

# City of Kingsville, Texas

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## AGENDA CITY COMMISSION

MONDAY, JULY 24, 2023

REGULAR MEETING

CITY HALL

HELEN KLEBERG GROVES COMMUNITY ROOM

400 WEST KING AVENUE

5:00 P.M.

**Live Videostream:** <https://www.facebook.com/cityofkingsvilletx>

### I. Preliminary Proceedings.

#### OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting June 12, 2023

Special Meeting June 20, 2023

Regular Meeting July 10, 2023

APPROVED BY:

Mark McLaughlin by mJ  
Mark McLaughlin  
City Manager

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

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."*

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

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

**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 Fiscal Year 2022-2023 Budget to appropriate Tourism ARP Funding for Video Signage. (at Tourism Center; Commission authorized use of Tourism ARP Funds on 6/12/23). (Finance Director).

**REGULAR AGENDA****CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:****VI. Items for consideration by Commissioners.<sup>4</sup>**

2. Discuss and consider employee medical health insurance plan and renewal with United Healthcare. (Human Resources Director).
3. Consider a resolution authorizing the City Manager to execute an agreement for Tranquitas Creek Bridge Repairs between the City and Mammoth Foundation Repair, LLC. (RFQ #23-07 awarded on 7/10/23). (City Engineer).
4. Consider awarding RFQ#23-06 for Landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and Permitting Engineering Services as per staff recommendation. (Purchasing Manager).
5. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for sewer main pumping costs on General Cavazos, Corral, and Santa Gertrudis. (Public Works Director).
6. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the emergency repair on 4<sup>th</sup> Street between Santa Gertrudis and Ella. (Public Works Director).
7. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for Sanitation and Landfill vehicle maintenance. (Public Works Director).
8. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Golf Course equipment and greens improvements. (Parks Director).
9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, Article 3-Departments, Boards, & Commissions, Section 101, providing for revisions to the King Ranch Representative on the Hotel Occupancy Tax Advisory Board. (Tourism Director).

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Section 9-3-52, providing for the mandatory spay/neuter of an animal following impoundment. (Health Director/ City Manager).

## VII. Adjournment.

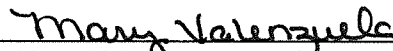
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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:

July 20, 2023, at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, 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)**

**JUNE 12, 2023**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 12, 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  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner  
Ann Marie Torres, Commissioner

**CITY COMMISSION/STAFF ABSENT:**

Hector Hinojosa, 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  
Bill Donnell, Public Works Director  
Mike Mora, Capital Improvements Manager  
Diana Gonzales, Human Resources Director  
Joseph Ramirez, Engineers Assistant  
Kwabena Agyekum, Senior Planner/HPO  
Walter Reeves, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Alicia Tijerina, Special Events Coordinator

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

**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 May 22, 2023**

**Motion made by Commissioner Torres to approve the minutes of May 22, 2023, as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres voting “FOR”. Fugate “ABSTAINED”.**

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

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 introduced the new Director of Planning & Development Services Mr. Walter Reeves. He further gave a brief update on the upcoming dangerous temperatures that will be occurring in the next few days. He stated that staff is working on keeping the dogs in the animal shelter out of the dangerous heat. He also announced that city offices will be closed on Monday, June 19<sup>th</sup>, 2023, for the Juneteenth holiday.

Ms. Courtney Alvarez, City Attorney announced that the next commission meeting is scheduled for Monday, June 26<sup>th</sup>. The deadline for staff to submit agenda items for this meeting is Friday, June 16, 2023. She further reported that updated memos for agenda items 1 and 17 have been provided to the commission.

Commissioner Torres reported on the Council of Governments meeting she attended where they discussed charging station infrastructure. Torres further commented that today is Texas Women Veteran's Day and would like to thank the women who have served our country.

Commissioner Alvarez commented that at the Council of Governments meeting, it was voted for approval of a resolution to apply for a \$15 million grant.

Commissioner Lopez read and presented a proclamation to the Santa Gertrudis Academy Lady Lion Softball Team who played in the state finalist game.

#### **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**

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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)*

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance granting a Special Use Permit to Vertical Bridge/T-Mobile for Wireless Telecommunications Pole Tower in C2-Retail at Clyde, Block 4, Lot 6-8, also known as 1027 E. Lott, Kingsville, Texas. (Flanagan's Muffler Shop). (Interim Director of Planning & Development Services).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend the donation from the Brookshire Foundation for recreational programs and equipment. (Parks Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend the donation from the Cherry Tree Tea Room for sponsorship of a youth baseball and softball league team. (Parks Director).

4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Sections 70 through 81, providing for Drought Contingency Plan, public education method, triggers, and notification. (Public Works Director).

5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Sections 100-103, providing for updated information in the Water Conservation Management Plan. (Public Works Director).

6. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for Legal Professional Services. (City Attorney).

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

8. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for cost overruns of the Facilities Division. (Finance Director).

9. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to set up budget revenues and expenditures for 2021 Stonegarden Grant. (Finance Director).

10. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for General Fund and Utility Fund department cost overruns. (Finance Director).

11. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for increased costs of equipment awarded by the Lone Star Grant. (Finance Director).

12. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for increased costs of league expenditures due to additional participants. (Parks Director).

13. Motion to approve the reappointment of Steve Zamora, Debbie Tiffie, Mike Klepac, Brian Coufal, Rev. Idotha Battle, and Larry Garcia to the Planning &

**Zoning Board for another 2-year term. (Director of Planning & Development Services).**

**REGULAR AGENDA**

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

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

**14. Workshop: discussion on status of existing and potential new Certificates of Obligation for General Fund and Utility Fund and debt capacity. (Finance Director).**

Mr. Don Gonzales of Estrada Hinojosa stated that this is still a work in progress as things could change from now to the time debt is issued.

Mr. Matt Lujan, from Estrada Hinojosa, spoke about the market update. He stated that currently, the city has \$26.3 million outstanding debt, and of that \$19 million is callable. Both 2024 and 2030 year, also have callable debt.

Mr. Gonzales went over the slides of the presentation regarding tax-supported debt service. He stated that for debt that is currently callable, all those coupons are currently lower and since they are callable, it would not make sense to refund those, as the city is currently at a lower interest rate. He further discussed the actual debt that is being paid and supported by the tax rate. The tax rate is around \$.16 on the I&S tax rate. A graph showing the existing tax-supported debt service was discussed which showed the principal and interest of the tax-supported debt service. He further stated that one thing to look at is how to layer in new debt without raising the tax rate, or if the city chooses to increase the tax, how much of debt capacity will the city get from that. There is a level of debt service from 2021 to 2027 and comes back down from 2028 through 2030. It then gets leveled for about three years and then gets leveled in 2033. He further stated that if the city wanted to max out its capacity and have straight leveled debt service all the way, maxing out the I&S tax rate at the same level as it currently is, it will generate around \$1.5 million of debt service. He further stated that there is a capacity of about \$700,000 of debt service from 2024 through 2027 and about \$100,000 starting in 2029. He further stated that this could be built up or as the debt service goes down, the city could step it down to all for more capacity in 2028 and 2029. Mr. Gonzales stated that staff provided a list of projects that totaled an amount of \$70 million.

Mr. McLaughlin stated that most of this was in the utility fund. The general fund, the list that staff currently has can be covered through debt capacity now. He further stated that the utility list is what will be harder to fund as it is a higher amount.

Mr. Gonzales continued to explain the slides that were in his presentation. Estimated general obligation tax rate supported capacity with the assumption of a 5% interest rate and the first principal payment following year of issuance, Series 2023A, approximately \$5 million with an average annual payment of \$390,000. Series 2024, approximately \$8 million with an average annual payment of \$625,000. Series 2023, approximately \$5 to \$7 million with an average annual payment of \$440,000. This is a 20-year term and the city will maintain a debt rate of \$0.16590 I&S tax rate. The net taxable assessed value of \$1.013 billion with zero growth annually and a collection rate of 97.5%. Mr. Gonzales further discussed the graphs and tables for the Utility fund-supported debt service.

Mayor Fugate commented that the city has some challenges that will be coming up, which are good challenges such as growth in the upcoming years.

Commissioner Alvarez asked about the new water meters, will they be installed before the new fiscal year begins, since the rates will go up?



Mr. McLaughlin responded that staff has already estimated this at a 6% increase in revenues, which has already been included in the upcoming proposed budget.

Mayor Fugate asked if the utility fund still assists the general fund. Mr. McLaughlin responded yes. Mayor Fugate then asked how much money from the utility fund goes into the general fund. Mr. McLaughlin responded that for next year it will be \$1.5 million.

Commissioner Torres asked that the 6% include new homes. Mr. McLaughlin no, but within the permitting analysis it was considered for construction but not water. Commissioner Torres further asked if staff had a cost estimate on what citizens will be paying for the extra water. Mr. McLaughlin responded that staff does not have a cost estimate at this time.

Mr. Gonzales moved forward with his presentation, Utility Fund. The estimated project fund capacity is approximately \$15 million over a 20-year term. The assumption is a 5% interest rate: proposed series 2025, first principal payment in fiscal year 2026. The average annual debt service is approximately \$1.365 million. He stated that it is their understanding that the city plans to conduct a rate study to support projected net revenue available for debt service between \$2.3 to \$2.5 million annually from 2026 – 2030, per the city's proforma.

**15. Consideration and approval of a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation. (Finance Director).**

Mr. Matt Lujan mentioned the financing team as the City of Kingsville is the issuer and Estrada Hinojosa & Company, Inc. as the Financial Advisor, and Winstead P.C. as the city's bond counsel. The Underwriters and Underwriters' Counsel as well as the Paying agenda are still to be determined.

Both Mr. Lujan and Mr. Gonzales discussed the graphs within their presentation.

**Motion made by Commissioner Alvarez to approve the 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: Torres, Alvarez, Lopez, Fugate voting "FOR".**

**16. Consideration and Approval of a Resolution Declaring Intention to Reimburse Certain Expenditures. (Finance Director).**

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

**17. Consider out-of-state travel for City Commission and staff to New York, New York for bond rating and bond insurance meetings from August 9-12, 2023. (Finance Director).**

**Motion made by Commissioner Alvarez to approve out-of-state travel for City Commission and staff to New York, New York for bond rating and bond insurance meetings from August 9-12, 2023, for the following staff, Mayor, City Manager, City Attorney, and Finance Director, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Lopez, Torres, Alvarez, Fugate voting "FOR".**

**18. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for Water Well #23 Rehab increased costs. (Finance Director).**

Mr. Bill Donnell, Public Works Director reported that during Fiscal Year 21-22, a budget amendment was approved for repairs and Friedel Drilling was contracted to perform

pump repairs and cleaning of screens. The initial cleaning did not bring the Well back to its recommended capacity so additional work was requested. It was not anticipated that additional cleaning would be required to get this Well back to acceptable pumping capacities. The additional cleaning brought the Well's pumping rate up to 705 GPM. The additional cost for cleaning was \$14,960.78. This will reduce the unappropriated Fund 054 balance by \$14,960.78 and increase the Utility Plant account by that amount.

**Introduction item.**

**19. Consider authorizing reallocation of ARP Funds for Animal Shelter Rehab Project. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that the Animal Shelter is in need of rehab and the remaining balance of uncommitted ARP funding of \$203,541.41 has been identified for this project. The proposed addition will be a 2,570-square-foot building with 20 new dog kennels and new office space for administration with an animal adoption room. City staff has had a conversation with County Judge Madrid regarding the County having a \$250,000 contribution to the new animal shelter project.

Commissioner Torres asked that with the additional space and kennels, the city needs to hire additional staff.

Mr. McLaughlin explained that the need for additional staff is not needed at this time.

**Motion made by Commissioner Alvarez to authorize the reallocation of ARP Funds for Animal Shelter Rehab Project, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Fugate voting "FOR".**

**20. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to commit ARP Funds for the Animal Shelter Rehab Project. (Finance Director).**

**Introduction item.**

**21. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional professional services needed for wastewater testing services. (Finance Director).**

Mrs. Balli stated that professional services were used to cover other line items and now there is a need to replace the funding for additional services that will be needed. Professional services will be covered by the Utility Fund budget amendment reserve line item for wastewater.

**Introduction item.**

**22. Consider removing from the table: reappointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia as regular members of the Board of Adjustment for two-year terms. (City Manager).**

**Motion made by Commissioner Alvarez to remove from the table reappointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia as regular members of the Board of Adjustment for two-year terms, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting "FOR".**

**23. Consider the reappointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia as regular members of the Board of Adjustment for two-year terms. (City Manager).**

Commissioner Torres asked if anyone from the community had reached out to staff showing interest in serving on this or any other city boards.

Mr. McLaughlin responded that no one has contacted staff regarding serving on any city boards.

**Motion made by Commissioner Alvarez to approve the reappointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia as regular members of the Board of Adjustment for two-year terms, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Alvarez, Fugate voting "FOR".**

**24. Consider removing from the table: reappointment of Rose Munoz Morales (Main Street Representative) and Erin McClure (TAMUK Representative) to the Hotel Occupancy Tax Advisory Board for two-year terms. (Downtown Manager).**

**Motion made by Commissioner Lopez to remove from the table reappointment of Rose Munoz Morales (Main Street Representative) and Erin McClure (TAMUK Representative) to the Hotel Occupancy Tax Advisory Board for two-year terms, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Fugate voting "FOR".**

**25. Consider reappointment of Rose Munoz Morales (Main Street Representative) and Erin McClure (TAMUK Representative) to the Hotel Occupancy Tax Advisory Board for two-year terms. (Downtown Manager).**

**Motion made by Commissioner Lopez and Commissioner Torres to approve the reappointment of Rose Munoz Morales (Main Street Representative) and Erin McClure (TAMUK Representative) to the Hotel Occupancy Tax Advisory Board for two-year terms, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting "FOR".**

**26. Consider approving design for new City Wayfinding Signs. (Tourism Director).**

Mrs. Alicia Tijerina, Special Events Coordinator stated that as the city's logo has been changed, it is being asked by staff that a change to the city wayfinding signs be changed to the new logo.

**Motion made by Commissioner Lopez to approve the design for new city wayfinding signs, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Alvarez Fugate voting "FOR".**

**27. Consider authorizing use of Tourism ARP funds for City Wayfinding Signs. (Tourism Director).**

**Motion made by Commissioner Lopez to authorize the use of Tourism ARP funds for City Wayfinding Signs, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Fugate voting "FOR".**

**28. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism ARP funding for wayfinding signs balance. (Tourism Director).**

Introduction item.

**29. Consider authorizing use of Tourism ARP funds for new programable LED sign at Tourism Center. (Tourism Director).**

**Motion made by Commissioner Torres to authorize use of Tourism ARP funds for a new programmable LED sign at Tourism Center, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting 'FOR'.**

**30. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Tourism Video Signage. (at Tourism Center). (Tourism Director).**

Mayor Fugate asked for staff to contact NAS Kingsville regarding the new video signage.

Mr. McLaughlin stated that he has not spoken to NAS Kingsville but will. He further stated that the old video signage will be used at the Parks Department.

**Introduction item.**

**31. Consider authorizing use of Tourism fund balance for marketing services. (Tourism Director).**

Mrs. Tijerina stated that the Tourism Department started using cell phone data to track event impact and to gather marketing demographics for future successful campaigns and track visitor movement and impact for specific events in 2021. This cell phone data gathered from the Kingsville Chamber of Commerce through their relationship with Retail Coach. Tourism partnered with the IT Department to research several cell phone data tracking options and determined that Placer.ai was the most suitable fit for city use. This program will be shared by Tourism, Parks and Recreation, and the Planning Department. The annual cost of Placer.ai is \$25,000 and requires a minimum 2-year commitment. If both years are paid in advance, the city will see a \$3,000 annual discount.

Commissioner Torres asked if the data collected will also show how much money was spent by the visitor?

Mr. McLaughlin responded that staff would need some research on the program to see if information as such could be collected.

**Motion made by Commissioner Lopez to authorize use of Tourism fund balance for marketing services, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Alvarez, Fugate voting "FOR".**

**32. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism fund balance for marketing services. (Tourism Director).**

**Introduction item.**

**33. Consider a resolution authorizing the mayor to enter into a 1<sup>st</sup> Amendment to Interlocal Cooperation Agreement between Counties and Cities associated with Operation Lone Star for Law Enforcement Services. (To add Duval SO and Hallettsville PD). (Police Chief).**

Ms. Alvarez stated that the commission previously approved a resolution that included a list of cities and counties that are participating interlocal agreement. It is now being requested to add two additional participants, Duval County and Hallettsville Police

Department. The additional entities will not impact any funds that could be received as part of the Operation Lone Star Grant.

**Motion made by Commissioner Lopez to approve the resolution authorizing the mayor to enter into a 1<sup>st</sup> Amendment to Interlocal Cooperation Agreement between Counties and Cities associated with Operation Lone Star for Law Enforcement Services. (To add Duval SO and Hallettsville PD), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Fugate voting "FOR".**

**34. Consider authorizing purchase of two Police Tahoe's through Caldwell Country Chevrolet via BuyBoard Purchasing Cooperative, as per staff recommendation. (Use Tax Note Series 2021). (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the City Manager to approve the purchase of two police Tahoe's vehicles from Caldwell Country Chevrolet of Caldwell, TX. The two Tahoe's will be replacing two older units that have been in for repairs and have met the vehicles lifespan. The cost of the two new units is \$147,026 of which will be expended from 115-5-2102-711 fund.

**Motion made by Commissioner Lopez to authorize the purchase of two Police Tahoe's through Caldwell Country Chevrolet via BuyBoard Purchasing Cooperative, as per staff recommendation. (Use Tax Note Series 2021), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting "FOR".**

**35. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget additional funding for increased cost of police vehicles. (Purchasing Manager).**

Introduction item.

**36. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX, Article 10-Streets and Sidewalks, Section 22-Driveway Construction Requirements, providing for additional clarification and options on driveways. (City Manager).**

Mr. McLaughlin stated that during a review of project plans for the community and single-family home developments, it became apparent that the current construction standards for driveways within city limits are limiting. The current ordinance requires all new construction with off-street parking to have a driveway of concrete only. Based on the nature of homes, sizes, setback distances, and the size of lots, it was determined that the ordinance would need to be modified. The revised ordinance will clarify requirements and standardizes culvert installation in areas where drainage ditches front a property. The ordinance will also offer other materials in lieu of concrete only for driveway construction, and it further delineates types of construction allowed based on the size of the lot.

Mayor Fugate commented that another issue is with individuals that have large tracts of land (5 to 10 acres) and the city requiring for them to place sidewalks which doesn't make sense to have them do this.

Mr. McLaughlin responded that the sidewalk section was not modified or removed from the ordinance. Reason is that the city does not know where will be around that property in the future. If a sidewalk is not built, it probably will not be built at a later time. He further stated that a sidewalk must be in a city right-of-way and not in private property as it would need to be used for public access. Mr. McLaughlin further commented that,

such as Sage Road, a sidewalk would not be able to be placed due to the ditches on both sides of the road.

Commissioner Lopez and Mayor Fugate commented that it would not be any different than the situation with Trant Road and the placement of sidewalks.

Mr. McLaughlin commented that on Golf Course Road there will be housing on that road and with the ordinance stating that if you are building a home, a sidewalk must be placed as well.

Ms. Alvarez stated that for this agenda item it does not include any changes to the sidewalk ordinance, only modifications to the driveway section.

Commissioner Alvarez asked what needs to be under the concrete driveway? Mr. McLaughlin responded sand.

**Introduction item.**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:41 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

**JUNE 20, 2023**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, JUNE 20, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 4:00 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

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 4:00 p.m. with four commissioners present with Commissioner Lopez was absent from the meeting.

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

**MINUTES OF PREVIOUS MEETING(S)**

None.

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

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.”*

**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)*

None.

**REGULAR AGENDA**

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

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

1. **Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).**

Mayor Fugate read and convened the meeting into executive session at 4:01 p.m.

Mayor Fugate reconvened the meeting into open session at 4:45 p.m.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 4:45 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary



JULY 10, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 10, 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  
Edna Lopez, Commissioner

**CITY COMMISSION ABSENT:**

Norma N. Alvarez, Commissioner  
Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Janine Reyes, Tourism Director  
Rudy Mora, Engineer  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director  
Joseph Ramirez, Engineers Assistant  
Kwabena Agyekum, Senior Planner/HPO  
Ricardo Torres, Chief of Police  
Emilio Garcia, Health Director  
J.J. Adame, Fire Chief  
Susan Ivy, Parks & Recreation Director  
Deborah Balli, Finance Director  
Alicia Tijerina, Downtown Manager/Special Events Coordinator

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 P.M. with three commission members present. Commissioner Alvarez and Commissioner Torres were absent from this meeting.

**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 – June 12, 2023

Special Meeting – June 20, 2023

**Regular Meeting – June 26, 2023**

**Motion made by Commissioner Lopez to approve the minutes of June 26, 2023, as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting “FOR”.**

Minutes for June 12, 2023, and June 20, 2023, were not discussed or voted on. The two sets of minutes will be placed on the July 24, 2023, agenda for approval.

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

**1. Public Hearing on request for preliminary plat of 2.6464 acres, K.T.&I. Co, Bock 18, Part of Lots 2 & 3 also known as East Caesar, Kingsville, Texas to be called the Courtyard at Mesquite Grove with variances to Chapter XV Land Usage, Article 3 Subdivision-Design Standards, Section 15-3-34 Lots, Subsections (A), (B), and (C) of the City of Kingsville Code of Ordinances. Raymond Perez, owner/applicant (Interim Director of Planning & Development Services).**

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

Mr. Kwabena Agyekum, Senior Planner/HPO stated that the requestor is requesting this in order to divide his land into 12 lots with a 60-foot wide road to allow access to emergency and public vehicles.

Mayor Fugate asked if this property is located next to St. Gertrudis Catholic Church and the Credit Union located on Caesar. Mr. Agyekum responded yes.

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 were no further comments, so Mayor Fugate closed this public hearing at 5:04 P.M.

**2. Public Hearing on request for final plat of 2.6464 acres, K.T.&I. Co, Bock 18, Part of Lots 2 & 3, also known as East Caesar, Kingsville, Texas to be called the Courtyard at Mesquite Grove with variances to Chapter XV Land Usage, Article 3 Subdivision-Design Standards, Section 15-3-34 Lots, Subsections (A), (B), and (C) of the City of Kingsville Code of Ordinances. (Interim Director of Planning & Development Services).**

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

Mr. Kwabena Agyekum, Senior Planner/HPO stated that as the previous item was for the preliminary plat, this is for the final plat of the same property.

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 were no further comments, so Mayor Fugate closed this public hearing at 5:05 P.M.

**3. Public Hearing on request for preliminary plat of 73.56 acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville with variances to Chapter XV Land Usage, Article 3 Subdivisions-Design Standards, Section 15-3-33 Blocks and Section 15-3-34 Lots, Subsection (C) of the City of Kingsville Code of Ordinances. Urban Engineering, applicant; Somerset Land Company, owner. (Interim Director of Planning & Development Services).**

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

Mr. Kwabena Agyekum, Senior Planner/HPO stated that the applicant would like to subdivide this property into 235 lots. The land is zoned R1, single-family with green space and trees and the property owner is trying to repurpose existing trees within the subdivision.

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. Carola G. Serrato, 501 Billy Evans made the following statement during this public hearing: "As stated last week to the Zoning Commission, there are numerous unanswered questions regarding the Somerset Subdivision for the Phase One project and the preliminary plat of the full 235 lot subdivision, as well as how these agenda items relate to the status of the PID. A year ago, on July 11, 2022, the Council approved having the City Manager enter into an agreement with the developer of the Somerset Subdivision for a PID. Two months later, a public hearing was held on the matter. Many residents living east, west, and south of the proposed subdivision attended the public hearing. Questions were asked about a timeline, master plan, drainage, water service, sewer service, roads, emergency service, buffer zones, green spaces, the need for (at that time) 270 plus lots, and the financial stability of the project which would rely on issuing bonds to make public improvements, which would be paid by a recurring annual fee charged to each lot owner. Despite all those raised issues, the development appears to be moving forward with only two noticeable changes. One of which is in no way in response to our concerns. And the second is not actually a response either. Those are: 1) Phase One consisting of 52 lots is to be built, which apparently is based on a calculation for how many lots the existing sewer service can accommodate. This again raises questions about the financial stability of the entire project. Further, it warrants asking how these 52 lots fit into the PID agreement as well as a timeline for other phases. 2) A "green space" was added. This green space is a 5-acre detention pond, which the engineer of record when questioned on the pond specifics could not say how deep it would be. Additionally, the creation of the detention pond is the reason the number of lots is reduced to 235. It warrants adding when questioned how much impervious surface would be created by the subdivision a clear-cut answer was not available. I would disagree with an engineer or city staff statement that this 5-acre detention pond is somehow an answer to any current drainage problems since we all know converting grassland to impervious rooftops, driveways, sidewalks, and roads is going to increase runoff, regardless of each lot having one planted tree as stated by city staff. Regarding the financial stability of the overall project, during the previous public meeting, we were told 278 was the magic number to make the project viable. Additionally, I spoke personally to Developer Wiley McIlwain. He stated DR Horton, the builder, would be the party providing the financial warranty for the PID. Mr. McIlwain also stated that the success of the PID would hinge on the creation of a TIRZ. How does the elimination of 43 lots affect financial stability? What is the status of the PID? Is the PID no longer necessary for Phase One? Will this continue to be the case for any future phases? Has a TIRZ been discussed? I will reiterate what I stated to the Zoning Commission last week. This project is being pursued with a piecemeal approach. First by backing into the number of lots for Phase One. And second, by seeking approval for the final subdivision without a master plan and the specifics related to utilities, safety, and finances. In conclusion, the City Manager stated several times that a Christmas 2022 big announcement would be made which would support the need for 270 plus lots. Like the non-existent master plan, this has not come to pass. So, ask yourselves, as the decision makers for the residents of this city, whether the hasty development of this subdivision in a less than methodical manner with all the necessary details will have a lasting adverse impact on the city and therefore all its citizens."

Mr. Rodolfo Morales, Jr., 614 E Trant Rd, made the following statement during this public hearing: As part of the Planning and Zoning hearing on July 5, 2023, promises were made to make details of the project available to the public for review. We were told that the details were not available and not required at this time since only a preliminary plat was being presented at the time. I accept the logic, but I implore that the city commission expects and requires that the full details be made available, and that ample time is allotted for review once the details and the final plat are available. A

request for information was made by Mrs. Carola Serrato through a written document submitted at the meeting, and an email from me was sent to Theresa Cavazos this was acknowledged during the meeting and finally, other neighbors made verbal requests that should have been captured in the meetings. It is my sincere hope and desire that this basic information be made as soon as possible. The community of neighbors and hopefully the City Commission is interested in having the level of transparency that is required to bring the full details to light, without spin by either of the two groups so that the facts can be used by you to make the best decision possible. I am expecting that the concerns that have been raised to be addressed either in the affirmative or the negative. And finally, I would like to understand the tangible rate of return the City of Kingsville is expecting from the proposed tax abatement incentive for the developer. I am just asking that we make this process work for all of us. Working together we should be able to understand the facts to have a better grasp of the concerns each of us have."

There were no further comments, so Mayor Fugate closed this public hearing at 5:14 P.M.

**4. Public Hearing on request for final plat of 10.77 acres out of 54.53 acre tract as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas which comprising portions of three tracts (1) a portion of a 27.21 acre tract out of Lots 2 & 5, (Block) Section No. 21, K.T.&I. Subdivision; (2) a 12.36 acre tract out of the John Clayton Addition; and (3) a 29.83 acre tract out of Lot 6, (Block) Section No. 21, K.T.&I. Subdivision, also known as west side of F.M 1717 (South Brahma Blvd.) north of Trant Road, Kingsville, Texas; to be known as Somerset at Kingsville-Phase 1 with variances to Chapter XV Land Usage, Article 3 Subdivisions-Design Standards, Section 15-3-34 Lots, Subsection (C) of the Code of Ordinances of the City of Kingsville. (Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:14 P.M.

Mr. Agyekum stated that this is the final plat for phase one of the Somerset development, which is for 52 lots. This will comprise the entrances from the north and south for Brahma. Construction access will be on the north side of Brahma until everything is completed then the south entrance will be opened. He further stated that this will be for 52 lots and will be for phase one.

Mrs. Diane McLauchlan 3403 S. Brahma commented that she has invited planning staff to her home and look behind it. She stated that she has been there for nearly 40 years and the trees located behind her home will be cleared cut. She further stated that there is no green space and cannot count a ditch that will be built to catch running water as green space. This is a ditch that will be a runoff as there is so much concrete. These old trees cannot be replaced with any tree and call it a tree.

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 were no further comments, so Mayor Fugate closed this public hearing at 5:18 P.M.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful and Texas Municipal*

*League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time.”*

Mr. Mark McLaughlin, City Manager reported that safe routes to the school's sidewalk, over by the swimming pool are being constructed. He further stated that Kleberg County is providing fans to citizens that are in need, due to the high temperatures. He also stated that the county has cooling centers for the citizens.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled meeting will be on Monday, July 24, 2023, with a deadline for staff to submit their items no later than Friday, July 14<sup>th</sup>.

Commissioner Lopez presented the 4<sup>th</sup> of July Parade Mayor's Award to the Volunteer Firefighters.

Kleberg County Commissioner Pct. 1, Jerry Martinez presented the City Commission with a plaque for the city's support with the Vietnam Wall that was displayed a year ago.

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

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

Ms. Krystal Emery, 1620 South 11<sup>th</sup>, Kingsville, TX made the following comment: I have worked in Marketing for the last 24 years and in social media for 16 years. I've had my fair share of criticism and praise for marketing efforts in that time. Today, I'd like to offer praise to those involved in last week's events. Over the last few days, there were social media posts made, and ideas were shared. One comment, however, stuck out to me the most. It's the people that take the time to put these ideas into action that make the difference. As a resident and proud member of this community, I was thoroughly impressed by the tremendous effort, planning, and execution that went into making the 4th of July events safe, entertaining, and successful. The diverse range of activities and events catered to people of all ages and interests, ensuring that there was something for everyone to enjoy. I would also like to commend the city's diligent public servants, including law enforcement, first responders, and event organizers, for their tireless efforts in ensuring the safety and well-being of everyone present. Their professionalism, dedication, and commitment to serving our community were truly commendable. I like to extend my heartfelt appreciation to the city employees, event organizers, volunteers, sponsors, and all those who played a part in making the July 4th celebrations a success. Your hard work, creativity, and commitment to providing a memorable experience for the residents of Kingsville have not gone unnoticed and I appreciate you.

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being*

*discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

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

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

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

**1. Motion to approve final passage of an ordinance the Fiscal Year 2022-2023 Budget to appropriate funding for concept design of new Tourism facility. (Tourism Director/City Manager).**

**2. Motion to approve a resolution authorizing the City Manager and Fire Chief to execute a Clinical Affiliation Agreement between the Kingsville Fire Department and the School of EMS; repealing all conflicting resolutions and providing for an effective date. (renewal of 2019 agreement; no cost) (Fire Chief).**

**REGULAR AGENDA**

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

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

**3. Consider request for preliminary plat of 2.6464 acres, K.T.&I. Co, Bock 18, Part of Lots 2 & 3 also known as East Caesar, Kingsville, Texas to be called the Courtyard at Mesquite Grove with variances to Chapter XV Land Usage, Article 3 Subdivision-Design Standards, Section 15-3-34 Lots, Subsections (A), (B), and (C) of the City of Kingsville Code of Ordinances. Raymond Perez, owner/applicant (Interim Director of Planning & Development Services).**

**Motion made by Commissioner Lopez to approve the request for preliminary plat of 2.6464 acres, K.T.&I. Co, Bock 18, Part of Lots 2 & 3 also known as East Caesar, Kingsville, Texas to be called the Courtyard at Mesquite Grove with variances to Chapter XV Land Usage, Article 3 Subdivision-Design Standards, Section 15-3-34 Lots, Subsections (A), (B), and (C) of the City of Kingsville Code of Ordinances. Raymond Perez, owner/applicant, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting "FOR".**

**4. Consider request for final plat of 2.6464 acres, K.T.&I. Co, Bock 18, Part of Lots 2 & 3, also known as East Caesar, Kingsville, Texas to be called the Courtyard at Mesquite Grove with variances to Chapter XV Land Usage, Article 3 Subdivision-Design Standards, Section 15-3-34 Lots, Subsections (A), (B), and (C) of the City of Kingsville Code of Ordinances. (Interim Director of Planning & Development Services).**

**Motion made by Commissioner Hinojosa to approve the request for final plat of 2.6464 acres, K.T.&I. Co, Bock 18, Part of Lots 2 & 3, also known as East Caesar, Kingsville, Texas to be called the Courtyard at Mesquite Grove with variances to Chapter XV Land Usage, Article 3 Subdivision-Design Standards, Section 15-3-34 Lots, Subsections (A), (B), and (C) of the City of Kingsville Code of Ordinances, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Fugate voting "FOR".**

**5. Consider request for preliminary plat of 73.56 acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville with variances to Chapter XV Land Usage, Article 3 Subdivisions- Design Standards, Section 15-3-33 Blocks and Section 15-3-34 Lots, Subsection (C) of the City of Kingsville Code of Ordinances. Urban Engineering, applicant; Somerset Land Company, owner. (Interim Director of Planning & Development Services).**

Mayor Fugate stated that he attended the Planning & Zoning meeting and hear all the comments. He further stated that the Planning & Zoning Commission unanimously approved this item. He further commented that this has been reduced due to the sizing of the streets and the entrance and exits to this location. He further commented that this subdivision complies with all city ordinances.

Mr. McLaughlin commented that it meets all city-required ordinances with the exception of the variance which has the two north-south roads further in. It also exceeds the recommended max block lane of 800 feet to 1,000 feet to prevent the straight line coming out, although it is allowed just not the norm.

Mayor Fugate asked if the two entry and exits off Brahma Boulevard, have been there ever since Mr. Eddie Yaklin owned that property, with access to the city to enter those blocks in the event a future subdivision was to be built in there. He further asked if the city had the rights to the ingress and egress to these gates. Mr. McLaughlin responded yes. Mayor Fugate further stated that the owner that is developing this property lives in the middle of this development. The property owner is not someone from out of state that is here to build this subdivision and not build a nice neighborhood as the property owner is living there. Mr. McLaughlin responded yes. Mayor Fugate further asked if all the residents that reside in Chandler Acres those is no ingress or egress to Chandler Acres.

Mr. McLaughlin responded that there is no connection to Chandler Acres at all, the only thing that Chandler Acres will see is a fence.

Mayor Fugate commented that Chandler Acres will have nothing coming in or out of there, not utilities, roads, or emergency roads. Mr. McLaughlin responded no, as there is no way to get from Chandler Acres to Somerset as the city has removed all of the issues that were during public comment. Staff went back to the property owner and its engineer and ask to make Billy Evans not go through.

Mayor Fugate commented that if we plan on growing this community and have it prosper, we have to have subdivisions such as this one. He further commented that if anyone has a vacant lot next to their property and doesn't want anything put there, they better buy it. With the County approving the tax abatement for the carbon capture plants that will be coming out to the King Ranch, with that comes growth to our community to which Kingsville needs these homes.

**Motion made by Commissioner Hinojosa to approve the request for preliminary plat of 73.56 acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville with variances to Chapter XV Land Usage, Article 3 Subdivisions- Design Standards, Section 15-3-33 Blocks and Section 15-3-34 Lots, Subsection (C) of the City of Kingsville Code of Ordinances. Urban Engineering, applicant; Somerset Land Company, owner, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting "FOR".**

**6. Consider request for final plat of 10.77 acres out of 54.53 acre tract as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas which comprising portions of three tracts (1) a portion of a 27.21 acre tract out of Lots 2 & 5, (Block) Section No. 21, K.T.&I. Subdivision; (2) a 12.36 acre tract out of the John Clayton Addition; and (3) a 29.83 acre tract out of Lot 6, (Block) Section No. 21, K.T.&I. Subdivision, also known as west side of F.M 1717 (South Brahma Blvd.) north of Trant Road, Kingsville, Texas; to be known as Somerset at Kingsville-Phase 1 with variances to Chapter XV Land Usage, Article 3 Subdivisions-Design Standards, Section 15-3-34 Lots, Subsection (C) of the Code of Ordinances of the City of Kingsville. (Interim Director of Planning & Development Services).**

Motion made by Commissioner Hinojosa to approve the request for final plat of 10.77 acres out of 54.53 acre tract as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas which comprising portions of three tracts (1) a portion of a 27.21 acre tract out of Lots 2 & 5, (Block) Section No. 21, K.T.&I. Subdivision; (2) a 12.36 acre tract out of the John Clayton Addition; and (3) a 29.83 acre tract out of Lot 6, (Block) Section No. 21, K.T.&I. Subdivision, also known as west side of F.M 1717 (South Brahma Blvd.) north of Trant Road, Kingsville, Texas; to be known as Somerset at Kingsville-Phase 1 with variances to Chapter XV Land Usage, Article 3 Subdivisions-Design Standards, Section 15-3-34 Lots, Subsection (C) of the Code of Ordinances of the City of Kingsville, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Fugate voting "FOR".

**7. Consider awarding bid RFP#23-07 to Mammoth Foundation Repair, LLC for 2023 Tranquitas Creek Bridge Repair Project, as per staff. (City Engineer).**

Mr. Rudy Mora, Engineer stated that the purpose of awarding this project is to repair the existing bridge at the intersection of Tranquitas Creek and N. 6<sup>th</sup> Street. The bridge serves Principal Arterial Street through the center of the city. Once the project is awarded it will be completed within 180 calendar days. On June 13, 2023, two bids were received which included Mammoth Foundation Repair LLC. And Donald Hubert Construction Company, Inc. RFQ #23-07 for the 2023 Tranquitas Creek Bridge Repair project was advertised on May 25, 2023, and June 1, 2023, in the local newspaper and on the city's website. Sealed bids were due June 13, 2023. The first bid was Mammoth Construction of Corpus Christi. The second bid was Donald Hubert Contracting Co., Inc. from Kingsville. The bid totals ranged from \$89,550.00 to \$178,449.85. The contractor's references were verified by our Engineering Consultant, International Consulting Engineers (ICE). We recommend awarding the project to Mammoth Foundation Repair, LLC in the amount of \$89,550.00. Mammoth Construction has recently completed the Richard and Henrietta King Statue Foundation at City Hall. The construction phase will be paid from Fund 065, Utility Fund Storm Water Drainage Capital Projects in the amount of \$89,550.00. It is staff's recommendation to approve the contract agreement between the city and Mammoth Foundation Repair, LLC in the amount of \$89,550.00 and authorize the City Manager to sign the contract.

**Motion made Commissioner Hinojosa to award bid RFP#23-07 to Mammoth Foundation Repair, LLC for 2023 Tranquitas Creek Bridge Repair Project, as per staff, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting "FOR".**

**8. Consider authorizing city participation in 5K run event in downtown on August 18, 2023. (Downtown Manager).**

Mrs. Alicia Tijerina, Downtown Manager/Special Events Coordinator stated that this is a new event for the city. It is being asked that this event be approved to be held in the



downtown area. Event organizers are still required to comply with all city ordinances and state laws regarding health and safety issues. They are also required to submit a request for a permit for street closures. The total event costs to the city for the 5K Run is \$168.00. One street is being asked to be closed, starting and ending point of the race at Kleberg and PFC Alarcon Street.

**Motion made by Commissioner Lopez to authorize city participation in 5K run event downtown on August 18, 2023, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Fugate voting "FOR".**

**9. Consider a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (for the 2024-2025 term.) (City Attorney).**

Ms. Alvarez stated that every two years the city receives this packet of information from the Kleberg County Appraisal District so that the city may consider nominating someone to be on the ballot for the Appraisal Districts Board of Directors. The term is for 2024-2025. The five-member board is every odd year that the elections take place. Each of the taxing entities is allotted a certain number of votes so at this time the city is not electing anyone to be on this board, it is only nominating an individual to be on the ballot. Once the ballot is drawn up, the ballot will then be brought back to the Commission where it would be decided how of the city's votes it would like to go to each person that is on the ballot.

Mayor Fugate asked if it was his understanding that this would be the last City Commission to take action on this item.

Ms. Alvarez responded that in the packet of information that city staff received from the Appraisal District, it is noted that the nominee's name would need to be submitted on a date that was before the next city commission meeting.

Mayor Fugate asked how this could be possible. Ms. Alvarez responded that the city does not have control over when the packet information is mailed or when it is received.

Commissioner Lopez commented that she does not recall having this item this late on the agenda, because there is no time for the next meeting.

Mr. McLaughlin stated that as soon as the city received the packet of information, it was too late to be placed on the agenda for the June 24<sup>th</sup> commission meeting.

Mayor Fugate commented that it sounds as if this may have happened to all entities. Mayor Fugate asked if it would take the commission to unanimously vote on this in order to pass. Ms. Alvarez responded yes. Mayor Fugate also asked if the Commission could nominate more than one name. Ms. Alvarez responded yes; the Commission could opt to place more than one name on the ballot. Mayor Fugate further asked if the commission nominates more than one name, it can later determine how to distribute the city's votes. Ms. Alvarez responded yes.

**Motion made by Commissioner Hinojosa to nominate Mr. Crispin Trevino as candidate for election to the Board of Directors for the Kleberg County Appraisal District for the 2024-2025 term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting "FOR".**

**10. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism ARP Funding for Video Signage. (at Tourism**

Introduction item.

**11. Consideration and approval of a resolution by the City Commission of the City of Kingsville, Texas providing for a community venue project pursuant to Chapter 334, as amended, Texas Local Government Code. (City Manager).**

Mr. McLaughlin stated that this is the first step to starting the venue tax process. The city would have to notify the State that we are going to do this via resolution. The venue tax is the idea to be able to incur bonding capability for the Henrietta Memorial Center. There are discussions between the City and King Ranch regarding the process. The King Ranch has master plans, which the city is not at liberty to mention as they have not made a final decision, but they have alerted the city that this building could potentially become available. The building itself is in good condition although it does need some infrastructure work, which is why the bonding is needed. The city's intention for this building is to make it into an events center and birding and butterfly center along with the city's eco-tourism, which will have interactive stations inside. This entire plan will cost around \$1.5 million to \$2 million. If the memorandum of understanding between the city and King Ranch, the city can then bond it. This would be no different than what we already do with other city properties. As long as the city uses this facility for its intended purpose and complies with whatever future interlocal agreement we have with them, this will meet all the requirements to do that so that the city may have a nice venue in the downtown area.

Mayor Fugate commented that this is something that started back with the previous City Manager, Mr. Jesus Garza.

Ms. Janine Reyes, Tourism Director stated that she would like to mention that this is a visitor's tax. The tax will be paid by visitors for these state-of-the-art facilities that will be available for the locals to enjoy. This is not a tax to the local citizens, but a tax added on to the hotel fees. She further stated that in addition to them having initial conversations with potential partners, this will not cost the city's citizens anything. This will have the potential to bring in more visitors to our community who will then spend more money in our community.

Mayor Fugate commented that there is a lot of moving parts to this project, but this is only the first step to get things started. He further stated that the venue tax had originally been passed for the JK Northway Coliseum, but it got to a point that it was not going to work out for that project. He further stated that at any given time, the city can pull out of this current project if it sees that things will not work out. He also stated that what this project will do, is leave the King Ranch commercial property in the downtown area, which is vital to the downtown area. The King Ranch Saddle shop and the museum will stay within the downtown area.

Ms. Reyes stated that the tax now in Corpus Christi is at 17%, but the tax here in Kingsville will still be below that at 15%.

Commissioner Lopez stated that there is a timeline that the commission would need to vote on this, as the city would like to place this on the upcoming November ballot for voters to vote on.

Mr. McLaughlin stated that there were some concerns from citizens, that if the city went through all this work and the King Ranch decided to take back the building, what happens? He further commented that the King Ranch would not be able to take back this building, so long as there is a bond against it.

Commissioner Hinojosa commented that he had some concerns regarding this, as it is not the city's building. He also stated that it was mentioned that the lease for the building would be for the length of the bond. He also stated that he has other concerns but is not at liberty to mention it at this time, but he was going to make a contingency on this resolution but will wait on that. He also stated that later, the commission could decide to not move forward with this project. Commissioner Hinojosa also commented that if certain things don't happen, he will be voting against this at the time it comes up. He also stated that the way he sees it right now he does not like it, but in order to begin the process and get it on the ballot and leave it up to the citizens to vote on it.

Mr. McLaughlin responded that this was correct, the city could decide to not move forward with this.

**Motion made by Commissioner Hinojosa to approve the resolution by the City Commission of the City of Kingsville, Texas providing for a community venue project pursuant to Chapter 334, as amended, Texas Local Government Code, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting "FOR".**

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:54 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: July 5, 2023

SUBJECT: Budget Amendment #60A for Tourism ARP Funding for Video Signage

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**Summary:**

BA #60 was submitted on June 12, 2023 with a second reading and approval on June 26, 2023. The original Budget Amendment was submitted to be funded from the Tourism unappropriated fund balance in Fund 002. This funding source was an error as it should be funded through the Tourism ARP fund unappropriated fund balance in Fund 205. City Commission authorized the use of Tourism ARP Funds for this purpose at the City Commission meeting on June 12, 2023. This Budget Amendment is submitted as a correction to the prior budget amendment.

**Financial Impact:**

The funding for the Tourism Video Signage will come from the unappropriated fund balance of the Tourism ARP Fund in Fund 205 instead of the Tourism Fund 002.

**Recommendation:**

Staff recommends the approval of the corrected budget amendment to provide funding for the Tourism Video Signage with Tourism ARP funding.



**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE TOURISM ARP FUNDING FOR VIDEO SIGNAGE.**

**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#60A

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 205 – Tourism ARP Funding</b>					
<u>Expenditures</u>					
1071	Tourism	Grounds & Perm Fixtures	59100	\$18,970	

[To amend the City of Kingsville FY 22-23 budget to appropriate Tourism ARP funding for video signage. Funding for the project will come from the unappropriated fund balance of the Tourism ARP 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 10th day of July 2023.

**PASSED AND APPROVED** on this the 24th day of July 2023.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **REGULAR AGENDA**

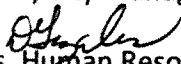
## **AGENDA ITEM #2**

**City of Kingsville**  
**Human Resource Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Diana Gonzales, Human Resource Director 

DATE: 07/14/2023

SUBJECT: United Healthcare Renewal

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**Summary:**

The cost of maintaining employee health coverage under the fully insured United Healthcare plan is scheduled for a 14.9% overall increase. Attached is renewal notice sent to Carlisle Insurance representative Valeria Ybarra outlining information on the health plan renewal and applicable modification for large group employers.

**Background:**

Fiscal Year 2023-2024 is the second year of the United Healthcare fully funded plan. The City of Kingsville offers three (3) plan options from which employee may select. Current plans and applicable premiums are listed below:

**FY 2022-2023 UHC Plans and Rates**

HMO	MONTHLY RATES	
	EMPLOYEE	EMPLOYER
EE \$	-	\$ 556.62
EC \$	48.94	\$ 958.54
ES \$	88.26	\$ 1,258.76
EF \$	117.34	\$ 1,736.20

EPO	MONTHLY RATES	
	EMPLOYEE	EMPLOYER
EE \$	71.40	\$ 590.74
EC \$	128.82	\$ 1,069.65
ES \$	171.46	\$ 1,430.92
EF \$	252.30	\$ 1,952.63

PPO	MONTHLY RATES	
	EMPLOYEE	EMPLOYER
EE \$	94.84	\$ 604.65
EC \$	171.16	\$ 1,094.92
ES \$	227.88	\$ 1,464.89
EF \$	334.04	\$ 1,995.26

**Financial Impact:**

The financial impact of the renewal rates is approximately \$635,628, *if all budgeted positions* were to be filled for the *entire* fiscal year. The approximate increased cost is subject to change as the City experiences as number of vacancies throughout the year.

It is proposed for the increased premiums to be absorbed by the City of Kingsville utilizing the Health fund balance. It is proposed for the employee premiums to remain at the existing FY 2022-2023 rates with the City rates changing to absorb the increased premiums.



**City of Kingsville**  
**Human Resource Department**

**Proposed FY 2023 – 2024 UHC Plans and Rates**

<b>HMO</b>	<b>MONTHLY RATES</b>	
	<b>EMPLOYEE</b>	<b>EMPLOYER</b>
EE	\$ -	\$ 639.56
EC	\$ 48.94	\$ 1,108.66
ES	\$ 88.26	\$ 1,459.47
EF	\$ 117.34	\$ 2,012.39

<b>EPO</b>	<b>MONTHLY RATES</b>	
	<b>EMPLOYEE</b>	<b>EMPLOYER</b>
EE	\$ 71.40	\$ 689.40
EC	\$ 128.82	\$ 1,248.22
ES	\$ 171.46	\$ 1,669.68
EF	\$ 252.30	\$ 2,281.17

<b>PPO</b>	<b>MONTHLY RATES</b>	
	<b>EMPLOYEE</b>	<b>EMPLOYER</b>
EE	\$ 94.84	\$ 708.87
EC	\$ 171.16	\$ 1,283.56
ES	\$ 227.88	\$ 1,717.10
EF	\$ 334.04	\$ 2,342.31

**Recommendation:**

Staff is recommending the continuation of the United Healthcare fully funded plan with increased premiums to be absorbed by the Health Fund balance.



Valeria Ybarra  
Carlisle Insurance

Dear Valeria:

Thank you for allowing UnitedHealthcare to serve City of Kingsville over the past year. Your partnership is very important and we look forward to continuing to serve their needs over the years to come. The materials enclosed comprise of their renewal package for an effective date of October 1, 2023.

#### The Renewal

- Subscribers have increased by 7.1% since last year's renewal
- Membership has decreased by 1.0% since last year's renewal
- Average case size has decreased by 7.5% since last year's renewal
- Age/Sex ratio has decreased by 3.2% since last year's renewal

A review of the claim activity reports indicates that The City has not run well this past year. The claim period reflects an incurred claims loss ratio of **132.8%**. Experience is calling for an increase of 17% with the above high claimants all still ongoing. However, to partner with The City, the renewal is being released at 14%.

**Option 1**, BCW8 / RX 997Y, **Option 2**, BCX3 / RX 997Y **Option 3**, BCZM / RX 997Y are their current plans and upon renewal will migrate to our 2023 Certificates. The 2023 Uniform Modifications notice is included that provides additional changes to the certificates this renewal period.

In addition, there are a few updates I wanted to highlight that will take place at their renewal:

- 1) **\$0 Vital Medication Program** is a new program that addresses the affordability issue that many of our members faces when it comes to obtaining their vital medications. UHC is offering this new program to our fully insured clients at their renewal under their pharmacy benefits. I have attached a flyer with more details.

UHC and Optum are committed to being part of the solution and we recognize our responsibility to encourage collaboration and cooperation to help make prescription drugs more affordable. UHC is eliminating out-of-pocket costs on several preferred prescription drugs, including rapid-, short- and long-acting insulins. The new \$0 cost share applies to the following preferred drugs and applies to both co-pays and deductibles:

- Rapid-, short-acting and long-acting insulins – diabetes management
- epinephrine –allergic reactions
- glucagon – hypoglycemia
- naloxone – opioid overuse
- albuterol –asthma

We strongly believe UnitedHealthcare is positioned to deliver the best health care coverage value for The City. We are committed to delivering practical yet innovative solutions that meet the specific needs of the client that will result in healthier employees and better cost management.

Again, thank you for your continued business! I'm looking forward to the chance to serve you and the client over the coming year. Please feel free to contact me at 713-418-6344 if you have any questions.

Sincerely,

*VU TRAN*

# UnitedHealthcare

## Medical Proposed Rates for CITY OF KINGSVILLE TX

Effective Date: 10/01/2023 | Customer Number 00929211

\* The numbers below are on an illustrative basis. Rates are subject to Underwriting approval.

	Option 1: Current	Option 2: Current	Option 3: Current
<b>Medical Plan Name</b>	BCW8 Mod (Navigate)	BCX3 (POS Premier)	BCZM (EPO Premier)
<b>Rx Plan Name</b>	Rx Plan: 997Y	Rx Plan: 997Y	Rx Plan: 997Y
<b>Product</b>	Navigate HMO *	Choice + Insurance *	Choice Insurance *
<b>Option</b>	Option 1	Option 2	Option 3
<b>Plan Offering</b>	Multiple Option	Multiple Option	Multiple Option
<b>Multiple Option with:</b>	1 of 3	2 of 3	3 of 3
<b>HRA or HSA</b>	No	No	No
<b>Benefits*</b>	<b>Network Single/Family</b>	<b>Network Single/Family</b>	<b>Network Single/Family</b>
<b>Office Copay (PCP/SPC)</b>	PCP \$15, SPC \$45	PCP \$20, SPC \$20/\$40	PCP \$20, SPC \$20/\$40
<b>Hospital Copays</b>	OP \$250 POD, IP \$250 POD	OP D&C, IP D&C	OP D&C, IP D&C
<b>UC/ER</b>	UC \$50, ER \$650	UC \$75, ER \$300	UC \$75, ER \$300
<b>Major Diagnostics</b>	MD \$500	MD D&C	MD D&C
<b>X-Ray and Lab</b>	X-Ray D&C, Lab D&C	X-Ray \$0, Lab \$0	X-Ray \$0, Lab \$0
<b>Other</b>	\$0 Kid Copay; ENRP	\$0 Kid Copay; ENRP	\$0 Kid Copay; ENRP
<b>Deductible</b>	\$250/\$750 (Emb)	\$250/\$500 (Emb)	\$250/\$500 (Emb)
<b>Coinsurance</b>	100%	100%	100%
<b>Out-of-Pocket</b>	\$6,350/\$12,700	\$1,750/\$3,500	\$1,750/\$3,500
<b>Pharmacy</b>	\$10/50/100, \$10/150/500, 2.5 MO (AdvSMCS PDL), SS-WAL	\$10/50/100, \$10/150/500, 2.5 MO (AdvSMCS PDL), SS-WAL	\$10/50/100, \$10/150/500, 2.5 MO (AdvSMCS PDL), SS-WAL
	<b>Out of Network Single/Family</b>	<b>Out of Network Single/Family</b>	<b>Out of Network Single/Family</b>
<b>Deductible</b>	N/A	\$5,000/\$10,000 (Emb)	N/A
<b>Coinsurance</b>	N/A	70%	N/A
<b>Out of Pocket</b>	N/A	\$10,000/\$20,000	N/A
<b>Enrollment</b>			
<b>Employee</b>	23	25	69
<b>Employee + Spouse</b>	5	9	21
<b>Employee + Child(ren)</b>	6	10	32
<b>Employee + Family</b>	1	12	44
<b>Total</b>	35	56	166
	<b>Rates (Billed)</b>	<b>Rates (Billed)</b>	<b>Rates (Billed)</b>
<b>Rates</b>	<b>Current</b>	<b>Proposed</b>	<b>Current</b>
<b>Employee</b>	\$556.62	\$639.56	\$662.14
<b>Employee + Spouse</b>	\$1,347.02	\$1,547.73	\$1,602.38
<b>Employee + Child(ren)</b>	\$1,007.48	\$1,157.60	\$1,198.47
<b>Employee + Family</b>	\$1,853.54	\$2,129.73	\$2,204.93
<b>Monthly Cost</b>	\$27,436	\$31,524	\$214,706
<b>Annual Cost</b>	\$329,229	\$378,286	\$2,576,467
<b>Change from Current</b>	14.9%	14.9%	14.9%

\*High level benefit summary. Please see your plan summary for more detailed benefit description.

POD = Benefit paid as follows: Per Occurrence Deductible, then plan deductible and coinsurance.

LTD # = the number of services covered at that copay, after the limit plan deductible and coinsurance will apply, note PCP and SPC may be combined (see benefit summary)

Day x# = the max number of days the copay will apply

For markets moving to service fees, current rates (for renewals only) include commission expenses. Proposed rates, for your convenience, include any applicable producer service fees. Producer service fees are not a contingency of obtaining insurance coverage but are fees agreed to between you (client) and your producer/service provider for service rendered on behalf of client.

For markets continuing to pay commissions, both the current (applicable for renewals only) and proposed rates include commissions.



City of Kingsville  
Policy Number: 929211  
Renewal Date: October 1, 2023

## REQUIRED UNIFORM MODIFICATION NOTICE FOR LARGE GROUP EMPLOYERS

### **Important:** Legal Notice Regarding Changes to Your Group Health Plan to Take Effect at Your Next Renewal

Your group health insurance coverage is coming up for renewal. The following changes, which may also include language clarifications, are required and will be implemented at your next renewal:

- Certain prescription drug products which are on the list of zero cost share medications located at [myuhc.com](http://myuhc.com) are available at no cost share as permitted under state and federal law if obtained from any retail network pharmacy. These prescription drug products may also be available from a mail order network pharmacy. The list currently includes certain prescription drug products under the following drug classes or categories: insulins, epinephrine, glucagon, naloxone, albuterol inhalers and nebulized solutions.
- Your plan includes UnitedHealthcare Rewards. With UnitedHealthcare Rewards eligible members can earn dollars for taking small steps towards creating a healthier lifestyle. Members can choose from a variety of reward activities including: track sleep, fitness, completing biometrics and/or a health survey, going paperless and more. UHC Rewards is accessible through the UnitedHealthcare® app and [myuhc.com](http://myuhc.com). If a member was eligible for UnitedHealthcare Motion® or SimplyEngaged, these programs will no longer be available.
- All mental health care and substance-related and addictive disorders services must be provided by or under the direction of a behavioral health provider who is properly licensed and qualified by law and acting within the scope of their licensure.
- Provider-based case management services are no longer included under Mental Health Care and Substance-Related and Addictive Disorders Services.
- Elective fertility preservation is not a covered benefit.
- If infertility services are covered, eligibility for benefits no longer requires the member be a female under age 44.
- Benefits are provided for certain over-the-counter hearing aids for covered persons age 18 and older who have mild to moderate hearing loss.
- Specialized enteral formulas administered either orally or by tube feeding are covered for certain conditions under the direction of a physician.
- External catheters are covered health care services.

- Individual and group nutritional counseling exclusion does not apply to behavioral/mental health-related nutritional education services that are provided as part of treatment.
- The following exclusions are removed under gender dysphoria: breast enlargement, including augmentation mammoplasty and breast implants; thyroid cartilage reduction; reduction thyroid chondroplasty; trachea shave; voice modification surgery; voice lessons and voice therapy.
- The routine foot care exclusion does not apply to preventive foot care due to conditions associated with metabolic, neurologic, or peripheral vascular disease.
- Health care services received outside of the covered person's state of residence from out-of-network providers for non-emergent, sub-acute inpatient or outpatient services at any of the following non-hospital facilities: alternate facilities, freestanding facilities, residential treatment facilities, inpatient rehabilitation facilities, and skilled nursing facilities are no longer excluded.
- Reconstructive jaw surgery is covered when there is a facial skeletal abnormality and associated functional medical impairment.
- Adding pyromania and kleptomania to the list of services not covered under the plan unless they are tied to a conduct or impulse control disorder diagnosis.
- The requirement to maintain a written, specific and detailed treatment program requiring your full-time residence and participation in the residential treatment definition was replaced with the requirement to offer organized treatment services that feature a planned and structured regimen of care in a 24-hour setting.
- When a covered person is eligible for Medicare on a primary basis but chooses not to enroll in Medicare, the policy will pay as secondary and benefits will be calculated using Medicare's approved amount or Medicare's limiting charge.
- Some travel expenses related to covered health care services received from a network provider may be paid back as determined by us.
- The allowed amount (which includes mileage) for emergency ground ambulance transportation provided by an out-of-network provider is a rate agreed upon by the provider or determined based upon the median amount negotiated with network providers for the same or similar service, unless a different amount is required by applicable law.
- The prior authorization requirement for extended outpatient treatment visits, with or without medication management, is removed.
- For all inpatient benefits, the out-of-network prior authorization requirement has been removed for emergency admissions.
- When covered health care services are received from an out-of-network provider as arranged by us, including when there is no network provider who is reasonably accessible or available to provide covered health care services, allowed amounts are an amount negotiated by us or an amount permitted by law.
- The rehabilitation cost share will apply to all visits, including the first 3 visits, for any combination of manipulative treatment and physical therapy for new low back pain.
- The policy charge is based on the enrollment records as provided by you at the time the invoice for the policy charge is issued. You must notify us of enrollments, terminations or other changes in writing or through our electronic system or by other methods as determined by us.
- The Policy ends at our option, retroactive to the last paid date of coverage if the grace period expires and the Policy charge remains unpaid on the due date.
- Under the definition of "Experimental or Investigational Service(s)", the following sources were removed as criteria to identify appropriate use: the American Hospital Formulary Service; the United States Pharmacopoeia Dispensing Information. And the following



sources were added: AHFS Drug Information (AHFS DI) under therapeutic uses section; Elsevier Gold Standard's Clinical Pharmacology under the indications section; DRUGDEX System by Micromedex under the therapeutic uses section and has a strength recommendation rating of class I, class IIa, or class IIb; National Comprehensive Cancer Network (NCCN) drugs and biologics compendium category of evidence 1, 2A, or 2B. Experimental or investigational service(s) are only obtainable, with regard to outcomes for the given indication, within research settings.

- When biosimilars become available, pharmacy tiers may change for reference products or the reference products may be excluded.
- Durable Medical Equipment, including certain insulin pumps and related supplies, is excluded.
- Convenience care medications are excluded.
- The reference to the smart fill program has been removed.
- Certain prescription drug products for tobacco cessation are excluded.
- Any cost-sharing changes are described in your renewal package.

Refer to the benefit documents for specific coverage details. Rates and/or benefits may be subject to regulatory approval. If the rates or products offered are changed as a result of the regulatory review process, we will advise you as soon as possible.

If you have any questions or would like to discuss, please contact me.

We're looking forward to another year of serving you and your employees.

**City of Kingsville**  
**Public Works, Solid Waste Division**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: July 14, 2023

SUBJECT: Fund 001 Solid Waste Division Budget Amendment Request

---

**Summary:**

This item authorizes additional funding for the Solid Waste Division for Vehicle Maintenance in Sanitation and Landfill.

**Background:**

During the current budget in Sanitation, Vehicle Maintenance account is currently over budget by \$24,752.00 due to necessary vehicle maintenance and repairs. The new garbage trucks have lowered the annual repair costs but not to the amount of the approved budget. Staff is requesting an additional \$50,000 to cover Sanitation repairs and maintenance during this fiscal year.

The Landfill Vehicle Maintenance account has a balance of \$816.00, staff is requesting an additional \$20,000 to cover vehicle and equipment maintenance during the remainder of this fiscal year.

**Financial Impact:**

This will reduce unappropriated Fund 001 balance by \$70,000 and increase the Sanitation Vehicle Maintenance line item 001-5-1702-41100 by \$50,000 and the Landfill Vehicle Maintenance line item 001-5-1703-41100 by \$20,000.

**Recommendation:**

Staff is requesting approval of funds to cover Solid Waste Vehicle Maintenance expenses during this fiscal year.

# **AGENDA ITEM #3**

**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: July 10, 2023

SUBJECT: Consider Authorizing Contract for Bid #23-07 with Mammoth Foundation Repair, LLC for the 2023 Tranquitas Creek Bridge Repair Project.

---

**Purpose:**

On July 10, 2023, the City Commission awarded this project to repair the existing bridge at the intersection of Tranquitas Creek and N. 6<sup>th</sup> Street, which serves a Principal Arterial Street through the center of the city, to Mammoth Foundation Repair, LLC. The City and Mammoth have negotiated a contract that new needs to be authorized for execution by the City Manager. Once the paperwork is completed and the project started, it will be completed within one-hundred and eighty (180) calendar days.

**Summary:**

On June 13, 2023, two (2) bids were received which included Mammoth Foundation Repair LLC. and Donald Hubert Construction Company Inc. RFQ # 23-07 for 2023 Tranquitas Creek Bridge Repair Project was advertised on May 25, 2023, and June 1, 2023, in the local newspaper and on the City's website. Sealed Bids were due June 13, 2023. First bid was Mammoth Construction from Corpus Christi, Texas. Second bid was Donald Hubert Contracting Co. Inc. from Kingsville, Texas. The bid totals ranged from \$89,550.00 to \$178,449.85.

Contractor's references were verified by our Engineering Consultant, International Consulting Engineers (ICE). We recommend awarding the project to Mammoth Foundation Repair, LLC in the amount of \$89,550.00. Mammoth Construction has recently completed the Richard and Henrietta King Statue Foundation at City Hall. City Commission awarded this project on July 10, 2023.



**City of Kingsville  
Engineering Dept.**

**Background:**

The project includes bridge repairs including concrete spalling, delamination, abutment walls, expansion joint sealant, and rebar repairs.

On February 15, 2022, the Engineering Department received a Bridge Inspection Report from Texas Department of Transportation (TxDOT) regarding the bridge at Tranquitas Creek and N. 6<sup>th</sup> Street. The bridge was inspected on March 8, 2021, by TxDOT's consultant. The report addresses the condition of the Deck, Superstructure, Substructure, Channel, Culverts, and Approaches. This bridge at N. 6<sup>th</sup> Street is heavily utilized and classified as a Principal Arterial Street.

**Financial Impact:**

The Construction Phase will be paid from FUND 055 – Utility Fund Storm Water Drainage Capital Projects in the amount of \$89,550.00.

**Recommendation:**

Staff recommends:

1. Approving Contract Agreement between City and Mammoth Foundation Repair, LLC in the amount of \$89,550.00.- DONE 7/10/23
2. **Authorizing the City Manager to sign the Contract.**

**Attachments:**

Bid Summary

Bid Tab

Proposal – Mammoth Foundation Repair, LLC

References

Bid Bond

Resolution No. 2023-\_\_\_\_\_



June 20, 2023

Mr. Rutilio "Rudy" Mora, P.E., CFM  
City Engineer  
City of Kingsville  
400 W. King Ave.  
Kingsville, TX 78363

**Re: City of Kingsville – Tranquitas Bridge Repair Project 2023**

Dear Mr. Mora:

Enclosed please find attached Bid Summary for the above referenced project. Two (2) general contractors submitted bids to the City of Kingsville on 06/13/23. Their information is attached in this letter. The bidder's list with their total bid is given below:

Bidder	Bid Bond	Bid Response Form	Base Bid Amount
Donald Hubert Construction Company, Inc	Y	Y	\$178,499.75
Mammoth Foundation Repair, LLC	Y	Y	\$89,550.00

Mr. Rutillio "Rudy" Mora, P.E., CFM

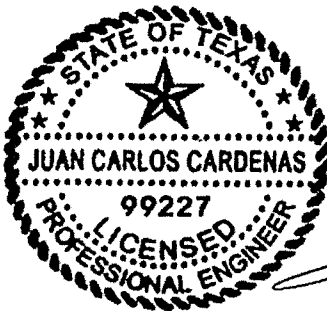
Re: **City of Kingsville – Tranquitas Bridge Repair Project 2023**

Page 2 of 2

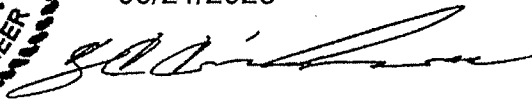
**Mammoth Foundation Repair** submitted the lowest bid for this project. Appropriate measures were conducted to maximize bidder outreach and ensure that the bid prices were competitive and accurate, in addition to meeting all the requirements of the specifications approved by the City of Kingsville. ICE recommends **Mammoth Foundation Repair LLC** be considered for approval of award for the base bid of \$89,550.00. The lowest base bid of \$89,550.00 is within 3.5% of the engineer's estimate (\$86,800.00). The City of Kingsville has the right to make the decision that is in the best interest of the City.

Please let me know if you have any questions regarding this matter.

Sincerely,  
I.C.E.



06/21/2023



A handwritten signature in black ink, appearing to read "Charlie Cardenas", written over a horizontal line.

Charlie Cardenas, P.E.,  
Senior Engineer / Project Manager

Attachments:

Full Bid Tab

Mammoth Foundation Repair Bid Packet

[illegible]





261 Saratoga Blvd. Unit A Corpus Christi, TX 78417 • 361-876-2722 • Mammothstrong.com

Mammoth Foundation Repair LLC is a second-generation company and has been serving the Coastal Bend Area for over 12 years. The President of Mammoth has been working in construction for over 20 years, as he originally started in this field working with his father. We are a veteran and family-owned small business. Eddie served in the United States Army for 6 years. Our owners, Eddie and Aaron are father and son, working together on various construction projects in Nueces County and surrounding areas.

#### Recent Projects:

South Lake Ranch Apartments 3310 Rodd Field Rd Corpus Christi, TX 78414

Contact: Al Scavo 410-707-0855 [Alscavo@comcast.net](mailto:Alscavo@comcast.net)

Contract Completion Date: 12/2019

Description of work: Finished out multi-family units

Final Cost: \$525,000.00

Nueces County Splash Pads – West Haven & Amistad Parks

Contact: Edward Herrera 361-960-6316 [edward.herrera@nuecesco.com](mailto:edward.herrera@nuecesco.com)

Contract Completion: March 2023

Description of work: Built 2 splash pads, poured concrete installed all equipment electrical & plumbing

Final Cost: \$875,000.00

Corpus Christ Housing Authority & Affiliates

Contact: Lee Garcia 361-889-3373 [Lee.Garcia@hacc.org](mailto:Lee.Garcia@hacc.org)

Contract Completion: August 2026

Description of Work: On Call Contractor for CCHA multiple projects

Final Cost: YTD \$108,756.50 on going contract

Nueces County 4H Stables

Contact: Edward Herrera 361-960-6316 [edward.herrera@nuecesco.com](mailto:edward.herrera@nuecesco.com)

Contract Completion Date: Dec. 2022

Description of Work: Built new stables for 4H in Robstown

Final Cost: \$29,584.31

Amistad Park Basket ball court resurface

Contact: Edward Herrera 361-960-6316 [edward.herrera@nuecesco.com](mailto:edward.herrera@nuecesco.com)

Contract Completion Date: 12/2022

Description of Work: Resurfaced asphalt at Amistad basketball court

Final Cost: \$29,800.00

Business Certifications: Veteran Owned Business (VOB), Disadvantage Business Enterprise (DBE), Historically Underutilized Business (HUB)



**RESOLUTION #2023-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR TRANQUITAS CREEK BRIDGE REPAIRS BETWEEN THE CITY AND MAMMOTH FOUNDATION REPAIR, LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make repairs to the existing bridge at the intersection of Tranquitas Creek and N. 6<sup>th</sup> Street and went out for bids via RFQ #23-07 which was advertised on May 25, 2023 and June 1, 2023;

**WHEREAS**, the City received two bids on June 13, 2023 responsive to RFQ #23-07 and after reviewing the bid submittals staff recommended RFQ #23-07 be awarded to the low bidder providing the best value to the City, which was Mammoth Foundation Repair, LLC. (Mammoth) ;

**WHEREAS**, the City awarded RFQ #23-07 to Mammoth at a Commission meeting on July 10, 2023;

**WHEREAS**, the City and Mammoth worked to prepare a contract for Tranquitas Creek Bridge Repairs and the parties both agree to the terms of the proposed contract for the base bid of \$89,550.00, and a copy of the agreement is attached hereto.

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

I.

**THAT** the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Agreement between the City of Kingsville, Texas and Mammoth Foundation Repair, LLC for Tranquitas Creek Bridge Repairs in accordance with Exhibit A hereto attached and made a part hereof.

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  
\_\_\_\_ 24th day of \_\_\_\_ July \_\_\_\_, 2023.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## AGREEMENT

State of Texas §

County of Kleberg §

This agreement was made and entered into this 24th day of July, 2023, by and between Mammoth Foundation Repair, LLC, a corporation organized and existing under the laws of the State of Texas, hereinafter called “Contractor”, and the City of Kingsville, Texas, a home-rule municipal corporation under the laws of the State of Texas.

**WITNESSETH**, that the Contractor and the City of Kingsville for the considerations stated herein mutually agree as follows:

### ARTICLE I STATEMENT OF WORK

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the Project, namely the City of Kingsville Tranquitas Creek Bridge repair Project 2023, **KINGSVILLE, TEXAS** and required supplemental work for the project, all in strict accordance with the Contractual Documents, including all Addenda thereto, as prepared by International Consulting Engineers (ICE).

This project will be utilizing local funding. Contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

## **ARTICLE II ENGINEER**

**INTERNATIONAL CONSULTING ENGINEERS**, 261 Saratoga Blvd., Corpus Christi, TX 78417, or his authorized representative, is hereinafter called ENGINEER and is to act as the City of Kingsville's representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with the completion of the Work per the Contract Documents.

## **ARTICLE III THE CONTRACT PRICE**

The City of Kingsville will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the prices stipulated on his Proposal form of this Contract Document for the several respective items of work in the amount of Eighty-Nine Thousand five hundred fifty dollars (\$ 89,550.00 ) completed subject to additions, deletions, and/or revisions as provided in the General Conditions of Agreement included in these Contract Documents.

## **ARTICLE IV CONTRACT TIME**

The Work will be substantially completed within **180** working days after the date stated in the Notice to Proceed. For each calendar day that any work remains incomplete after the time specified in the Contract for completion of work or after such period as extended under other provisions of this Contract, **\$200** per calendar day will be assessed against the Contractor as liquidated damages. Said liquidated damages are not imposed as a penalty but as an estimate of the damages that the City will sustain from delay in completion of the work, which damages by their nature are not capable of precise proof. The assigned district representative (Engineer) may withhold and deduct from monies otherwise due the Contractor the amount of liquidated damages due the City.

## ARTICLE V CONTRACT

The Executed Contract Documents shall consist of the following:

- |                                |                                    |
|--------------------------------|------------------------------------|
| 1. This Agreement              | 2. Signed Copy of Proposal         |
| 3. Advertisement for Bids      | 4. Instructions to Bidders         |
| 5. Standard General Conditions | 6. Supplemental General Conditions |
| 7. Special Conditions          | 8. Technical Specifications        |
| 9. Drawings                    | 10. Addenda                        |

**THIS AGREEMENT**, together with the other documents enumerated in ARTICLE V, which said other documents are fully a part of the Contract as if hereto attached or herein repeated, forms the Contract. In case of conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE V shall govern, except as otherwise specifically stated.

**RETAINAGE** in the amount of ten percent (10%) shall be withheld on all Partial Payments until Completion and Final Acceptance of the work by the City of Kingsville.

**IN WITNESS WHEREOF**, the parties hereto have caused this AGREEMENT to be executed in three (3) original copies on the day and year first above written.

CITY OF KINGSVILLE

CONTRACTOR

\_\_\_\_\_  
By: Mark McLaughlin

\_\_\_\_\_  
By: \_\_\_\_\_

Title: City Manager

Title: \_\_\_\_\_

ATTEST

\_\_\_\_\_

By:\_\_\_\_\_ By:\_\_\_\_\_

Title:\_\_\_\_\_ Title:\_\_\_\_\_

### CONTRACTOR'S CERTIFICATION

I, certify that I am the\_\_\_\_\_of the corporation named as Contractor herein; that, who signed this Agreement on behalf of the Contractor was then\_\_\_\_\_of said corporation, that said Agreement was duly signed for and on behalf of the said corporation by authority of its governing body and is within the scope of its corporate powers.

CONTRACTOR:\_\_\_\_\_

By:\_\_\_\_\_

(Seal)

Business Address:\_\_\_\_\_

\_\_\_\_\_

# **AGENDA ITEM #4**



**City of Kingsville**  
**Purchasing Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Charlie Sosa Purchasing Manager

DATE: July 14, 2023

SUBJECT: Landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and Permitting Engineering Services (RFQ#23-06)

---

**Summary:**

This item authorizes the City to negotiate a contract with Hanson Engineering, for Landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and Permitting Engineering Services for the City of Kingsville.

**Background:**

We published a Request for Qualifications #23-06 in the newspaper on June 1, 2023, and June 8, 2023. Responses were accepted until 2:00 PM on June 27, 2023. Three responses were received from: Hanson Engineering, CEC Engineering, and Mendez Engineering. Staff reviewed the responses received and found the information received to be responsive. The Selection Review Committee scored the three firms based on Experience, Capacity to Perform, and familiarity with Landfill Drainage Projects. The Selection Committee selected Hanson Engineering of 4501 Gollihar Road, Corpus Christi, Texas, 78411, as they were determined to be the most highly qualified firm for the project. The Selection Committee consisted of Bill Donnell Public Works Director; Darrell Mills, Sanitation Supervisor; and Charlie Sosa, Purchasing Manager.

**Financial Impact:**

None at this time.

**Recommendation:**

It is recommended that the City Commission: 1) award the Landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and Permitting Engineering Services RFQ #23-06 to Hanson Engineering, and 2) authorizes staff to negotiate a contract with Hanson Engineering of 4501 Gollihar Road, Corpus Christi, Texas, 78411.



# **AGENDA ITEM #5**

**City of Kingsville**  
**Public Works, Wastewater Division**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: July 14, 2023

SUBJECT: Fund 051 Budget Amendment Request

---

**Summary:**

This item authorizes additional funding in the Wastewater Collections Division for unforeseen bypass pumping expenses on the 12" sewer main crossing on General Cavazos and the 18" sewer main located between Corral Ave and Santa Gertrudis.

**Background:**

During the current budget the Wastewater Collections Division had major repairs requiring bypass pumping for repairs to be made. There was a 12" sewer main repair on General Cavazos that required a little over a month of bypass pumping to allow for an emergency pipe bursting repair under General Cavazos. Bypass pumping for this repair was \$7,957.00.

Currently, Wastewater Collections is operating a bypass pump with hoses to maintain flow in the 18" main between Corral Ave and Santa Gertrudis. This line was found to be collapsed near the middle of the field. This project is under design by ICE Engineering and scheduled for replacement next month via General Land Office-Mitigation funding. Since this line is planned to be replaced, staff is utilizing bypass pumping to keep the sewer flowing instead of a costly temporary repair. This bypass pumping expense is currently at \$19,764.00 and will continue to increase until replacement of the broken section is complete. Staff has purchased 500 feet of hose and is requesting funds to purchase another 500 feet of hose to eliminate the hose rental charges. The additional hose purchase would be \$9,688.00 for a total cost of this bypass to be \$29,452.00.

**Financial Impact:**

This will reduce unappropriated Fund 051 balance by \$37,409.00 and increase the Utility Plant line item 051-5-7003-54300 by \$37,409.00.

**Recommendation:**

Staff is requesting approval of funds to cover unforeseen costs associated with bypass pumping for emergency repairs.

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR SEWER MAIN PUMPING COSTS ON GENERAL CAVAZOS, CORRAL AND SANTA GERTRUDIS.**

**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#65

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 - UTILITY Fund</b>					
<u>Expenditures</u>					
7003	Wastewater	Utility Plant	54300	\$37,409	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for sewer main pumping costs on General Cavazos, Corral, and Santa Gertrudis. Funding will come from the unappropriated fund balance of the Utility Fund 051.]

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 24th day of July 2023.

**PASSED AND APPROVED** on this the 14th day of August 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**  
**Public Works, Street Division**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: July 14, 2023

SUBJECT: Fund 001 Budget Amendment Request

---

**Summary:**

This item authorizes additional funding for an emergency storm water repair on 4<sup>th</sup> Street between Santa Gertrudis and Ella.

**Background:**

During the current budget in the month of December a sinkhole was identified and was found to be a failing 24" storm pipe. Due to the location of the 18" water line and 8" wastewater lines in relation to the storm pipe it was determined the safest repair was to slip line the failing spot of storm pipe. Contractor, Bridges Specialties was called to make the emergency repair at a cost of \$33,700.00. The repair was completed without disturbing the water and wastewater lines.

**Financial Impact:**

This will reduce unappropriated Fund 001 balance by \$33,700 and increase the Drainage line item 001-5-3050-53100 by \$33,700.

**Recommendation:**

Staff is requesting approval of funds to cover the emergency repairs on the storm water line.

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR THE EMERGENCY REPAIR ON 4<sup>TH</sup> STREET BETWEEN SANTA GERTRUDIS AND ELLA.**

**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#64

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
3050	Street	Drainage	53100	\$33,700	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for the emergency repair on 4<sup>th</sup> street between Santa Gertrudis and Ella. Funding will come from the unappropriated fund balance of the General Fund 001.]

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 24th day of July 2023.

**PASSED AND APPROVED** on this the 14th day of August 2023.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #7**

**City of Kingsville**  
**Public Works, Solid Waste Division**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: July 14, 2023

SUBJECT: Fund 001 Solid Waste Division Budget Amendment Request

---

**Summary:**

This item authorizes additional funding for the Solid Waste Division for Vehicle Maintenance in Sanitation and Landfill.

**Background:**

During the current budget in Sanitation, the Vehicle Maintenance account is currently over budget by \$24,752.00 due to necessary vehicle maintenance and repairs. The new garbage trucks have lowered the annual repair costs but not to the amount of the approved budget. Staff is requesting an additional \$50,000 to cover Sanitation repairs and maintenance during this fiscal year.

The Landfill Vehicle Maintenance account has a balance of \$816.00. Staff is requesting an additional \$20,000 to cover vehicle and equipment maintenance during the remainder of this fiscal year.

**Financial Impact:**

This will reduce unappropriated Fund 001 balance by \$70,000 and increase the Sanitation Vehicle Maintenance line item 001-5-1702-41100 by \$50,000 and the Landfill Vehicle Maintenance line item 001-5-1703-41100 by \$20,000.

**Recommendation:**

Staff is requesting approval of funds to cover Solid Waste Vehicle Maintenance expenses during this fiscal year.

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR SANTITATION AND LANDFILL VEHICLE 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#66

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 - General Fund</b>					
<u>Expenditures</u>					
1702	Sanitation	Vehicle Maintenance	41100	\$50,000	
1703	Landfill	Vehicle Maintenance	41100	\$20,000	

[To amend the City of Kingsville FY 22-23 budget to appropriate additional funding for sanitation and landfill vehicle maintenance. Funding will come from the unappropriated fund balance of the General Fund 001.]

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 24th day of July 2023.

**PASSED AND APPROVED** on this the 14th day of August 2023.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #8**

**Kingsville Parks & Recreation**  
400 W. King (mailing)  
501 Santiago Park Lane (physical)  
Kingsville, Texas 78363  
361-221-8705  
Susan Ivy, Director  
361-219-9125



**For Information on events and facilities**  
[www.cityofkingsville.com/departments/parks](http://www.cityofkingsville.com/departments/parks)  
**Email:**  
[sivy@cityofkingsville.com](mailto:sivy@cityofkingsville.com)  
**or follow us on Facebook**  
**Kingsville Parks and Recreation**

**July 14, 2023**

**To: Mark McLaughlin, City Manager**  
**From: Susan Ivy, Parks Director**  
**Re: Agenda Request – Golf Course Budget Amendment**

**Summary:** We are asking City Commission to authorize the allocation of \$13,642.95 from the Golf Course Capital Maintenance Fund's fund balance to pay for purchase of a Verticut mower (\$10,642.95) and sand (\$3,000) to maintain the new greens and other repairs and improvements that will be needed before the end of the fiscal year.

**History:** Verticut mowing is a maintenance practice periodically performed on greens to accomplish the following objectives: (1) remove excessive leaf growth that contributes to puffy, spongy surface conditions, and (2) improve mowing quality and surface smoothness.

**Financial Impact:** This will decrease the 2023 Golf Course Capital Maintenance Fund balance by \$13,642.95 from our available fund balance of \$56,500 to complete this project and fund the equipment.

**Recommendation:** We ask that you authorize the Budget Amendment needed to appropriate funds from the Golf Course Capital Maintenance Fund for these two items.



JOHN DEERE

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**Quote Summary**

**Prepared For:**

Ruben Chapa  
LE RAMEY MUNICIPAL GOLF COURSE  
Ruben Chapa  
2522 E ESCONDIDO RD  
KINGSVILLE, TX 78363  
Mobile: 361-255-1351  
rchapa1234@stx.rr.com

**Prepared By:**

David Shackelford  
United Ag & Turf  
809 Steve Hawkins Pwky  
Marble Falls, TX 78654  
Phone: 830-693-6477  
davidshackelford@unitedagt.com

**Quote Id:** 28485428  
**Created On:** 28 March 2023  
**Last Modified On:** 28 March 2023  
**Expiration Date:** 28 April 2023

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Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE Quick-Adjust 5 Vertical Cutting Units for 2500B, 2500E, 2400, 2550, 2700, and 2750 Triplex Mowers	\$ 13,384.33	\$ 10,642.95 X	1 =	\$ 10,642.95

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<b>Equipment Total</b>	<b>\$ 10,642.95</b>
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**Quote Summary**

Equipment Total	\$ 10,642.95
SubTotal	\$ 10,642.95
Total	\$ 10,642.95
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 10,642.95</b>

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_

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*Confidential*





JOHN DEERE

## Selling Equipment

Quote Id: 28485428

Customer: LE RAMEY MUNICIPAL GOLF COURSE

### JOHN DEERE Quick-Adjust 5 Vertical Cutting Units for 2500B, 2500E, 2400, 2550, 2700, and 2750 Triplex Mowers

Hours:

Suggested List

Stock Number:

\$ 13,384.33

Code	Description	Qty
5002TC	Quick-Adjust 5 Cutting Units for 2500B, 2500E, 2400, 2550, 2700, and 2750 Triplex Mowers	1

#### Standard Options - Per Unit

001A	US / Canada	1
1225	Verticutter	1
1390	Less Front Rollers	1
1400	QA5 Cutting Unit Only Counterweight	1
1690	Less Rear Rollers	1
3208	Cutting Unit Attaching Yokes Only for 2400 / 2500 / 2550 PrecisionCut and E-Cut Hybrid Triplex Mowers	1
9805	Cutting Unit Top Shield Extensions	1
9849	55.9 cm (22-in.) Rear Roller Scrapers (Solid) for QA5 or QA7 with 50.8 mm (2-in.) Smooth Rear Rollers	1
9850	55.9 cm (22-in.) Front Roller Scrapers (Solid) for QA5 Cutting Units with 50.8 mm (2-in.) Smooth Front Rollers	1

#### Other Charges

Freight	1
Setup	1

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR GOLF COURSE EQUIPMENT AND GREENS IMPROVEMENTS.**

**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#67

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 026 – Golf Course Capital Maintenance</b>					
<u>Expenditures</u>					
4502	Golf	Machinery & Equipment	71200	\$10,642.95	
4502	Golf	Grounds & Perm Fixtures	59100	\$3,000.00	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for Golf Course equipment and greens improvements. Funding will come from the unappropriated fund balance of the Golf Course Capital Maintenance Fund 026.]

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 24th day of July 2023.

**PASSED AND APPROVED** on this the 14th day of August 2023.

**EFFECTIVE DATE:**\_\_\_\_\_.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #9**

P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

**Date:** July 14, 2023

**To:** City Commission via City Manager Mark McLaughlin

**CC:** Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

**From:** Janine Reyes, Director of Tourism Services

**Summary:** The Hotel Occupancy Tax Advisory Board was created in 2016 by City of Kingsville City Commissioners. The board meets quarterly and makes recommendations for activities, programs and expenditures authorized by state tax code guiding appropriate use of occupancy tax funds.

The board has seven members with the following representation: Two hotel Industry Representatives, one representative from the King Ranch Museum and/or King Ranch Visitors Center, one representative from the Conner Museum, one representative from historical downtown district and one representative from Texas A&M University—Kingsville and one resident of Kingsville.

All members will be appointed to the board by the City Commission at the recommendation of the City Manager.

Due to restructuring of local leadership, roles and responsibilities at the King Ranch, staff is recommending we update the King Ranch representative role in the ordinance to broaden the scope of the King Ranch representative.

Board member recommendations are made to City Commission after leadership recommendation at their respective entities and commitment to volunteer.

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER III-ADMINISTRATION, ARTICLE 3-DEPARTMENTS, BOARDS, & COMMISSIONS, SECTION 101, PROVIDING FOR REVISIONS TO THE KING RANCH REPRESENTATIVE ON THE HOTEL OCCUPANCY TAX ADVISORY BOARD; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City Commission of the City of Kingsville believes that the Hotel Occupancy Tax funds are vital to the quality of life and the enhancement and promotion of tourism and the convention and hotel industry; and

**WHEREAS**, the City of Kingsville believes in the appropriate governing of Hotel Occupancy Tax funds; and

**WHEREAS**, in 2016 the City Commission of the City of Kingsville created a Hotel Occupancy Tax Advisory Board to better govern Hotel Occupancy Tax; and

**WHEREAS**, the board members are responsible for conducting a comprehensive assessment of the city's tourism potential and making recommendations to the City Manager of activities, programs, and expenditures as authorized by the Texas Tax Code, Chapters 351 and Texas Local Government Code Chapters 334 & 335, and any other applicable codes that will help increase tourism and visitors in Kingsville; and

**WHEREAS**, the for the Hotel Occupancy Tax Advisory Board for the City of Kingsville already has a King Ranch Representative position [Ordinance Section 3-3-101(A)(b)], but that position is limited to someone from the King Ranch Visitors Center or the King Ranch Museum; and

**WHEREAS**, the Ranch is structuring roles and responsibilities of local positions, it would be in both parties best interest to broaden the scope of the King Ranch Representative position by removing the limitation of visitor center or museum personnel for that board position; and

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

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

I.

**THAT** Chapter III-Administration, Article 3- Departments, Boards & Commissions of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to as follows:

***HOTEL OCCUPANCY TAX ADVISORY BOARD***

....

**§ 3-3-101 BOARD MEMBERSHIP.**

- (A) The Hotel Occupancy Tax Advisory Board shall have seven (7) voting members and be appointed by the City Commission at the recommendation of the City Manager. The Hotel Occupancy Tax Advisory Board members shall serve without compensation. The members of the Board shall include:
  - a. Two members to represent the Hotel Industry within the City of Kingsville.
  - b. One member to represent the King Ranch ~~Museum and/or the King Ranch Visitors Center.~~
  - c. One member to represent the Conner Museum.
  - d. One member to represent the historical downtown district/merchants.
  - e. One member to represent Texas A&M University-Kingsville.
  - f. One member must be a resident of the City of Kingsville.
- (B) In addition to the regular voting members of the Board, the City Manager and the Kleberg County Judge shall serve as ex-officio members of the Board with no voting privileges.
- (C) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

....

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 be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 24th day of July, 2023.

**PASSED AND APPROVED** on this the 14<sup>th</sup> day of August, 2023.

**EFFECTIVE DATE:** \_\_\_\_\_, 2023.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# **AGENDA ITEM #10**

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES SECTION 9-3-52; PROVIDING FOR THE MANDATORY SPAY/NEUTER OF AN ANIMAL FOLLOWING IMPOUNDMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

**WHEREAS**, the stray animal population is growing in the community and dogs at large are a threat to public health and safety;

**WHEREAS**, a method to mitigate the increase in the stray population is the mandatory spay/neuter of impounded animals;

**WHEREAS**, City has researched other entity ordinances and worked to created this amendment in an effort to increase public health and safety.

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

I.

**THAT** Section 9-3-52 of Article 3: Animals of Chapter IX, General Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**ANIMAL CONTROL IMPOUNDMENT; FEES; MANDATORY SPAY/NEUTER**

...

**Sec. 9-3-52. Impoundment; notice; disposition; mandatory spay/neuter.**

(A) Animals may be impounded by the Animal Control Personnel under any of the following circumstances when:

(1) A dog, cat, or ferret does not wear or have a valid rabies tag affixed to its collar and said animal is not being used currently in a research program at the owner's institute of higher education which is accredited by the American Association for Accreditation of Laboratory Animal Care;

(2) An animal is reasonably suspected of having inflicted bodily harm on any human being or animal, or poses a threat to public safety or constitutes a public nuisance;

- (3) A dog, cat or ferrets does not have a valid current rabies vaccination;
  - (4) A vicious, prohibited or unmuzzled animal is in a place of public assembly;
  - (5) An animal is not cared for in violation of § 9-3-61;
  - (6) An animal has rabies or symptoms thereof, or that a person could reasonably suspect as having rabies, or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal;
  - (7) An animal is not kept in conformity with this chapter or state law; and
  - (8) A dog, cat or ferret is roaming beyond the boundaries of the premises of the person having charge, care, or ownership of the animal.
- (B) If, by a rabies tag or other means, the owner of an impounded animal can be identified, the Animal Control Personnel shall, as soon as practicable after impoundment, notify the owner, if reasonably possible, that if the impounded animal is not redeemed within three business days after impoundment, disposition of the impounded animal shall occur in accordance with this chapter.
- (Ord. No. 2009-33, § I, passed 10-26-09)

(C) Mandatory spay/neuter of dogs following impoundment

(1) The owner or keeper shall keep the animal always restrained and ensure that the animal is not running at large. Dogs to be found to be at large shall be subject to mandatory sterilization at the owner's expense within thirty (30) days of notification of the violation.

(2) Exemption made by the Health Director. The Health Director is authorized to exempt an owner from the requirements of this section if the owner proves to the satisfaction of the Health Director that the animal:

a. Was a member of a national breed club, local breed club, local all-breed club, sporting or hunting club, or was regularly shown during the six-month period immediately preceding impoundment.

b. Was at large due to a natural disaster,

c. Was at large due to the criminal or negligent acts of a third party, or

d. Display no characteristics indicting aggressiveness and has a potential market value, as a breeding animal.

The denial of a requested exemption pursuant to this subsection (f)(2) by the Health Director may be appealed by the owner of the animal by giving signed, written notice of such appeal and grounds therefor to the City Manager within

ten (10) calendar days after issuance of denial. The determination by the City Manager of said appeal shall be final.

(3) Certification of spay and neuter procedure. The owner is required by this section to spay or neuter their animal and shall submit certification signed by a licensed veterinarian that the procedure was performed no later than the fortieth day following the notification of violation to the City's Animal Control and Care Center.

(4) Offenses. A person commits an offense if the person is required by this section to spay or neuter their animal and fails to provide certification to the City's Animal Control and Care Center of the procedure.

(5) Affirmative defense. In a prosecution for a violation of subsection (f)(4), it is an affirmation defense that at the time of the animal's impoundment.

a. The owner of the dog was a member of a national breed club, local breed club, local all-breed club, sporting or hunting club, or was regularly shown during the six-month period immediately preceding impoundment.

b. The animal was at large due to a vis major.

c. The animal was at large at the time of its impoundment due to the criminal or negligent acts of a third party who was not residing at the dog's owner's residence. At trial, evidence of a fire or the criminal or negligent acts of a third party may be present in one (1) or more of the following manners.

1. A certified copy of a police or fire report verifying the incident.

2. The affidavit of police or fire personnel with direct knowledge of the incident; or

3. The testimony of the police or fire personnel with direct knowledge of the incident.

(6) Nothing in this subsection may be construed so as to permit a spayed or neutered dog to run at large.

(D) Disposition of animals.

Immediately upon impoundment, the city is the designated caretaker of impounded animals. Impounded animals not redeemed by their owner within three (3) working days following impoundment become the property of the city and may be placed for adoption in a suitable home or with any nonprofit rescue group or humanely euthanized.

...

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 be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 24<sup>th</sup> day of July, 2023.

**PASSED AND APPROVED** on this the 14<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney