

FEBRUARY 13, 2023

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 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  
Ann Marie Torres, Commissioner

**CITY COMMISSION ABSENT:**

Edna Lopez, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Bill Donnell, Public Works Director  
Rudy Mora, Engineer  
Janine Reyes, Tourism Director  
Susan Ivy, Parks Director  
Kobby Agyekum, Senior Planner/HPO  
Joseph Ramirez, Engineers Assistant  
Mike Mora, Capital Improvements Manager  
Ricardo Torres, Chief of Police

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 P.M. with four Commission members present. Commissioner Lopez was absent.

**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 - January 23, 2023**

**Motion made by Commissioner Hinojosa to approve the minutes of January 23, 2013, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Fugate voting "FOR". Torres "ABSTAINED".**

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

1. None

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

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

Mr. Mark McLaughlin, City Manager reported that Chamberlain Park trees will be planted this week, Thursday, February 16, 2023. He further reported that the medic units are in for repairs so the Fire Department is working with only one medic unit until they hear something from the Garage Department on the other. He also reported that the Commission has been provided with the Fiscal Year 2022-2023 Quarterly Budget Report and Fiscal Year 2022-2023 First Quarter Investment Report.

Ms. Courtney Alvarez, City Attorney reported that at the request of the Commission, agenda items 18 and 19 will not be heard during tonight's meeting. These items will be moved to a future meeting. Ms. Alvarez further stated that the next regular meeting is scheduled for Monday, February 27, 2023. The deadline for staff to submit their agenda items for this meeting is Thursday, February 16, 2023. City offices will be closed on Monday, February 20, 2023, for President's Day. She also reported that the Kingsville Police Department has put out a notice for the upcoming Warrant Roundup. Individuals who have outstanding citations may voluntarily come in to pay from February 20<sup>th</sup> through March 3, 2023. Beginning March 4<sup>th</sup> through March 11, 2023, the Kingsville Police Department will be visiting those who have not taken care of their unpaid citations a visit with a warrant.

Commissioner Torres thanked everyone for their thoughts and prayers on the loss of her mother. She reported that she has been elected to sit as an Executive Member of the Council of Governments (COG) as well as Kleberg County Commissioner Chuck Schultz being named as the COG's Secretary.

At this time, Mayor Fugate read and presented a Proclamation for National Teen Dating Violence Awareness Month.

Mr. Charlie Cardenas, ICE Engineering gave a brief presentation on the City of Kingsville's Texas Water Development Board (TWDB) and General Land Office (GLO) Grant Updates. Mr. Cardenas stated that before there were 25 projects, but now there are 26 projects. He stated that the additional project was approved which will be for \$700,000.00 for Paulson Falls. Paulson Falls will be receiving two projects, one over by the lake and the other down Paulson Falls boulevard. This will elevate a lot of the issues and take the backside drainage to General Cavazos. There are also seven wastewater projects and fourteen stormwater projects. All these projects will total \$50 million. Stormwater projects are one in the Fairview area, 21<sup>st</sup> Street and Warren, Pasadena and Alexander, and the new Paulson Falls. There are also the GLO projects which consist of Wastewater and Stormwater. Within the contract, there have been some milestones that have been completed. The current milestone that is occurring now is the environmental process which on the wastewater side should be completed by the end of March with the stormwater side completed in July. Although some of these projects are environmental, they will need to be in contact with the Texas Department of Transportation (TXDOT) for any TXDOT streets that will be affected. Mr. Cardenas stated that at this time they are in the middle of the design phase, but the environmental phase must be completed before continuing with the design phase for both wastewater and stormwater. He stated that there are some larger projects but also some smaller projects that will range from \$200,000 up to \$1 million. GLO wastewater phasing plan has seven projects. He further stated that some of these projects are the manhole rehab, which will be a very important project as they will seal the manholes and make sure there is no stormwater going into the wastewater system that will end up at the plant. The lift stations will also be receiving new pumps and sealing the cracks inside the wet wells so that there is no infiltration from stormwater. Mr. Cardenas further stated that another big project goes through the middle of town where there is a new lift station going in by Pasadena. This will go through Loop 428 towards Ailsie through Alexander. This force main will be under pressure and the line that is in the middle of 14<sup>th</sup> Street towards the 17<sup>th</sup> lift station will be slipped-lined; there will be no breaking of the street down 14<sup>th</sup> Street. This project will relieve a lot of the wastewater flowing to the south plant and flow it to the north plant. He further stated that other projects will be worked on such as replacing broken water lines. He stated that the emergency line located on the north side going towards the 3MGD Wastewater Plant, which is always going repairs, and this project will be replacing this line. Mr. Cardenas further discussed the handout showing the stormwater phasing plan which shows the start and end dates for these projects. There are 14 priority projects on the list with a timeframe between September 2023 through December 2024. Mr. Cardenas further discussed the Caesar ditch. He stated that the road has room for widening and placement of a turning lane as well as a bike lane. Mr. Cardenas stated that there will be public meetings in the future on this project.

Mayor Fugate asked how they are doing on time, as there may be some limitations. Mr. Cardenas responded that as for the GLO projects they are on track, with the contract ending at the end of 2024. He further stated that the GLO did state that they can give a one-time two-year extension. They don't recommend asking for a two-year extension until

the end of 2024. He further stated that projects are unpredictable and therefore you never know if you will need an extension. He also stated that the environmental process for the GLO projects is going very well.

Commissioner Hinojosa asked if the schedule that is shown on the presentation can be moved back to give the city time so that the public will know what is transpiring. Mr. Cardenas responded that some projects may be able to be moved up on the scheduled timeframe. He further stated that while the construction begins on some of these projects, access to homes and businesses will not be affected. Mr. Cardenas further stated that upcoming events in the future will be public town hall meetings to take place to make the community aware of the upcoming projects.

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

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

No public comments were made.

#### V.

##### Consent Agenda

##### Notice to the Public

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

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

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

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

**1. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the sidewalk and ADA ramp improvements for Kleberg and 4<sup>th</sup> Street area. (City Engineer).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for surveying costs for Escondido Road Project. (City Engineer).**

**3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for LED lights at the Train Depot and Main Street. (Tourism Director).**

**4. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for emergency wastewater 8-inch line repair. (Purchasing Manager).**

**5. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Chamberlain Park with proceeds from the sale of Kenedy Park. (Purchasing Manager).**

**6. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for server software. (Finance Director).**

**7. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the city manager contract increase. (Finance Director).**

**8. Motion to approve the reappointment of Norma Sue Adrian to the Health Board for a 3-year term. (Health Director).**

**9. Motion to approve a resolution authorizing the Mayor to execute the Permission and Indemnity Agreement with the King Ranch, Inc. for the 18<sup>th</sup> Annual Ride on the Wild Side Charity Bike Event. (to be held on April 22, 2023). (City Attorney).**

##### REGULAR AGENDA

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

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

**10. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, providing for revision of Article 1-City Commission, Section 10-Agenda. (Commissioner Hinojosa).**

Mayor Fugate commented that sixty days is a better timeframe than holding off until six months for items that are not approved.

**Motion made by Commissioner Alvarez to approve the ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, providing for revision of Article 1-City Commission, Section 10-Agenda, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**11. Consider awarding RFP #23-03 for a Classification, Compensation, and Benefits study as per staff recommendation, and authorizing staff to negotiate a contract for same. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the city to award and negotiate a contract with Evergreen Solutions LLC, to conduct a Classification and Compensation Study for the City of Kingsville. Notice was published for a Request for Proposal #23-03 in the newspaper on December 22, 2022, and January 5, 2023. Responses were accepted until 2:00 P.M. on January 31, 2023. The city received six responses, Gallagher Benefit Services, McGrath Human Resources Group, PayPoint HR LLC., Baker Tilly US, LLP, JER HR Group, and Evergreen Solutions LLC. The compensation review committee reviewed proposals and found the information received to be responsive. The review committee scored the firms based on understanding the task, related experience, references, cost of services, and time to complete tasks. Based on the criteria listed the review committee selected Evergreen Solutions LLC. The review committee consisted of Diana Gonzalez, the City of Kingsville's Human Resources Director. Funds are available through general fund amendment reserve line item 1030-86000. The total cost of services will be \$42,500.00. It is staff's recommendation to approve the award and authorize staff to negotiate a contract with Evergreen Solutions LLC, to perform a Classification and Compensation Benefit Study for the City of Kingsville.

Commissioner Hinojosa commented that he hopes that the study comes out close to what the City is already paying. He further stated that his concerns are both the employees and the taxpayers of the city. He also commented that he is aware that the City Manager takes care of the employees by giving them a 4% Cost of Living, but we also need to be concerned about the taxpayers.

Mayor Fugate commented that a working document is needed to see where the city stands in compensation.

Commissioner Hinojosa commented that it would need to be competitive so that the city won't lose its employees.

**Motion made by Commissioner Alvarez to approve the award of RFP #23-03 for a Classification, Compensation, and Benefits study as per staff recommendation, and authorizing staff to negotiate a contract for same, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".**

**12. Consider a resolution approving the Agreement for the Defense Economic Adjustment Assistance Grant between the City of Kingsville and the Office of the Governor, Texas Military Preparedness Commission; authorizing the City Manager to execute such agreement. (City Manager).**

Mayor Fugate asked that if there weren't any objections from Commission and staff, he would like to move agenda item #12 before agenda item #10. No objections were made.

Mr. McLaughlin commented that representatives from NAS Kingsville were in attendance tonight to witness the approval of this resolution. He further stated that Ms. Alvarez has reviewed the attached agreement and agrees with the language, therefore, it is staff's recommendation to approve this resolution and its agreement.

**Motion made by Commissioner Hinojosa to approve the resolution approving the Agreement for the Defense Economic Adjustment Assistance Grant between the City of Kingsville and the Office of the Governor, Texas Military Preparedness Commission; authorizing the City Manager to execute such agreement, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".**

**13. Consider a resolution supporting the Competitive Housing Tax Credit Application of Majestic Villas, Ltd. for an affordable senior citizen rental housing development in Kingsville, Texas. (City Manager).**

Mr. McLaughlin stated that RealTex Development Corporation is applying for a Texas Department of Housing and Community Affairs grant and tax credits to develop a 49-unit senior citizen rental housing complex in Kingsville. RealTex has requested a letter of support from the city. The application is due in March with results on the award released in July 2023. The developers stated that the project location will be very competitive for their asking and should score high enough for an award. The proposed location for this development is on the south side of Carlos Truan, west of Wright Drive.

Commissioner Alvarez asked if these were homes or apartment complexes. Mr. McLaughlin responded that these are single-floor homes, something similar to a bungalow.

Commissioner Torres stated that this was not 2, but only 1. Mr. McLaughlin responded yes.

**Motion made by Commissioner Alvarez to approve the resolution supporting the Competitive Housing Tax Credit Application of Majestic Villas, Ltd. for an affordable senior citizen rental housing development in Kingsville, Texas, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**14. Consider out-of-state travel for the Mayor and City Manager to Washington, D.C. from February 15-17, 2023, for military preparedness and economic development matters. (Mayor Fugate/ City Manager).**

**Motion made by Commissioner Hinojosa to approve the out-of-state travel for the Mayor and City Manager to Washington, D.C. from February 15-17, 2023, for military preparedness and economic development matters, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".**

**15. Consider out-of-state travel for the Mayor, City Commissioners, City Manager, and Economic Development Director to Mobile, Alabama from April 20-23, 2023 for christening of USS Kingsville vessel. (Mayor Fugate/ City Manager).**

Mr. McLaughlin stated that there is a correction that has been made to the memo that includes a chart of the Commissions travel for this fiscal year. The chart will show that no Commissioner will be in the negatives once the upcoming travels occur.

**Motion made by Commissioner Alvarez to approve this out of state travel for the Mayor, City Commissioners, City Manager, and Economic Development Director to Mobile, Alabama from April 20-23, 2023 for christening of USS Kingsville vessel, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".**

**16. Consider out of state travel for the City Commission to New York, New York from July 10-14, 2023, to attend the 40<sup>th</sup> Annual NALEO Conference. (Commissioner Alvarez).**

Commissioner Alvarez stated that she and Commissioner Torres are members of the NALEO organization and are interested in attending their annual conference on July 11<sup>th</sup> through July 13, 2023, in New York City, with travel dates on July 10<sup>th</sup> and July 14<sup>th</sup>. This will be the first time they would be attending this conference and have heard from others that the conference is very interesting. Registration will open at the beginning of March, which is why she has requested the item to be on this agenda.

**Motion made by Commissioner Torres to approve out-of-state travel for the City Commission to New York, New York from July 10-14, 2023, to attend the 40<sup>th</sup> Annual NALEO Conference, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**17. 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).**

Ms. Alvarez commented that if it is the Commission's desire, this executive session can wait until a future meeting.

Commission decided to hold off on this agenda item, until a future meeting.

**18. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Attorney. (Mayor Fugate).**

At the request of the City Commission, agenda items 18 and 19 will not be heard at this meeting. Both items will be heard at a future meeting.


**19. Consider approval of compensation adjustment for City Attorney position. (Mayor Fugate).**

No discussion or action was taken.

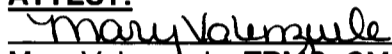
At this time, Mayor Fugate and Mr. McLaughlin allowed for Mr. Charlie Cardenas, ICE Engineering to do a brief presentation, which should have been done during Reports from Commission and Staff section of this agenda, on the City of Kingsville's Texas Water Development Board (TWDB) and General Land Office (GLO) Grant Updates. This presentation will be noted under the section of Reports from Commission and Staff.

**VI. Adjournment.**

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

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMC, CMC, City Secretary