifications as prepared by an asbestos consultant. All rules and regulations will be enforced according to the Texas Dept. of Health, OSHA, EPA, and any other state and federal regulations.

Submitted by: Roberto Valladares Jr. Print Name: Roberto Valladares, Jr. Title: President Date: 02 / 17/ 2023

Acceptance of Proposal: The above price, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified.

Signature: _____ Print Name: _____ Title: _____ Date: _____

Note: This proposal is good for 30 days from date submitted. If your firm is exempt from any and all taxes, please provide our office with a Tax Exempt Form. If Tax Exempt form is not received in our office, you will be charged 8.25% (taxes) on invoice

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO REALLOCATE UF ARP FUNDING TO GF ARP FUNDING FOR THE ASBESTOS REMOVAL, AIR MONITORING AND DEMOLITION OF THE OLD KLEBERG COUNTY HOSPITAL.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#34

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 125 – UF ARP Funding					
<u>Expenditures</u>					
7001	WW	Professional Services	31400		\$283,000
6900	Transfer	Transfer to Fund 121	80121	\$283,000	
Fund 121 – GF ARP Funding					
<u>Revenues</u>					
0000	Transfer	Transfer From Fund 125	75125	\$283,000	
<u>Expenditures</u>					
1030	City Spec	Professional Services	31400	\$283,000	

[To amend the City of Kingsville FY 22-23 budget to reallocate UF ARP funding to GF ARP funding to cover the shortfall in project costs for the asbestos removal, air monitoring and demolition of the old Kleberg County hospital that is owned by the City. Funding for the project will come from the GF ARP funding in Fund 121.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of March 2023.

PASSED AND APPROVED on this the 27th day of March 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin City Manager
FROM: Deborah R Balli, Finance Director
DATE: March 27, 2023
SUBJECT: Investment Policy

Summary:

The Investment Policy is before you with no changes.

Background:

The Investment Policy must be accepted annually by City Commission.

Financial Impact:

There is no financial impact to accept the Investment Policy as presented.

Recommendation:

Staff recommends approval of the Investment Policy.



RESOLUTION NO. 2023-_____

A RESOLUTION APPROVING THE CITY OF KINGSVILLE INVESTMENT POLICY AND INVESTMENT STRATEGIES; DESIGNATING THE CITY MANAGER, DIRECTOR OF FINANCE, AND CITY ACCOUNTING MANAGER AS THE AUTHORIZED CITY REPRESENTATIVES WITH FULL AUTHORITY FOR INVESTMENT PURPOSES, AND PROVIDING FOR DISCLOSURE OF FINANCIAL INTEREST.

WHEREAS, the City Commission previously adopted a formal Investment Policy, which was most recently revised on December 14, 2020; and

WHEREAS, the Finance Department intends to submit the City's Investment Policy to the Government Treasurer's Organization of Texas (GTOT) certification program; and

WHEREAS, the GTOT has established this certification program for those entities that develop an investment policy that meets the requirements of the Public Funds Investment Act and the standards for prudent public investing established by the GTOT, and GTOT has provided suggested revisions to the City's Investment Policy which have been incorporated into the attached policy;

WHEREAS, the City would like to submit the City's Investment Policy to GTOT and suggests no proposed changes be made to the policy prior to submission;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

THAT the INVESTMENT POLICY (THE "Investment Policy", attached as Exhibit A) is hereby approved:

II.

THAT the City Manager, Director of Finance, and the City Accounting Manager are hereby authorized as City Representatives. The Director of Finance and the City Accounting Manager are authorized as the investment officers responsible for the investment of the City's funds consistent with the investment policy adopted by the City;

III.

THAT the persons designated as investment officers shall exercise the judgment and care, under prevailing circumstances that a prudent person would exercise in the management of the person's own affairs, but that the City Commission retains ultimate responsibility as fiduciary of the assets of the City;

IV.

THAT the authorized officers are hereby granted authority to invest the City's funds until rescinded by the City Commission, until expiration of an officer's term, or the termination of the person's employment with the City.

V.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

VI.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 27th day of March, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



CITY OF KINGSVILLE

INVESTMENT POLICY

Submitted for Approval by City Commission via Resolution Dated
March 27, 2023

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APPENDICES

- A. PUBLIC FUNDS INVESTMENT ACT
- B. LIST OF AUTHORIZED CITY REPRESENTATIVES
- C. INTEREST DISCLOSURE FORMS
- D. INVESTMENT POLICY RESOLUTION

INTRODUCTION

It is the policy of the City of Kingsville to invest all available monies in conformance with these legal and administrative guidelines.

Effective cash management is recognized as essential to good fiscal management. A cash management program will be pursued to maximize interest earnings as a viable and material revenue source. The City's portfolio shall be designated and managed in a manner responsive to the public trust and consistent with local, state, and federal law.

Investments shall be made with the primary objective of:

- Preservation of capital and protection of principal.
- Maintenance of sufficient liquidity to meet operating needs.
- Security of city funds and investments.
- Diversification of investment to minimize risk while maximizing interest earnings.
- Maximization of return on the portfolio.

Earnings from investments will be used in a manner that will best serve the interests of the City of Kingsville.

II. PURPOSE

Authorization

This Investment Policy is authorized by the City Commission (see Appendix C) in accordance with Chapter 2256, Subchapter A of the Government Code - The Public Funds Investment Act (see the attached and incorporated Appendix A).

Scope

This Investment Policy applies to activities of the City, excluding pension funds, regarding investing the financial assets of Funds, including, but not limited to:

- General Funds
- Special Revenue Funds
- Enterprise Funds
- Internal Service Funds
- Capital Improvement Funds (Bond Proceeds, Bond Reserves and Debt Service)
- Endowments, Benevolence Fund

In addition to this policy, the investment of Bond Funds, Debt Service, and Reserve Funds shall be managed by their governing ordinances and Federal Law, including the Tax Reform Act of 1986 and subsequent legislation.

Review and Amendment

This policy shall be reviewed annually by the City Commission on or before December 31 of each calendar year after its adoption. The City Commission must authorize amendments to the policy.

The City Commission shall adopt a written instrument by ordinance or resolution stating that it has reviewed the Investment Policy. The written instrument so adopted shall record any changes made to the Investment Policy.

III. DEFINITIONS

Director of Finance – The Director of Finance is the Municipal Finance Officer responsible for City investments.

Director of Finance Designee – Accounting Manager.

Excess Cash Balances – Collected bank balances not needed to pay estimated check clearings.

Investment Officers – Director of Finance and Accounting Manager.

Investment Portfolio – all City monies being invested under authority of the Investment officers.

Institution – Any firm, bank, bondholding company, broker or dealer who provides quotes for either the purchase or sale of investments.

Third Party Safekeeping Institution – Any Institution not affiliated with Institution delivering the Investment.

Investment – All authorized Securities listed in Item V. Authorized investments and maximum term investments approved by the Investment Committee include U.S. Treasuries, U.S. Agencies, Repurchase Agreements, Local Government Investment Pool, and Collateralized Certificates of Deposit.

D.K. (Don't Know) Transaction – An Investment that an Institution fails to deliver to the City's Third-Party Safekeeping Institution.

Collateral - Securities or surety bond pledged by an Institution to safeguard City assets; the City requires either U.S. Treasuries or U.S. Agencies Securities so that the market values can be readily determined at any point in time.

Authorized City Representative – Officers authorized to transact as set out in the attached and incorporated Appendix B on behalf of the City (City Manager, Director of Finance and Accountant).

Reserve Funds – Funds designated by Commission for specific purposes, which have not been appropriated for spending.

Securities – Approved Investments designated by the Investment committee to be held in the Investment Portfolio or acceptable to be pledged as Collateral to secure the monies of the City.

Authorized Selling Group – Primary dealer and regional firms that have been selected by the underwriter to sell their securities. Each authorized member of a selling group will offer the issue at the price authorized by the governmental agency.

Qualified Representative – A person, who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

- For a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the Financial Industry Regulatory Authority (FINRA);
- For a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; or
- For an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or
- For an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80-b-1 et seq.) or if not subject to registration under that Act registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

IV. INVESTMENT OBJECTIVES

Preservation and Safety of Principal

Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall Investment Portfolio.

Liquidity

The City's Investment Portfolio must be structured in a manner that maintains the liquidity necessary to pay obligations as they become due. Timing disbursements and depositing funds as quickly as possible can generally maintain sufficient cash flows. Generally, investments are matched to specific cash flow requirements such as payrolls, debt service payments and other payables. Liquidity is also achieved by investing in investments with active secondary markets or in Local Government Pools with stable net asset values.

Return on Investments

The City's Investment Portfolio shall be designed with the objective of regularly exceeding the average yield of the three-month U.S. Treasury bill in a manner consistent with the principles of this policy described in IV. A. and B. However, it must be recognized that during a declining market, satisfying this objective may not be practical until investments mature and can be re-invested.

Diversification

Diversification is required because of differing liquidity needs of the City and is employed to control risks. Diversification minimizes the risk to the overall Investment Portfolio of potential losses on individual securities and enhances the safety of the Investment Portfolio.

Through the solicitation of competitive proposals, the City shall allocate and diversify its Investments through various Institutions. The following types of Investments will be solicited from the following types of Institutions:

- Government Securities – through approved brokers
- Repurchase Agreements – through a Third-Party Safekeeping Institution Agreement, which includes an approved primary dealer.
- Public Funds Investments Pools – through participation agreements.
- Certificates of Deposit – as allowed by state law and this policy.

The City recognizes that investment risks can result from default risk and market price risks due to various technical and fundamental economic factors, and other complications, leading to temporary illiquidity.

To control market price risks, volatile Investments shall be avoided. To control default risk, the only acceptable method of payment will be on a delivery versus payment-basis for all transactions, except investment pool funds and repurchase agreements.

A delivery versus payment basis provides for payment to Institutions at the time the Investments are recorded in book entry form at the City's Third-Party Safekeeping Institution, currently maintained at the Federal Reserve. For certificates of deposit, sufficient Collateral at 102% of current market values must be pledged to protect all City monies or monies under its control that exceed Federal Deposit Insurance Corporation (FDIC) overage; the Collateral must be safe kept at a Third-Party Safekeeping Institution not affiliated with the bank or bank holding company providing the certificate of deposit. (See addendum.)

V. AUTHORIZED INVESTMENTS AND MAXIMUM TERM

The City of Kingsville is authorized to invest in:

Authorized Investments – Obligations of, or Guaranteed by Governmental Entities

- obligations, including letters of credit, of the United States or its agencies and instrumentalities.
- direct obligations of this state or its agencies and instrumentalities.
- collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States.

- other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
- obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- bonds issued, assumed, or guaranteed by the State of Israel.

Unauthorized Investments

The following are not authorized investments:

- obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal
- obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Authorized Investments – Certificates of Deposit and Share Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its primary office or a branch office in this state and is:

- guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor.
- secured by obligations that are described by Sec V (A), including mortgage backed securities directly issued by less than the principal amount of the certificates, but excluding mortgage backed securities of the nature described by Section V.
- secured in any other manner and amount provided by law for deposits for the City of Kingsville.

In addition to the authority to invest funds in certificates of deposit under this section, an investment in certificates of deposit must be made in accordance with:

- the funds are invested by the City of Kingsville through:
 - a broker that has its main office or a branch office in this state and is selected from a list adopted by the City of Kingsville Commission or
 - a depository institution that has its main office or a branch office in this state and that is selected by the City of Kingsville
- the broker or depository institution selected by the City of Kingsville which arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City of Kingsville;

- the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
- the City of Kingsville appoints the depository institution selected by the City of Kingsville, or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Authorized Investments - Repurchase Agreements

A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- has a defined termination date.
- is secured by a combination of cash and obligations described by this section.
 - requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity.
 - is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligation described by Section V (A) 1, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement

Only those investments listed in this section are authorized.

Local Government Investment Pool

The City of Kingsville may invest its funds and funds under its control through an eligible investment pool by way of rule, order, ordinance, or resolution by the City Commission. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this section. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this section and the investment policies and objective adopted by the investment pool.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville, an investment pool must furnish to the investment officer or other authorized representative an offering circular or other similar disclosure of the instrument that contains, at a minimum, the following information:

- the types of investments in which money can be invested.
- the maximum average dollar-weighted maturity allowed, based on the stated maturity date, or the pool.
- the maximum stated maturity date any investment security within the portfolio has
- the objectives of the pool.
- the size of the pool.
- the names of the members of the advisory board of the pool and the dates their terms expire.
- the custodian bank that will safe-keep the pool's assets.
- whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation.
- whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment.
- the name and address of the independent auditor of the pool.
- the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool.
- the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To maintain eligibility to receive funds from and invest funds, an investment pool must furnish to the investment officer or other authorized representative of the entity:

- investment transaction confirmations.
- a monthly report that contains, at a minimum, the following information:
 - the types and percentage breakdown of securities in which the pool is invested.
 - the current average dollar-weighted maturity, based on the stated maturity date, of the pool.
 - the current percentage of the pool's portfolio in investments that have state maturities of more than one year.
 - the book value versus the market value of the pool's portfolio, using amortized cost valuation.
 - the size of the pool.
 - the number of participants in the pool.
 - the custodian bank that is safekeeping the assets of the pool.
 - a listing of daily transaction activity for the City of Kingsville.
 - the yield and expense ratio of the pool, including a statement regarding how yield is calculated.
 - the portfolio managers of the pool.
 - any changes or addenda to the offering circular.

The City of Kingsville may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

In this section, “yield” shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville, a public funds investment pool created to function as a money market mutual funds must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of the Investment Policy and any other forms of reporting, a public funds investment pool created to function as money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville under this section, a public funds investment pool must have an advisory board composed:

- equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public fund’s investment pool created under Chapter 791 and managed by a state agency; or
- of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Kingsville, an investment pool must be continuously rated no lower than AAA or AA-m or at an equivalent rating by at least one nationally recognized rating service. If liquidation is necessary due to security’s loss of rating, all prudent measures will be taken to liquidate the investment.

If the investment pool operates an Internet website, the information in a disclosure instrument or report described in section b, c (ii) and f must be posted on the website.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Kingsville under this section, an investment pool must make available an annual audited financial statement of the investment pool in which funds are invested.

If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Collateralized Certificates of Deposit – maximum term up to 1 year

Certificates of deposit to other instruments issued by state and national banks doing business in Texas that are:

- Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor; or
- Secured by obligations that are described by Section V

Certificates of deposit must be fully collateralized at 102% of their market value. The City requires the bank to pledge U.S. treasuries or U.S. agencies as collateral, (Collateral Mortgage Obligations will not be eligible as Collateral see X.C.).

Weighted Average Maturity

To minimize risk of loss to Investment Portfolio due to interest rate fluctuations, Investment maturities will not exceed the anticipated cash flow requirements of the Funds. Maturity guidelines by Fund are as follows:

- Operating Funds - The weighted average days to maturity of Investments, other than Reserve Funds, shall be 365 days or less. The Investment Officers will monitor the maturity level and make changes as appropriate.
- Capital Improvement Funds (Bond Proceeds, bond Reserves, and Debt Service) - The Investment maturity of that portion of the City Portfolio that represents Capital Improvement Funds (bond proceeds, reserve funds, and debt service) shall be determined considering:
 - The anticipated cash flow requirements of the Capital Improvement Funds; and
 - The "temporary period" as defined by Federal tax law during which time bond proceeds may be invested at an unrestricted yield. After the expiration of the temporary period, bond proceeds subject to yield restriction shall be invested considering the anticipated cash flow requirements of the Capital Improvement Funds.

Before an Investment can be made of bond proceeds from all bond issues affected by the Tax Reform Act of 1986, a careful yield analysis must be performed to comply with the Tax Reform Act. Also, an annual rebate calculation must be performed to determine if the City is required to rebate interest at the end of each respective bond issue's five-year term. Beginning on the anniversary of the third year for the respective bond issues, all bond proceeds will be yield restricted as required by the Tax Reform Act.

- Reserve Funds: Established by Operative Bond Fund or by the City Commission - the following Reserve Funds may be invested up to two years in U.S
- Revenue Bond Interest & Sinking – Treasuries with a maximum value of \$400,000
- G.O. Debt Service Fund – Treasuries with a maximum value of \$750,000

City monies governed by this Policy may not be invested in other investments permitted by law unless (i) such investments are specifically authorized for the investment of these monies by an ordinance adopted by the City Commission issuing bonds or other debt obligations or (ii) this Policy is amended to permit such investment.

VI. EXEMPTION FOR EXISTING INVESTMENTS

The City of Kingsville is not required to liquidate investments that were authorized investments at the time of purchase.

VII. INVESTMENT MIX AND STRATEGIES

Investment Mix

As a target to ensure adequate liquidity, the Investment Portfolio administered by the Investment Officers should consist of at least 10% in U.S. Treasury Securities described in V.A.I.a., Money Markets and/or certificates of deposit. A minimum of 35% of the total Investment Portfolio shall be held in Investments with maturity dates of 90 days or less for liquidity. U.S. Treasuries/Agencies and Certificates of Deposits may be purchased for longer term maturities (greater than one year) but shall not exceed 10% of the total Investment Portfolio to preserve liquidity.

Investment reports shall specifically address whether stated Investment mix requirements are being met. Unless approved by the Investment Advisory Committee, the target percentages specified shall not be exceeded for temporary periods greater than (30) thirty days without the Investment Officers taking corrective action.

Strategies

Investment strategies for Operating Funds and Capital Improvement Funds have as the primary objective the assurance that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create an Investment Portfolio structure that will experience minimal volatility during economic cycles. To accomplish this strategy, the City will purchase high quality, short-to-medium term investments which will complement each other.

To pay for anticipated disbursements, investments will be laddered to correspond with the projected cash needs of the City. Some Investments are acquired on the short end of the yield curve (90 days or less) to meet immediate cash needs. A few Investments are purchased on the intermediate part of the yield curve (1-2 years) to lock in high interest rates when rates are projected to decline due to the economic cycle of the economy. The dollar weighted average investment maturity of 365 days or less will be calculated using the stated final maturity dates of each investment.

Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligations on the required payment date. Investments purchased shall not have a stated final maturity date that exceeds the debt service payment date.

Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. In accordance with the bond ordinance specific to an individual bond issue that sets out the maximum investment term, Investments should be of high quality, with short-to-intermediate-term maturities.

Achieving Investment Return Objectives

Investment selection shall be based on legality, appropriateness, liquidity, and risk/return considerations. Monies designated for immediate expenditure should be passively invested.

Passive Investment provides for:

- Liquidity to pay upcoming disbursements (payroll, debt service, payments, payables, etc.).
- Maximizing investment terms under the current budget; and
- Structuring the Investment Portfolio on a "laddered" basis.

The remaining portion of the Investment Portfolio may be invested actively.

VIII. RESPONSIBILITY AND CONTROLS

Authority to Invest

The authority to invest City funds and the execution of any documentation necessary to evidence the investment of City funds is granted to the Director of Finance. The Director of Finance or Designee will approve all investments in writing.

The City Commission may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. The City Commission must approve a renewal or extension of the contract by ordinance or resolution.

Establishment of Internal controls

The Director of Finance will establish a system of internal controls over Investment activities of the City that are consistent with this Investment Policy. Investment procedures should include reference to the following: safekeeping agreements, repurchase agreements, wire transfer agreements, collateral agreements, depository service contracts and agreements, broker/dealer selection criteria, and security bidding and purchase processes. Such procedures shall include explicit delegation of authority to persons responsible for routine authorization of investments and the Accounting Manager shall be responsible for proper accounting of investments to maintain appropriate internal controls. The Director of Finance shall establish a system of controls to regulate the activities of subordinates.

Prudent Investment Management

Investments shall be made with the same judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Prudent investment is to be judged by the Investment Portfolio as a whole, not on individual Investments.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investment Officers, acting in accordance with written procedures and the Investment Policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided deviations from expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. The designated Investment Officers shall perform their duties in accordance with the adopted Investment Policy and Procedures set forth in the Investment Procedures Manual. Investment Officers acting in good faith and in accordance with these policies and procedures shall be relieved of person liability.

Investment of monies shall be governed by the following investment objectives in order of priority:

- preservation and safety or principal - by insuring that all securities are of a sufficiently high quality and duration to limit exposure to credit and market risks. The portfolio should therefore experience minimal volatility during varying economic cycles. Securities of all types are purchased with the intention of holding until maturity;
- liquidity - including the ability to reasonably meet unanticipated needs by purchasing securities with an active secondary/resale market. Diversification is maintained to minimize possible credit risk in a specific security type; and
- yield - obtaining a market rate of return while considering risk constraints and cash flow needs, is much less important than safety of principal and liquidity. The majority of investments are limited to low risk securities earning an equitable rate of return relative to the amount of risk.

Standards of Ethics

To the extent required by section 2256.005(i) of the Government Code, the Authorized City Representatives shall make such filings as required by law.

Training and Education

Recognizing that the training and education of Investment Officers contributes to efficient and effective investment management, the City requires its City Manager, Director of Finance, Accounting Manager and designated Investment Officers to receive ten (10) hours of training within twelve (12) months of taking office and at least eight (8) hours every two years; training must be from an independent source approved by the entity's governing body, and training must include controls, risks, diversification and PFIA compliance. Such training is currently required by and shall be obtained in accordance with *Section 2256.008-Investment Training, Local Governments* of the Government Code Public Funds Investment Act. The Investment Committee approves investments - training seminars presented by the following organizations.

- Government Finance Officers Association
- Government Finance Officers Association of Texas
- Government Treasurers Organization of Texas
- Municipal Treasurers Association
- Texas Municipal League

If the Investment Officer desires to attend an investment training seminar presented by another organization for training credit, such seminar must be approved by the City Manager or his designee.

IX. COMPETITIVE SOLICITATION

Except for repurchase agreements and public funds investment pools, any new issue investment will be purchased through an Authorized Selling Group or directly through the issuer.

For any Investment purchased or sold through the secondary market, the City will obtain at least three proposals from authorized Institutions.

Any Institution authorized to participate in the City's investment program must meet Collateral pledge requirement outlined in Section IV.D. And must submit annual financial reports.

X. AUTHORIZED INSTITUTIONS

All institutions who seek to sell an authorized Investment to the City are required to complete the questionnaire approved by the Investment Committee and furnish supporting documentation required by the Investment Committee. Securities shall only be purchased through those Institutions approved by the Investment Committee.

Investments shall only be made with those Institutions who have executed a written instrument in a form acceptable to the City, executed by a Qualified Representative of the Institution, and substantially to the effect that the Institution has:

- Received, thoroughly reviewed and acknowledged, in writing, receipt and understanding of the City's Investment Policy, and;
- Acknowledged that the Institution has implemented reasonable procedures and controls to preclude investment transactions conducted between the Institution and the City that are not authorized by the City's Investment Policy.

Investments shall only be made with those business organizations (including money market mutual funds and local government invest pools) that have provided the entity with a written instrument, executed by a qualified representative of the firm, acknowledging that the business organization has:

- received and reviewed the entity's investment Policy; and
- implemented reasonable procedures and controls to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

The Director of Finance will request the Investment Committee to authorize deletion of Institutions for:

- slow response time.
- less than competitive pricing.

- little or no information on technical or fundamental expectations based on economic indicators.
- D.K. Transactions or continuing operational difficulties.
- unwillingness to continue to abide the provisions listed in IX.A.
- Other reasons as approved by the Investment Committee.

XI. PLEDGED COLLATERAL

The market value of pledged collateral must be at least 102% of the principal plus accrued interest for Excess Cash Balances, certificates of deposit, and repurchase agreements and held in the entity's name as evidenced by safekeeping receipts of the institution with which the securities are deposited. Evidence of proper collateralization in the form of original safekeeping receipts held at a Third-Party Safekeeping Institution not affiliated with the Institution pledging the Collateral will be approved by the Director of Finance and will be maintained in his/her Office. An authorized City Representative (See Appendix B) will approve and release all pledged collateral.

Collateral Substitution

Collateralized Investments and certificates of deposit often require substitution of collateral. Any Institution must contact the Investment Officers for approval and settlement. The substituted collateral's value will be calculated, and substitution approved if its value is equal to or greater than the required collateral value. Substitution is allowable for all transactions, but should be limited, to minimize the City's potential administrative problems.

Collateral Reductions

Should the collateral's market value exceed the required amount, any Institution may request approval from the Investment Officer to reduce collateral. Collateral reductions may be permitted only if the City's records indicate that the collateral's market value exceeds the required amount.

Prohibited Securities

Investment securities described in Section 2256.009(b), Government Code, shall not be eligible for use as collateral of City's monies governed by this Policy.

XII. SAFEKEEPING

Third Party Safekeeping Agreement

The City shall contract with a Bank or Banks for safekeeping Securities either owned by the City as a part of its Investment Portfolio or held as Collateral to secure certificates of deposit, repurchase agreements, or Excess Cash Balances.

Safekeeping of Certificate of Deposit Collateral

All Collateral Securing bank and savings and loan deposits must be held in the City of Kingsville's name by a Third-Party Safekeeping Institution approved by the City as evidenced by safekeeping receipts of the institution with which the securities are deposited, or Collateral may be held at the Federal Reserve Bank.

Safekeeping of Repurchase Agreement Collateral

The U.S. treasuries that serve as Collateral for repurchase agreements with Institutions must be delivered to a Third-Party Safekeeping Institution with which the city has established a third-party safekeeping agreement.

XIII. INFORMATION REPORTING/EVALUATION

The Director of Finance and Accounting Manager are hereby designated as the Investment Officers and are responsible for the daily operation of the Investment program and will report to the Investment Committee on a quarterly basis.

Investment Committee Consists of:

- City Commissioner (1)
- City Manager
- Assistant City Manager (if any)
- Director of Finance
- City Attorney

The Investment Committee will be responsible for monitoring, reviewing, and making recommendations regarding the City's Investment program to the City Commission. Reports will be provided to the City Commission by the Investment Officers no less than quarterly, as required by the Public Funds Investment Act.

On a quarterly basis, the City's main depository and all applicable Institutions providing certificates of deposit in excess of FDIC coverage will provide to the Investment Officer for review a copy of the balance sheet and income statement for the Call Report. All Institutions will provide annual audited financial statements. Any local government investment pools must provide reports and disclosure statements as required by the Public Funds Investments Act.

The market value of the portfolio must be determined at least quarterly from a reputable and independent source and disclosed to the governing body quarterly in the investment report.

Record Retention

The City follows the guidelines of retaining records for five years from City's current fiscal year, as required and authorized by the City's local records management guidelines.

XIV. BANKING SERVICES

All depository services are provided in the City's main depository agreement. Other services such as credit cards, direct deposit of payroll or other services may be administered through separate agreements. To aggressively invest Excess Cash Balances, controlled disbursements accounts, zero balance accounts and other cash management tools may be employed.

XVI. GENERAL PROVISIONS

Audits and Inspections

During regular business hours and as often as the Investment Officers deem necessary, the Institution providing certificates of deposit will make available for examination by the City Manager, his duly authorized agent, accountant, or legal representative, such records, and data to assure to the pledge of collateral, availability of Collateral, and financial stability of the Institution.

Compliance with Laws

Each Institution agrees to comply with all federal, state, and local laws, rules, regulations, and ordinances. The personnel or officers of such Institution shall be fully qualified and authorized under federal, state, and local law to perform the services set out under this Policy. Each Institution shall permit the Investment Officers to audit, examine, and make excerpts or transcripts from such records and to make audits of all contract, invoices, materials, and other data relating to applicable Investment.

Performance Audits

The City's Annual External Financial Audit shall include a compliance audit of management controls on Investments and adherence to this Policy. The quarterly reports prepared by Investment Officers for the City commission must be formally reviewed at least annually by an independent auditor if the city invests in other than money market mutual funds, investment pools or accounts offered by its depository in the form of certificates of deposit or money market accounts. The auditor shall report the results of the review to the City Commission.

Investment Policy Resolution

The resolution authorizing this Investment Policy is attached and incorporated as Appendix C "Investment Policy Resolution."

APPENDIX A

Public Funds Investment Act

APPENDIX B

LISTING OF AUTHORIZED CITY REPRESENTATIVES

CITY OF KINGSVILLE

Attached to and made a part of the City of Kingsville
Investment Policy Approved by the City Commission on October 15, 2019

The signatures below are the signatures of Authorized City Representatives vested with full authority to sign and transact business related to the investment of funds for the City of Kingsville. The Authorized City Representatives are authorized to deposit funds, transfer funds within accounts or withdraw funds as necessary to efficiently carry out the requirements of the City of Kingsville's Investment Policy.

The signatures of the officers subscribed below are true and genuine:

Mark McLaughlin
City Manager

Deborah Balli
Director of Finance

David Bodiford
Accounting Manager

THIS LISTING OF AUTHORIZED CITY REPRESENTATIVES is effective this 27th day of March 2023 and revokes all previous authorizations.

APPENDIX C

INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor, and City Commission

FROM: _____

SUBJECT: Disclosure under the Public Funds Investment Act

As City Manager and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

City Manager

Date

APPENDIX C

INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor, and City Commission

FROM: _____

SUBJECT: Disclosure under the Public Funds Investment Act

As Finance Director and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

Finance Director

Date

APPENDIX C

INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor, and City Commission

FROM: _____

SUBJECT: Disclosure under the Public Funds Investment Act

As Accounting Manager and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

Accounting Manager

Date

APPENDIX D

Investment Policy Resolution

REGULAR AGENDA

AGENDA ITEM #7

City of Kingsville
Purchasing Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Charlie Sosa, Purchasing Manager

DATE: March 16, 2023

SUBJECT: Demolition of the Old Kleberg County Hospital Building

Summary:

This item authorizes the City to enter into a contract with R.L. Abatement Inc. for the asbestos removal, air monitoring and demolition of the old Kleberg County hospital for the City of Kingsville through Tips Purchasing Cooperative Contract #210205.

Background:

The company, R.L. Abatement Inc., is a member of the TIPS purchasing cooperative and can perform the asbestos removal, air monitoring, demolition, and disposal of the old hospital. The TIPS Purchasing Cooperative Contract number is #210205. As the vendor is a member of the Purchasing Cooperative, the procurement of their services meets Local Government Code Chapter 271 Subchapter F, which allows for the use of a cooperative purchasing program. Specifically, section 271.102(c) states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met. After numerous meetings and negotiations with the abatement company, City staff negotiated the best value for the City with the vendor.

Financial Impact:

Funding is available through a Budget Amendment for line item 121-5-1030-31400, which is the General Fund (GF) ARP Funding-City Special-Professional Services line item. The total cost of services is \$683,750.00.

Recommendation:

It is recommended that the City Commission enter into a contract with R.L. Abatement Inc. for asbestos removal, air monitoring, demolition, and disposal of the old hospital, which is City-owned property located on E. Caesar Ave., Kingsville, Texas.



RESOLUTION #2023-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH R.L. ABATEMENT, INC. FOR ASBESTOS REMOVAL, AIR MONITORING, AND DEMOLITION OF OLD HOSPITAL AT 400 E. CAESAR AVENUE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") owns the structure known as the Old Hospital located at 400 E. Caesar Avenue, Kingsville, Texas and needs to have the asbestos removed from the structure and the structure demolished; and,

WHEREAS, the City previously had an asbestos inspection report done, then removed the contents of the structure in order to have a second test done which confirmed the need for removal of the asbestos from a certified company prior to razing the structure; and,

WHEREAS, in compliance with state law a certified asbestos removal company, R.L. Abatement, Inc. ("company"), was located on the TIPS purchasing cooperative and was awarded the project for the removal of asbestos, air monitoring, and demolition of the structure at a City Commission meeting on March 13, 2023; and,

WHEREAS, the staff and the company have negotiated a contract for a fair and reasonable price and now bring the contract before City Commission for approval.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute a Contract with R.L. Abatement, Inc. for removal of asbestos, air monitoring, demolition, and other services for the structure located at 400 E. Caesar, Kingsville, Texas in accordance with Exhibit A hereto attached and made a part thereof.

II.

THAT all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the
_____ 27th day of March, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

R.L. ABATEMENT, INC.

P.O. BOX 332

WESLACO, TEXAS 78599

TEL: 956-968-2265 FAX: 956-968-3301

Email: rlai@rlabatement.com



CONTRACT

Owner: City of Kingsville
PO Box 1458
Kingsville, Texas 78364

Project: Former Kleberg County Hospital
400 East Caesar Avenue
Kingsville, Texas

SCOPE OF WORK:

- Removal and disposal of asbestos materials throughout basement, first and second floor.
Material consists of ceiling texture, thermal insulation on pipping, vinyl floor tile and mastic throughout:\$323,750.00
(Three Hundred Twenty-Three Thousand Seven Hundred Fifty Dollars and Zero Cents.)
- Complete demolition and disposal of building plus back-fill to ground level:.....\$310,000.00
(Three Hundred Ten Thousand Dollars and Zero Cents.)
- Professional field services, includes project management, specifications, and air quality:.....\$50,000.00
(Fifty Thousand Dollars and Zero Cents.)

TOTAL CONTRACT PRICE:..... \$ 683,750.00
(Six Hundred Eighty-Three Thousand Seven Hundred Fifty Dollars and Zero Cents.)

Exclusions:

- *Notification filing fees and State fees (ARU), which will be mailed directly to the owner, if applicable.
- *Build Back or Replacements
- *Payment / Performance Bonds
- *Excess / Umbrella Liability, if applicable

R.L. ABATEMENT, INC. will provide labor, materials, equipments and insurances. Proposal is subject to change in accordance with the project's specifications as prepared by an asbestos consultant. All rules and regulations will be enforced according to the Texas Dept. of Health, OSHA, EPA, and any other state and federal regulations.

Submitted by: Roberto Valladares, Jr. Print Name: Roberto Valladares, Jr. Title: President Date: 03 / 17/ 2023

Acceptance of Proposal: The above price, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified.

Signature: _____ Print Name: _____ Title: _____ Date: _____

Note: This proposal is good for 30 days from date submitted. If your firm is exempt from any and all taxes, please provide our office with a Tax Exempt Form. If Tax Exempt form is not received in our office, you will be charged 8.25% (taxes) on invoice

AGENDA ITEM #8

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 8, 2023

SUBJECT: Approval of Texas Term Sheet for Opioid Settlement and Associated Matters

Summary:

Representatives from the City of Kingsville were invited to attend a meeting with other Regional Partners at the Nueces County Courthouse on Wednesday, August 25th, 2021 at 2pm to meet with members of the Attorney's General's Office.

Background:

Texas, along with a broad coalition of states and subdivisions, has now reached final agreements with eleven companies to resolve legal claims for their role in the opioid crisis. Four agreements are with opioid manufacturers Johnson & Johnson, Endo, Teva, and Allergan. There is a separate agreement with three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson, as well as a settlement reached through bankruptcy with Mallinckrodt, a manufacturer and distributor. Finally, there are three separate settlements with pharmacies CVS, Walgreens, and Walmart.

Financial Impact:

Nationally, the agreements reached with manufacturers, distributors, and pharmacies provide for nearly \$50 billion in payments for states and local governments. Funding is distributed to states according to the allocation agreement reached among the Attorneys General. A subdivisions can only participate in the agreements if their state participates. The recent settlements with Allergan, CVS, Walmart, and Walgreens brings Texas' combined share to almost \$3 billion, with Allergan paying \$135 million, CVS paying \$304 million, Walgreens paying \$340 million, and Walmart paying \$170 million. Distribution within Texas is governed by the Texas Term Sheet, an intrastate agreement between the state and litigating subdivisions, and administered by the Opioid Council. The funding must be used to support any of a wide variety of strategies to fight the opioid crisis. Separate provisions exist to compensate attorneys who



**City of Kingsville
Police Department**

have pursued opioid litigation on behalf of states and local governments. The more subdivisions that join the settlements, the more money everyone in Texas will receive. Future opioid litigation by non-participating entities may result in suspension and reduction of future payments. Even without full resolution of claims, states and subdivisions can still receive substantial payments by resolving a significant portion of current and future claims.

Estimates for what the City of Kingsville would receive in the direct payment from these settlements:

Allergan	CVS	Walgreens	Walmart
\$2,695.89	\$6,059.37	\$6,780.13	\$3,389.66

Total amount for City of Kingsville is **\$18,925.05**.

Estimates for Region 4* for the opioid abatement trust fund from these settlements:

Allergan	CVS	Walgreens	Walmart
\$ 3,117,344.47	\$ 7,006,633.42	\$7,840,069.91	\$3,919,562.39

For the "Regions": remember, this is based on the HHSC health regions

Recommendation:

We would request a resolution join the settlement, and execute releases so that we can receive funds as a result of this litigation.





TO LOCAL POLITICAL SUBDIVISIONS:
IMPORTANT INFORMATION ABOUT NEW OPIOID SETTLEMENTS WITH ALLERGAN, CVS,
WALMART, AND WALGREENS.
SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.
THE DEADLINE FOR PARTICIPATION IS APRIL 18, 2023.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

Please note that this settlement is a **NEW** opioid settlement; your subdivision may have previously submitted documents for the Distributors, Janssen/J&J, Endo, and Teva settlements.

To participate in the Allergan, CVS, Walgreens, and Walmart settlements, you will need to submit new documentation.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this email because Texas settled with Allergan, CVS, Walgreens, and Walmart, and your subdivision may participate in these Settlements. This email is being sent directly to subdivisions who are not litigating against Allergan, CVS, Walgreens, and/or Walmart. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

Your subdivision may have already signed on to the Distributor, Janssen/J&J, Endo, and/or Teva settlements and adopted the Texas Term Sheet. **If so, do not disregard this notice. These are settlements with Allergan, CVS, Walgreens, and Walmart.** If you have already signed on to the Allergan, CVS, Walgreens, and Walmart Settlements, you may disregard this notice.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

All required documentation must be executed and submitted to the email address: opioids@oag.texas.gov. Your subdivision will need to submit the **Subdivision Participation Form** for each settlement to opioids@oag.texas.gov. Please also be sure to include in the Form

the identity and email address of the individual who is authorized to sign formal and binding documents on behalf of your subdivision.

SETTLEMENT OVERVIEW

The proposed Settlements require Allergan to pay \$135 million, CVS to pay \$304 million, Walgreens to pay \$340 million, and Walmart to pay \$170 million (the “Settlement Amount”) to Texas and its political subdivisions. Of the Settlement Amount, the vast majority is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. The Settlements also contain injunctive relief provisions governing the opioid marketing as well as the sale and dispensing practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

WHERE CAN YOU FIND MORE INFORMATION?

This email is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at the website set up by Office of the Attorney General of Texas: <https://www.texasattorneygeneral.gov/globalopioidsettlement>.

WHY YOU SHOULD PARTICIPATE

Texas, other states, and cities and counties around the country have announced support of this settlement.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the Settlements, while insufficient to abate the epidemic fully, will contribute to allowing Texas and its local governments to commence with meaningful change designed to curb opioid addiction, overdose, and death, following on the Distributors and Johnson & Johnson/Janssen settlements from 2021 and the Teva and Endo settlements from 2022;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country, and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities *as soon as possible*; and

Third, you know first-hand the effects of the opioid epidemic on your community. Funds from these settlements will be used to commence abatement of the crisis and provide relief to your

citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry.

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN TEXAS?

The Texas Term Sheet, which sets the allocation between subdivisions and the State, can be found on the Texas Attorney General's website. Any questions concerning the status or terms of the Texas Term Sheet and allocations in Texas can be directed to the Texas Attorney General's Office.

You may be contacted by the Texas Attorney General's Office with additional information regarding the allocation of settlement funds in Texas. Subdivisions with representation can expect information from their attorneys. We encourage you to review all materials and to follow up with any questions. The terms of these settlements are complex, and we want to be sure you have all the information you need to make your decision.

As with the other opioid settlements, the Texas Comptroller of Public Accounts and the Texas Opioid Council will disburse funds to participating political subdivisions in Texas.

NEXT STEPS

This settlement requires that you take affirmative steps to 'opt in' to the settlement. If you do not act, you will not receive any settlement funds.

First, have your authorizing person(s) or body begin to review the materials on the website concerning the settlement agreement terms and the Texas Term Sheet. Develop a list of questions for your counsel or the Texas Attorney General's Office. Your subdivision will need to begin the process of deciding whether to participate in the proposed settlement, and subdivisions are encouraged to work through this process well before the **April 18, 2023**, deadline. Again, the Texas Attorney General's Office, your counsel, and other contacts within the state are available to discuss the specifics of the settlements within your state and we encourage you to discuss the terms and benefits of the settlements with them.

Second, should you decide to proceed with participating, your subdivision will need to submit your signed Subdivision Participation Form to opioids@oag.texas.gov.

NOTE: If your subdivision has not already done so, your subdivision will need to adopt the Texas Term Sheet and its intrastate allocation schedule. If your subdivision has previously signed on to the Distributors, J&J/Janssen, Endo, and/or Teva settlements, you will have already adopted the Texas Term Sheet. There is no need to readopt the Texas Term Sheet. If you have NOT adopted the Texas Term Sheet, please contact opioids@oag.texas.gov.

We urge you to view the Texas Attorney General's website at your earliest convenience. Information and documents regarding the settlement can be found on the settlement website at: <https://www.texasattorneygeneral.gov/globalopioidsettlement>

Questions regarding the opioid settlements can be directed to: Stephanie Eberhardt (stephanie.eberhardt@oag.texas.gov) and opioids@oag.texas.gov.

FREQUENTLY ASKED QUESTIONS

1. My subdivision already signed up for opioid settlements. Is that good enough for these new settlements?

No, you will need to submit separate **Subdivision Participation Forms** for Allergan, CVS, Walgreens, and Walmart; opting into the other settlements does not sign you up for this one.

2. Does my subdivision need to pass a resolution to sign up for this settlement?

This depends on the specifics of what your county or city is required to do to release legal claims. If your city manager, for example, is authorized to generally enter into opioid settlements, you may not need a resolution. Consult your legal counsel for advice.

If your subdivision has already adopted the Texas Term Sheet to sign on to a previous opioid settlement, you do NOT need to adopt an additional resolution to readopt the Texas Term Sheet.

3. When will my subdivision receive funds from this settlement and/or the other settlements?

Funds for the Distributors, J&J/Janssen, Endo, and Teva settlements have been paid to the Texas Comptroller of Public Accounts, the Texas Opioid Council, and the Texas Treasury Safekeeping Trust Company. Please contact OAFC.Public@cpa.texas.gov for more details.

4. How much will my subdivision receive from the Allergan, CVS, Walgreens, and Walmart Settlements?

If you have questions about your subdivision's individual allocation amount, please contact Stephanie Eberhardt (stephanie.eberhardt@oag.texas.gov) or opioids@oag.texas.gov.

5. What are all the different Texas opioid settlements?

Here is a summary of all the opioid settlements between Texas and its political subdivisions and the various manufacturers, distributors, and retail pharmacies:

Date Announced	Company	Amount
February 2021	McKinsey	\$38.4 million
July 2021	Distributors (AmerisourceBergen, Cardinal Health, and McKesson)	\$1.271 billion
July 2021	Janssen	\$296 million
December 2021	Endo	\$63 million
February 2021	Teva	\$150 million plus \$75 million in product
June 2021	Mallinckrodt	\$74 million
December 2022	Allergan	\$135 million
December 2022	Walmart	\$170 million
December 2022	CVS	\$304 million
December 2022	Walgreens	\$340 million
Total	12 companies	\$2.919 billion

RESOLUTION #2023-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING ADOPTION AND APPROVAL OF THE TEXAS TERM SHEET FOR THE OPIOID SETTLEMENT AND MATTERS RELATED THERETO.

WHEREAS, the City of Kingsville obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses;

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City;

WHEREAS, on May 13, 2020, the State of Texas, thorough the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, "the Texas Term Sheet") approving the allocation of any and all opioid settlement funds within the State of Texas;

WHEREAS, on September 13, 2021, the Kingsville City Commission approved Resolution #2021-59 to authorize adopting and approving the Texas Term Sheet for the Opioid Settlement as it stood at that time;

WHEREAS, since that time additional defendants, primarily pharmacies (Allergan, CVS, Walgreens, and/or Walmart), have been added to the suit and thorough the Office of the Attorney General, a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, "the Texas Term Sheet") approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit "A" for consideration of approval by the City;

WHEREAS, Special Counsel and the State of Texas have recommended that the City of Kingsville City Commission support the adoption and approval of the Texas Term Sheet in its entirety.

NOW, THEREFORE BE IT RESOLVED that we, the City Commission of the City of Kingsville, Texas:

1. Support the adoption and approval of the Texas Term Sheet in its entirety; and
2. Find as follows:
 - a. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Kingsville; and

- b. The Kingsville City Commission supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, attached hereto as Exhibit A. The City Commission understands that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this City and throughout Texas; and
- c. The Kingsville City Commission supports the approval and participation in the Subdivision and Special District Settlement Participation Form ("Allergan Settlement") and the Subdivision Participation and Release Form ("CVS, Walgreens, and Walmart Settlements"), all of which are attached hereto.

3. Declare this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 27th day of March, 2023.

Sam R. Fugate

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Governmental Entity: City of Kingsville	State: Texas
Authorized Signatory: Mayor Sam R. Fugate	
Address 1: 400 W. King Ave	
Address 2: P.O. Box 1458	
City, State, Zip: Kingsville, Texas 78363	
Phone: (361) 595-8002	
Email: mayor@cityofkingsville.com	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("*Allergan Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: Sam R. Fugate

Title: Mayor

Date: _____



EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity: City of Kingsville	State: Texas
Authorized Signatory: Mayor Sam R. Fugate	
Address 1: 400 W. King Ave.	
Address 2: P.O. Box 1458	
City, State, Zip: Kingsville, Texas 78363	
Phone: (361) 595-8002	
Email: mayor@cityofkingsville.com	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*Walgreens Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: Sam R. Fugate

Title: Mayor

Date: _____



EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity: City of Kingsville	State: Texas
Authorized Signatory: Mayor Sam R. Fugate	
Address 1: 400 W. King Ave.	
Address 2: P.O. Box 1458	
City, State, Zip: Kingsville, Texas 78363	
Phone: (361) 595-8002	
Email: mayor@cityofkingsville.com	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: Sam R. Fugate

Title: Mayor

Date: _____



EXHIBIT K

Subdivision Participation Form

Governmental Entity: City of Kingsville	State: Texas
Authorized Official: Mayor Sam R. Fugate	
Address 1: 400 W. King Ave.	
Address 2: P.O. Box 1458	
City, State, Zip: Kingsville, Texas 78363	
Phone: (361) 595-8002	
Email: mayor@cityofkingsville.com	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: Sam R. Fugate

Title: Mayor

Date: _____



AGENDA ITEM #9

Accept Funds

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 10, 2023

SUBJECT: Receipt of the Law Enforcement Officer Standards and Education (LEOSE) Funds from Texas Comptroller of Public Accounts and Budget Amendment for Expenditure in current Budget

Summary:

The police department is requesting approval for acceptance of funds from the Texas Comptroller of Public Accounts and a budget amendment to place the funds in Fund 009 for training.

Background:

A direct deposit was made into the City of Kingsville account from the Law Enforcement Officer Standards and Education (LEOSE) account. This payment is necessary to ensure the continuing education of persons licensed under Chapter 1701, Occupations Code, or to provide necessary training, as determined by the agency head, to full-time, fully paid law enforcement support personnel in our agency.

The Comptroller is directed by the Occupations Code, Section 1701.157 to make an annual allocation from the LEOSE account to qualified law enforcement agencies for expenses related to the continuing education of persons licensed under Chapter 1701, Occupations Code. Of the account, 20 percent is allocated equally among the qualified agencies. The remaining 80 percent is allocated on the basis of the number of eligible law enforcement positions each agency has as of January 1 of the preceding calendar year.

Financial Impact:

Confirmation has been received from our Finance Director, Deborah Balli, that a total of \$2,631.35 was received by our city for use for training of City of Kingsville Police personnel.

Recommendation:

We request that the City Commission authorize the receipt of the funds as well as a budget amendment for expenditure of these funds in the manner for which they were provided by the Texas Comptroller of Public Accounts.





TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O.Box 13528 • Austin, TX 78711-3528

February 16, 2023

CITY OF KINGSVILLE POLICE DEPARTMENT
1700 E KING AVE
KINGSVILLE TX 78363-5928

Vendor number: 17460015138-009

A direct deposit was made into your account from the Law Enforcement Officer Standards and Education (LEOSE) account in the amount of \$ 2,631.35.

This payment must be used as necessary to ensure the continuing education of persons licensed under Chapter 1701, Occupations Code, or to provide necessary training, as determined by the agency head, to full-time, fully paid law enforcement support personnel in your agency.

Your agency must maintain a complete and detailed record of all money received and spent. All money received is subject to audit by the Comptroller of Public Accounts and all money spent is subject to audit by the State Auditor.

The Comptroller is directed by the Occupations Code, Section 1701.157 to make an annual allocation from the LEOSE account to qualified law enforcement agencies for expenses related to the continuing education of persons licensed under Chapter 1701, Occupations Code. Of the account, 20 percent is allocated equally among the qualified agencies. The remaining 80 percent is allocated on the basis of the number of eligible law enforcement positions each agency had as of January 1 of the preceding calendar year.

An eligible law enforcement position is defined as one held by a person licensed under Chapter 1701, Occupations Code, who works as a peace officer, licensed jailer or telecommunicator on the average of at least 32 hours a week, is compensated by a political subdivision of the state at the minimum wage rate or higher, and is entitled to all employee benefits offered to a peace officer.

To receive your agency's share of the LEOSE account in 2024, you must complete and return the enclosed Law Enforcement Officer Standards and Education Account 2024 Allocation Basis form to us no later than October 31, 2023. The information provided in this report must be accurate and returned timely to our office to ensure the correct allocation of the LEOSE account.

Please call us at 800-531-5441, ext. 3-4530, or 512-463-4530 if you have any questions or if we can be of assistance.

Enclosures

RESOLUTION #2023-_____

A RESOLUTION ACCEPTING AWARD OF LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION FUNDS FROM TEXAS COMPTROLLER OF PUBLIC ACCOUNTS; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Kingsville Police Department was recently notified that the Texas Comptroller of Public Accounts deposited \$2,631.35 of funds into the Department's Law Enforcement Officer Standards and Education (LEOSE) fund for training; and

WHEREAS, the Comptroller did this under the authority found in the Texas Occupations Code, Section 1701.157; and

WHEREAS, there is no cash match tied to the use of these funds;

WHEREAS, the use of the funds for law enforcement training is a benefit to the citizens of this City as well as the department.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City accepts the \$2,631.35 award from the Texas Comptroller of Public Accounts for Law Enforcement Officer Standards and Education funds to be used for training of Kingsville Police Department personnel and authorizes the Chief of Police of Kingsville Police Department to act on the City's behalf with such funds.

II.

THAT this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 27th day of March, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #10

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 10, 2023

SUBJECT: Receipt of the Law Enforcement Officer Standards and Education (LEOSE) Funds from Texas Comptroller of Public Accounts and Budget Amendment for Expenditure in current Budget

Summary:

The police department is requesting approval for acceptance of funds from the Texas Comptroller of Public Accounts and a budget amendment to place the funds in Fund 009 for training.

Background:

A direct deposit was made into the City of Kingsville account from the Law Enforcement Officer Standards and Education (LEOSE) account. This payment is necessary to ensure the continuing education of persons licensed under Chapter 1701, Occupations Code, or to provide necessary training, as determined by the agency head, to full-time, fully paid law enforcement support personnel in our agency.

The Comptroller is directed by the Occupations Code, Section 1701.157 to make an annual allocation from the LEOSE account to qualified law enforcement agencies for expenses related to the continuing education of persons licensed under Chapter 1701, Occupations Code. Of the account, 20 percent is allocated equally among the qualified agencies. The remaining 80 percent is allocated on the basis of the number of eligible law enforcement positions each agency has as of January 1 of the preceding calendar year.

Financial Impact:

Confirmation has been received from our Finance Director, Deborah Balli, that a total of \$2,631.35 was received by our city for use for training of City of Kingsville Police personnel.

Recommendation:

We request that the City Commission authorize the receipt of the funds as well as a budget amendment for expenditure of these funds in the manner for which they were provided by the Texas Comptroller of Public Accounts.





TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O.Box 13528 • Austin, TX 78711-3528

February 16, 2023

CITY OF KINGSVILLE POLICE DEPARTMENT
1700 E KING AVE
KINGSVILLE TX 78363-5928

Vendor number: 17460015138-009

A direct deposit was made into your account from the Law Enforcement Officer Standards and Education (LEOSE) account in the amount of \$ 2,631.35.

This payment must be used as necessary to ensure the continuing education of persons licensed under Chapter 1701, Occupations Code, or to provide necessary training, as determined by the agency head, to full-time, fully paid law enforcement support personnel in your agency.

Your agency must maintain a complete and detailed record of all money received and spent. All money received is subject to audit by the Comptroller of Public Accounts and all money spent is subject to audit by the State Auditor.

The Comptroller is directed by the Occupations Code, Section 1701.157 to make an annual allocation from the LEOSE account to qualified law enforcement agencies for expenses related to the continuing education of persons licensed under Chapter 1701, Occupations Code. Of the account, 20 percent is allocated equally among the qualified agencies. The remaining 80 percent is allocated on the basis of the number of eligible law enforcement positions each agency had as of January 1 of the preceding calendar year.

An eligible law enforcement position is defined as one held by a person licensed under Chapter 1701, Occupations Code, who works as a peace officer, licensed jailer or telecommunicator on the average of at least 32 hours a week, is compensated by a political subdivision of the state at the minimum wage rate or higher, and is entitled to all employee benefits offered to a peace officer.

To receive your agency's share of the LEOSE account in 2024, you must complete and return the enclosed Law Enforcement Officer Standards and Education Account 2024 Allocation Basis form to us no later than October 31, 2023. The information provided in this report must be accurate and returned timely to our office to ensure the correct allocation of the LEOSE account.

Please call us at 800-531-5441, ext. 3-4530, or 512-463-4530 if you have any questions or if we can be of assistance.

Enclosures

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO ACCEPT AND EXPEND GRANT FUNDS FROM LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION (LEOSE) FOR TRAINING.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#37

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 009 - LEOSE					
<u>Revenues</u>					
2100	Police	State Grants	72010	\$2,631.35	
<u>Expenditures</u>					
2100	Police	Training	31600	\$2,631.35	

[To amend the City of Kingsville FY 22-23 budget to accept and expend grant funds from the LEOSE for police officer training.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 27th day of March 2023.

PASSED AND APPROVED on this the ____ day of April 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR CITY ATTORNEY SALARY ADJUSTMENT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#38

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
1400	Legal	Salaries & Wages	11100	\$7,356	
1400	Legal	Retirement	11400	\$599	
1400	Legal	FICA	11500	\$563	
1400	Legal	Workers Comp	11700	\$19	
1030	City Special	Budget Amend Reserve	86000		\$8,537

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for the City Attorney salary adjustment for the remaining 15 pay periods. Funding will come from the Budget Amendment Reserve line item.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 27th day of March 2023.

PASSED AND APPROVED on this the ____ day of April 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney