

City of Kingsville, Texas

AGENDA
CITY COMMISSION
MONDAY, SEPTEMBER 25, 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

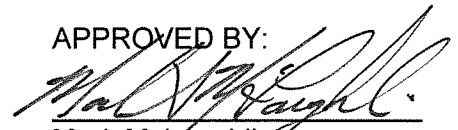
INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Special Meeting – August 21, 2023

Regular Meeting – September 11, 2023

APPROVED BY:


Mark McLaughlin
City Manager

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

1. None.

III. Reports from Commission & Staff.²

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

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Page 1 of 3

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for a projecting sign in downtown in C3 (Central Business District) at Original Town, Block 41, Lots 30-32, also known as 400 E. Kleberg, Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for water main breaks. (Public Works Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for plumbing repairs at the Tourism Visitors Center. (Tourism Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend the donation from KISD Education Foundation for Friday recreation programs. (Parks Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for negative line items that cannot be covered by other line items. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider a resolution of the City Commission of the City of Kingsville, Texas, authorizing the City Manager to execute a Construction Contract with Gerke Excavating Inc. for Project 3 of the Community Development Block Grant-Mitigation Program (CDBG-MIT) General Land Office (GLO) State Contract Number 22-082-016-D218. (\$1,498,733.34 base bid for 18" wastewater main replacement to 3MGD WWTP project). (City Engineer).
7. Consider a resolution of the City Commission of Kingsville, Texas, authorizing the updates to the Texas General Land Office Community Development Block Grant-Mitigation (CDBG-MIT) resolution for State Contract number 22-085-009-D237; updating the City of Kingsville's contributing funds to reflect that of the State Contract matching funds amount and eligible activities in all matters pertaining to the City's CDBG-MIT State Contract 22-085-009-D237. (City Engineer).
8. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget for additional funding for professional services for the legal department. (City Attorney).
9. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 budget to appropriate funding for emergency repairs to water well #24. (Public Works Director).

10. Consider a resolution authorizing the City Manager to execute Amendment No. 1 for Surveying Services with Ardurra Group, Inc. for utility easements. (City Engineer).

11. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 budget to appropriate funding for surveying costs for the proposed utility easements within Farm Lots 11 and 14, Section 11, Kleberg Town and Improvement Company Subdivision. (City Engineer).

12. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the Personnel Exception, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Commissioner Torres).

VII. Adjournment.

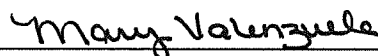
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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 Commission Chambers 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 at City Hall, City of Kingsville, 400 West King Avenue, 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:

September 21, 2023, at 10:30 A.M. and remained so posted continuously for at least 72 hours proceeding the scheduled 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)

AUGUST 21, 2023

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 21, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 4:30 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor.
Hector Hinojosa, Commissioner
Edna Lopez, Commissioner
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
Kwabena Agyekum, Senior Planner/HPO
Emilio Garcia, Health Director
Susan Ivy, Parks & Recreation Director
Deborah Balli, Finance Director
Bradley Lile, Interim Police Chief
Charlie Sosa, Purchasing Manager
Mike Mora, Capital Improvements Manager
J.J. Adame, Fire Chief
Frank Garcia, Wastewater Supervisor
Cameron Whittington, Water Supervisor
Jennifer Bernal, Parks Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 4:30 P.M. with all five commission members present.

CONVENE INTO BUDGET WORKSHOP At 4:30 P.M.:

Review and discuss proposed fiscal year 2023-2024 budget for departments of the City of Kingsville. (City Manager).

Discussion took place on the Fiscal Year 2023-2024 proposed budget. What has changed, inflation since October 1, 2020: Proposed ad valorem tax rate decreases to \$0.7600/\$100 of valuation and Health insurance provider United Health remains, but the premium increase will be covered by the Insurance Fund. Vehicle lease through Enterprise Fleet Leasing Services started in FY 22-23. Funded 12 pickup trucks for Public Works received only 3 vehicles as of August 2023. New Positions: Fire – (1) Captain and (1) Firefighter. Human Resources removed the Risk Manager position and created (2) new HR Specialists with Risk Manager duties subdivided into new positions. Code Compliance (1) Code Compliance Officer. Health (1) PT Kennel Attendant and (1) PT Kennel Attendant to FT. The following Supplemental Requests have been approved by the City Manager, but not included in the proposed budget; HVAC Unit for Municipal Building-\$36,606; Fencing for Ballfields-\$15,000; John Deere Zero Turn Mower for Golf Course-\$14,400; Splash Pad Shelter-\$10,000; (5) Submersible Pumps for Sewer Construction-\$50,000; Shade Structure-Thompson Park-\$12,000; Trimble TDC650 for Engineering-\$6,000; Drainage Projects Identified for\$719,285. The Proposed tax rate of \$0.7600/\$100 of property valuation (down from

\$0.82500). Fiscal Year 23-24 Proposed Budget is \$96,133,830.06 (Consolidated Expenditures-All Funds Schedule. A few supplemental requests were added to the proposed budget; most of the requests will be shown in workshops as proposed amendments. Total Proposed Budget is \$549,352.62 less compared to FY 22-23 original budget of \$96,683,182.68. The decrease in the total budget is mainly due to the spending down of grant and federal funding. Ad-valorem expected to raise an additional \$280,469 over FY 22-23 amount. The proposed budget does not allocate any additional funding to Fund 120 – Property Tax Reserve. Fund balances for General and Utility Funds meet the 25% requirement. General Fund - \$591,108 above minimum requirements at 27.37% (includes \$300,000 cushion). Up from \$507,853 budgeted last FY. Utility Fund - \$866,605 above minimum requirements at 32.75% (includes \$300,000 cushion). Up from \$816,010 budgeted last FY. Utility Fund Revenues, Proposed Budget does not include any increases to water or sewer rates, but the Water Rate Study (Grady) has been submitted and is being reviewed. Third year since 2011 deficit budgeted due to approved supplementals and increased personnel costs. General Fund Revenues, Sales Tax and Ad Valorem revenues increased in the proposed budget.

Mayor Fugate moved the meeting into the regular section of the agenda at 5:01p.m.

Regular meeting was opened at 5:01 p.m.

REGULAR MEETING RESUMES AT 5:00 P.M.:

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

None.

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

None.

III. Reports from Commission & Staff.²

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

Mr. Mark McLaughlin, City Manager gave a brief update on Tropical Depression #9. He further stated that the city will continue normal operations for the remainder of the week. He further stated that there are certain entities and school districts that have announced their closure due to the storm.

Ms. Courtney Alvarez, City Attorney announced upcoming commission meetings.

IV. Public Comment on Agenda Items.³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Section 3-Traffic Control Devices, providing for the authority to place a yield sign on Shirley Drive at Virginia Avenue for Eastbound traffic and on Parker Drive at Shirley Drive for Northbound traffic, and to update other language. (City Engineer).**
2. **Motion to approve final passage of an ordinance vacating, abandoning, and closing a 60-footwide right-of-way on E. Johnston Avenue between Union Pacific Railroad and South Sixth street in the First and Fourth Addition, while retaining a utility easement. (City Engineer).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the CO Series 2023 for the water meter replacement project. (Purchasing Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **Consider an ordinance calling a special election for a charter amendment election in accordance with Chapter 9, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto. (term and election sections). (City Attorney). Considere ordenanza que convoca a elecciones especiales para elecciones a fin de enmendar la carta municipal, de conformidad con el capítulo 9, código de gobierno local, que se llevará a cabo en la ciudad de Kingsville, Texas y otros asuntos relacionados con la misma.**

Ms. Alvarez stated that due to the change of terms for the commission in 2020, there is a need to now run by majority vote versus pluarlity. It is not required to have staggered terms.

It is up to the Commission to decide which of the two they would like to take to the voters in the November 7th election. The choice is keep the four year term but create places or consider going back to the two year term, as before.

Commissioner Alvarez stated that she had reached out to the Texas Secretary of State and spoke with Chuck Pinney, Legal Counsel and understood the reason for this. She further advised the others to contact Secretary of State's office for clarification if needed.

Some discussion continued on whether or not this needed to be done. But as it is stated in the Texas Constitution and since the city went from a two year term to a four year term, there really is no other way other than to keep four year terms and create places or consider going back to two year terms.

Motion made by Commissioner Alvarez to approve the ordinance calling a special election for a charter amendment election in accordance with Chapter 9, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto with Article 1 & 5 and add places to existing four year terms, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

5. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Program (OLS); authorizing the Chief of Police, or Interim Chief, to act on the City's behalf with such program. (Interim Police Chief).

Motion made by Commissioner Torres to approve the resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Program (OLS); authorizing the Chief of Police, or Interim Chief, to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

6. Review and discuss proposed fiscal year 2023-2024 budget for departments of the City of Kingsville. (City Manager).

Staff continued to discuss the proposed fiscal year 2023-2024 budget.

Employee compensation plan was discussed. The changes to placing employees in the new pay structure placement for FY 23/24 is not based on years of service. Year 1 is class placement, based on getting employees into the updated wage schedule. Year 2 is step placement, will move employees along to the step to correspond with years in position or years of City service. Consolidation of exempt and non-exempt (non-civil service) positions in one rate schedule. Executive positions are not included in the proposed rate schedule. Lowest hourly rate for Full-time employees is \$15.45/hour. Total increases based on study equals \$ 1,111,039 base wage increases. Affects 211 non-civil service positions ranging from 3% to 32%. Police Collective Bargaining Agreement is a new 2-year agreement, year 1 is 8% and year 2 is 6% increase. The Fire Collective Bargaining Agreement is on it Final year of 2-year agreement with a 3% increase. Anniversary Program continues for FY 23/24 which affects 101 employees, 80 Non-exempt – Non-Civil Service, 10 Exempt, 11 Police Officers. The base cost for all anniversaries is \$97,403. Anniversary steps remain the same with civil service according to its perspective collective bargaining agreement.

Commissioner Hinojosa asked if the City Attorney and Municipal Court Judge were included in the compensation plan. Mr. McLaughlin responded that they were not included.

Further discussion took place regarding compensation and classification plans and title changes. Certain titles were recommended to change as per the study from Evergreen. This was also based on the job study survey that was sent out.

Certification for Non-Civil Service Employees is discontinued. Certification pay was a factor in the new proposed compensation plan levels/steps. Longevity continues at \$5 per month per year of service to maximum of 25 years. Civil Service Employees, certification pay is based on the respective collective bargaining agreements and anniversaries.

Ms. Balli presented the transfers. Proposed Transfers to General Fund 001: Tourism 002, \$35,000 for administration costs; Street Fund 092, \$150,000 for street crew payroll cost reimbursements. Not Included in Proposed Budget, to close Tax Note Fund 115 of \$385.14 and proposed transfer to Tourism Fund 002. General Fund 001, \$12,062 for PIO Stipend and the transfer listed from Façade Grant will occur in FY 22-23 not FY 23-24. Proposed Transfer to GO Debt Service, Solid Waste Capital Projects Fund 087 - \$202,700 for payments on (3) Garbage Trucks purchased through the 2021 Tax Note and the Wheeled Trash Compactor purchased through the 2022 Tax Note. Proposed Transfer to UF Debt Service. Utility Fund 051 - \$2,125,563 for debt service obligations. Storm Water Drainage Fund 055 - \$125,000 for the TWDB 2021 Taxable Bond Issue. Proposed Transfer to Golf Course Maintenance Fund. General Fund 001 - \$10,676 for the required 3% of budgeted revenues to be set aside for Golf Course related maintenance projects. Proposed Transfer to Utility Fund 051, General Fund 001 - \$89,964 for 50% cost of personnel in Division 8000 and 8020 offset by 50% Personnel Costs of Division 3000 and the welder in Division 3030. This transfer will increase due to the compensation plan. Proposed Transfer to Utility Fund Capital Projects Fund 054, Utility Fund \$62,000. The estimated additional revenues from the installation of the new water meters were budgeted in Fund 054 and the amount of the debt service payment on the water meter CO was netted against the additional revenues amount resulting in net revenues transferred into Fund 054 for future projects. Proposed Transfer to Landfill Closure Fund 090, SW Capital Projects Fund 087 - \$95,402.17 for the City Hall Payback Payment Schedule. Proposed Transfer to Landfill Closure Fund 090, SW Capital Projects Fund 087 - \$95,402.17 for the City Hall Payback Payment Schedule. Proposed Transfer to Park Maintenance Fund 093, General Fund 001 - \$25,000 for the annual allocation for park maintenance projects. Proposed Transfer to Fire Vehicle Replacement Fund 097, General Fund 001 - \$45,000 for the annual allocation for future Fire Vehicles. Proposed Transfer to Economic Development Fund 098, General Fund 001 - \$251,000 for additional economic development assistance (\$100,000) and estimated tax incentive payments (\$151,000). There will be an additional \$25,000 that the City Manager approved for U.S. Navy CNATRA House at NAS Corpus Christi. Proposed Transfer to Vehicle Replacement Fund-PD 105, General Fund 001 - \$10,000 for annual allocation. Proposed Transfer to Vehicle Fleet Management UF 106, Utility Fund 051 - \$100,000 for the estimated cost of year 2 of the fleet management lease for 12 UF vehicles. Proposed Transfer to TX Severe Weather-Backup Generator Fund 130, UF Capital Projects Fund 054 - \$106,106 for the grant cash match. Proposed Transfer to GF PW Vehicle Replacement Fund 139, General Fund 001 - \$10,000 for annual allocation. Proposed Transfer to Chamberlain Park Fund 206, General Fund 001 - \$34,856.12 balance of unused funds for City Hall Landscape project. CO Series 2016 Fund 033 - \$22,911.47 balance of unused funds for CH landscape project.

Total Proposed Revenues are \$91,713,158.28. Total Proposed Expenditure Budget is \$96,133,830.06. Usage of Operating Funds Fund Balance is \$2,910,373.26. This is the amount that budgeted revenues do not cover budgeted expenditures on all funds classified as Operating. Capital (Non-Operating) Funds Fund Balance is \$1,510,298.52. This is the amount that budgeted revenues do not cover budgeted expenditures on all funds classified as Capital Funds.

General Fund was discussed. The City's Fund Balance Policy requires a minimum of 25% of budgeted expenditures to remain in fund balance. The city also sets an additional \$300,000 above the minimum to cover budget amendments. In the proposed General Fund, these requirements have been met at 27.37%. (Estimated ending fund balance divided by total expenditures).

Mayor Fugate called for a break in the meeting at 6:20 p.m. Meeting resumed at 6:44 p.m.

The following department budgets were presented:

City Commission change highlights were in personnel for increase in health insurance coverages and in services, a decrease due to training and travel costs returned to historical of \$5,000 per commissioner. No supplementals were requested.

City Manager's Office: change highlights, compensation plan increases for City Secretary position of 9%. There is no change to City Manager compensation. In services, there is an increase in professional subscriptions. No supplementals were requested.

City Special: supplies have an increase of \$900. Services have an increase in postage and freight, added two elections, insurance and other services. There is a decrease in professional services, appraisal district fees, and credit card discounts fees. Supplementals approved for FY 23-24, USS Kingsville Donation and CNATRA House-Economic Development.

Human Resources: change highlights were in personnel for compensation plan increases for personnel from 7% to 13%, additional overtime, and increase in health care costs. In services, there is an increase in professional services, printing and publishing, training and travel, and memberships. There is a decrease in the following, communications, health and wellness, Risk Manager training and travel and subscriptions. There is an increase in lease annual. Supplementals approved is for \$913 for additional overtime.

Legal Department: highlight changes, compensation plan increases for personnel from 7% to 10% and increase in health care costs. There is an increase in services for professional services and subscriptions. Supplementals approved, professional services for \$10,500, printing & publishing for \$300, and subscriptions for \$552.

Planning & Development Services: highlight changes, same as all other departments, compensation plan increases, and increase in health care costs. Supplies have a decrease and services have an increase in printing & publishing, training and travel, memberships, and catering with a decrease in professional services.

Building Services: compensation increases for personnel of 6% to 11%. There is a decrease in health care costs as an employee changes their election.

Code Compliance: compensation plan increases for personnel from 7% to 26%. Increase in health care costs due to the added position of Code Enforcement Officer. Services have an increase in postage & freight and a decrease in communications. There is a decrease in repairs for equipment maintenance. The supplementals approved is for adding one full-time employee Code Enforcement Officer to make three total in the department.

Solid Waste: personnel changes due to the compensation plan increases. Increase health care costs. Supplies have an increase in uniforms and motor gas & oil. Services have an increase in training and travel with a decrease in communications and utilities. Repairs has an increase in vehicle maintenance based on a 3-year average.

Landfill: compensation increases for personnel from 7% to 23% for 9 employees. Minimal increase in health care costs due to employee elections. Increase in supplies for Motor Gas & Oil and decrease in minor equipment. Services have a decrease for state fees.

Finance Administration: compensation plan increases for employees of 7% to 22%. Increase in health care costs. Services have an increase in communications, software maintenance, printing and publishing, training and travel and a decrease in memberships.

Municipal Court: compensation plan increases from 6% to 24%. Increase in health care costs. Services have an increase in postage & freight, and printing and publishing.

Facilities Maintenance General Fund: supplies have an increase for janitorial supplies and motor gas & oil. Services have an increase in communications and utilities. Repairs has an increase in vehicle maintenance. Maintenance has an increase in building maintenance.

Police Department – Administration: compensation plan increases for personnel from 9% to 22%. Decrease in health care costs due to employee election. Supplies have a decrease in motor gas & oil.

Police Patrol: compensation plan increases due to new CBA 8%. Increase in health care costs. Supplies have an increase in supplies, motor gas & oil, minor equipment, and animal care. Services have an increase in subscriptions.

Communications: compensation plan increase due to new CBA 8%. Increase in health care costs. Supplies have an increase in computer equipment and services has an increase in communications and travel.

Criminal Investigations: compensation plan increases due to new CBA 8%. Increase in health care costs, educational incentives, and clothing allowance. Supplies has an increase in supplies and uniforms with a decrease in motor gas & oil. Services has an increase in utilities and a decrease in laundry. Repairs has a decrease in vehicle maintenance.

Community Services: this fund is primarily for weapons and ammo, and utilities at the Dr. Pepper Building.

Warrant Enforcement: compensation plan increases due to new CBA 8%. Increases in health care costs and certification pay. Supplies has a decrease in motor gas & oil. Services has an increase in training and travel. Repairs has an increase in vehicle maintenance.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:46 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

SEPTEMBER 11, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 11, 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.
Edna Lopez, Commissioner
Norma N. Alvarez, Commissioner

CITY COMMISSION ABSENT:

Hector Hinojosa, 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
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Diana Gonzales, Human Resources Director
Kwabena Agyekum, Senior Planner/HPO
Emilio Garcia, Health Director
Susan Ivy, Parks & Recreation Director
Deborah Balli, Finance Director
Bradley Lile, Interim Police Chief
Charlie Sosa, Purchasing Manager
Mike Mora, Capital Improvements Manager
J. J. Adame, Fire Chief
Alicia Tijerina, Downtown Manager
Joseph Ramirez, Engineer's Assistant
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – August 14, 2023

Special Meeting – August 21, 2023

Motion made by Commissioner Lopez to approve the minutes of August 14, 2023 and August 21, 2023 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Fugate voting "FOR".

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

1. Public Hearing for request for a Special Use Permit for a projecting sign in downtown in C3 (Central Business District) at Original Town, Block 41, Lots 30-32, also known as 400 E. Kleberg, Kingsville, Texas. David Thibodeaux, owner/applicant. SUP-projecting sign. (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 applicant would like to install 6 projecting signs above the awnings located at his business. There are four businesses currently on the property at 400 E. Kleberg Ave., but the projecting signs would ensure that each business entity in the building is separately identified at the address.

Mayor Fugate asked if this was taken to the Historical Board.

Ms. Alvarez responded that these signs are allowed as per city ordinance.

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

There being no further comments Mayor Fugate closed this public hearing at 5:06 P.M.

III. Reports from Commission & Staff.²

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

Mr. Mark McLaughlin, City Manager, gave an update on city streets. He further reported that city staff will be assisting with moving dirt back into the JK Northway Coliseum. He also reported that Water Well #24 was pulled and analyzed and was determined that the repair would cost \$100,000. There will be a budget amendment from Fund 054 in order to make the repairs.

Mayor Fugate asked if this is something that will be paid for from Fiscal Year 2022-2023. Mr. McLaughlin responded that it would be paid in the current fiscal year.

Ms. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for Monday, September 25, 2023. The deadline for staff to submit agenda items is Thursday, September 14, 2023.

Commissioner Alvarez reported that she attended the 9/11 ceremony today and was well attended.

IV. Public Comment on Agenda Items.³

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

No public comments were made.

V.

Consent Agenda

Notice to the Public

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

1. **Motion to approve City participation in annual events and parades for FY2023-2024. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider appointment of Dr. Hetul Bhakta to the Hotel Occupancy Tax Advisory Board as the hotel industry representative for a two-year term. (Tourism Director).**

Motion made by Commissioner Alvarez to approve the appointment of Dr. Hetul Bhakta to the Hotel Occupancy Tax Advisory Board as the hotel industry representative for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Fugate voting "FOR".

3. **Consider final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2023, and ending September 30, 2024, in the particulars hereinafter stated. (Finance Director).**

Motion made by Commissioner Lopez, I move to approve final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 1, 2023, and ending September 30, 2024, in the particular's hereinafter stated, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Fugate voting "FOR".

4. **Consider ratifying the property tax increase reflected in the 2023-2024 Annual Budget of the City of Kingsville. (Finance Director).**

Motion made by Commissioner Alvarez, I move to ratify the property tax increase reflected in the 2023-2024 Annual Budget of the City of Kingsville, Texas, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Fugate voting "FOR".

5. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for fiscal year beginning October 01, 2023, and ending September 30, 2024, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).

Motion made by Commissioner Alvarez, I move that the property tax rate be increased by the adoption of a tax rate of \$0.76000, which is effectively a 7.44% percent increase in the tax rate, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Fugate voting "FOR".

6. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).

Motion made by Commissioner Lopez to approve the ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Fugate voting "FOR".

7. Consider final passage of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Fire Department by adding two new civil service positions. (Human Resource Director).

Motion made by Commissioner Alvarez to approve the ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Fire Department by adding two new civil service positions, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for a projecting sign in downtown in C3 (Central Business District) at Original Town, Block 41, Lots 30-32, also known as 400 E. Kleberg, Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).

Mr. McLaughlin stated that the Planning & Zoning voted 5-0 to approve the recommendation, with no objections raised.

Introduction item.

9. Consider a resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas, and John Womack & Co., P.C. for the 2022-2023 Fiscal Year Audit. (Finance Director).

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas, and John Womack & Co., P.C. for the 2022-2023 Fiscal Year Audit, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Fugate voting "FOR".

10. Consider awarding bid for GLO CDBG-MIT Project #3 to low bidder Gerke Excavating Inc., as per recommendation of outside engineer. (\$1,498,733.34 base bid for 18" wastewater main replacement to 3MGD WWTP project). (City Engineer).

Mr. Rudy Mora, City Engineer stated that this is the first award for GLO CDBG-MIT 2016 Flood Mitigation Project 3, 18" wastewater main replacement. Project included replacing 4,055 linear feet of existing 18" clay pipe with 24" PVC pipe, 6 manholes, and other related appurtenances. The project will be completed in 120 calendar days.

Motion made by Commissioner Lopez to approve the award bid for GLO CDBG-MIT Project #3 to low bidder Gerke Excavating Inc., as per recommendation of outside engineer. (\$1,498,733.34 base bid for 18" wastewater main replacement to 3MGD WWTP project), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Fugate voting "FOR".

11. Consider a resolution authorizing the City Secretary to enter into the 2023 Election Services Agreement Between the City of Kingsville and the Kleberg County Clerk for a Joint Election for the City's Special Elections. (Election date November 7, 2023). (City Secretary).

Motion made by Commissioner Lopez to approve the resolution authorizing the City Secretary to enter into the 2023 Election Services Agreement Between the City of Kingsville and the Kleberg County Clerk for a Joint Election for the City's Special Elections. (Election date November 7, 2023), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Fugate voting "FOR".

12. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for water main breaks. (Public Works Director).

Mr. Bill Donnell, Public Works Director stated that there have been more waterline breaks than in recent years. Waterline breaks are averaging ten repairs each week and service line repairs are averaging five. The increase in the number of main breaks and increased cost of materials has depleted the waterline funds in the negatives.

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for plumbing repairs at the Tourism Visitors Center. (Tourism Director).

Introduction item.

14. Consider accepting donation from KISD Education Foundation donation for recreational programs. (Parks Director).

Motion made by Commissioner Lopez to accept donation from KISD Education Foundation donation for recreational programs, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Fugate voting "FOR".

15. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend the donation from KISD Education Foundation for Friday recreation programs. (Parks Director).

Introduction item.

16. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for negative line items that cannot be covered by other line items. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that this budget amendment request is to provide additional funding for those items that the current budget cannot cover.

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:20 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1



MEMO

Date: September 6, 2023

To: Mark McLaughlin (City Manager)

From: Kobby Agyekum (Interim Director of Planning and Development Services)

Subject: **David Thibodeaux owner/applicant; requesting a Special Use Permit for a projecting sign in C3 (Central Business) at ORIG TOWN, BLOCK 41, LOT 30-32 also known as 400 E Kleberg BLK., Kingsville, TX 78363, with variances to Chapter XV Land Usage, Article 6 Zoning – Sign Regulations, Section 15-6-119 of the Code of Ordinances of the city of Kingsville.**

The Planning and Zoning Commission meeting was held as scheduled this evening, September 6, 2023, with 5 members in attendance.

Members deliberated over the issue of granting approval for a Special Use Permit **for a projecting sign in C3 (Central Business) at ORIG TOWN, BLOCK 41, LOT 30-32 also known as 400 E Kleberg BLK., Kingsville** to ensure that each business entity in the building are separately identified. Letters were sent out to neighbors and the City received no feedback.

Commissioners, after deliberations, voted to approve the recommendation for the installation of projecting sign for a commercial property at the Central Business District. A recorded vote of all members present was taken, and Commissioners Debbie Tiffie, Brian Coufal, Mike Klepac, Rev. Idotha Battle and the Chairman – Steve Zamora all voted ‘YES’.

The meeting was adjourned by about 6.13 p.m.

Thank you.

Kobby Agyekum
Interim Director of Planning and
Development Services

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



MEMO

Date: August 24, 2023

To: Planning and Zoning Commission Members

From: Kobby Agyekum (Interim Director of Planning and Development Services)

Subject: David Thibodeaux owner/applicant; requesting a Special Use Permit for a projecting sign in C3 (Central Business) at ORIG TOWN, BLOCK 41, LOT 30-32 also known as 400 E Kleberg BLK., Kingsville, TX 78363, with variances to Chapter XV Land Usage, Article 6 Zoning – Sign Regulations, Section 15-6-119 of the Code of Ordinances of the city of Kingsville.

The applicant approached the department because they wanted to install 6 signs above the awnings. There are four individual businesses currently on the property at 400 East Kleberg Avenue, but the projecting signs would ensure that each business entity in the building are separately identified at the address. The property is currently zoned C3 – Commercial.

Consequently, this application is being submitted for your consideration. The department has reviewed the application and has found no adverse impact on the environment and the development complies with the relevant codes and Ordinances. Therefore, it is recommended that you consider the said application and approve same.

Thank you.

A handwritten signature in black ink, appearing to read "Kobby Agyekum", is written over a horizontal line.

Kobby Agyekum
Interim Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 400 East Kleberg Nearest Intersection 8th & Kleberg
(Proposed) Subdivision Name The Kate Building 30-32 Block 41
Legal Description: original town block
Existing Zoning Designation C3 Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent David ThiBodeaux Phone 512 797 9053 FAX _____
Email Address (for project correspondence only): LDTHIBODEAUX@aol.com
Mailing Address 3822 S. 6th St. City Kingsville State TX Zip 76363
Property Owner David ThiBodeaux Phone 512 797 9053 FAX _____
Email Address (for project correspondence only): LDTHIBODEAUX@aol.com
Mailing Address 3822 S. 6th St City Kingsville State TX Zip 76363

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

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

Please provide a basic description of the proposed project:

5^e Signs on metal arature

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

Applicant's Signature David ThiBodeaux Date: 8-4-23
Property Owner's Signature David ThiBodeaux Date: 8-4-23
Accepted by: Kenneth Cole Date: 8/4/2023

History (CAD)

Property Detail > 20007 SFDT LAND HOLDING LLC for Year
2023

Tax Year: 2023 - Values not available

Property

Account

Property ID: 20997 Legal Description: ORIG TOWN, BLOCK 41, LOT 30-32
Geographic ID: 100104130000192 Zoning: C3
Type: Real Agent Code:
Property Use Code:
Property Use Description:

Location

Address: 400 E KLEBERG BLK Mapsco:
Neighborhood: Map ID: C1
Neighborhood CD:

Owner

Name: SFDT LAND HOLDING LLC Owner ID: 65143
Mailing Address: 3822 S 6TH ST % Ownership: 100.000000000000%
KINGSVILLE, TX 78363

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: SFDT LAND HOLDING LLC
% Ownership: 100.000000000000%
Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CKI	CITY OF KINGSVILLE	N/A	N/A	N/A	N/A
GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A

GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A
SKI	KINGSVILLE I.S.D.	N/A	N/A	N/A	N/A
WST	SOUTH TEXAS WATER AUTHORITY	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 7500.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	RS2L	EW3	1940	5250.0
MA	MAIN AREA	WH2L		1940	2250.0
CN1	CANOPY BASIC (20%)	NV		1940	388.0
CON	CONCRETE SLAB COMMERCIAL *			1976	3000.0

Improvement #2: COMMERCIAL State Code: F1 Living Area: 7500.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	WH2L		1940	7500.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.2410	10500.00	75.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$158,090	\$14,700	0	172,790	\$0	\$172,790
2021	\$124,450	\$14,700	0	139,150	\$0	\$139,150
2020	\$115,470	\$14,700	0	130,170	\$0	\$130,170
2019	\$139,170	\$14,700	0	153,870	\$0	\$153,870
2018	\$81,820	\$14,700	0	96,520	\$0	\$96,520
2017	\$72,630	\$14,700	0	87,330	\$0	\$87,330
2016	\$72,630	\$15,000	0	87,630	\$0	\$87,630
2015	\$57,840	\$15,000	0	72,840	\$0	\$72,840
2014	\$57,840	\$15,000	0	72,840	\$0	\$72,840
2013	\$57,840	\$15,000	0	72,840	\$0	\$72,840
2012	\$57,840	\$15,000	0	72,840	\$0	\$72,840
2011	\$57,840	\$15,000	0	72,840	\$0	\$72,840
2010	\$57,840	\$15,000	0	72,840	\$0	\$72,840
2009	\$57,840	\$15,000	0	72,840	\$0	\$72,840

Questions Please Call (361) 595-5775

This year is not certified and all values will be represented with "N/A".

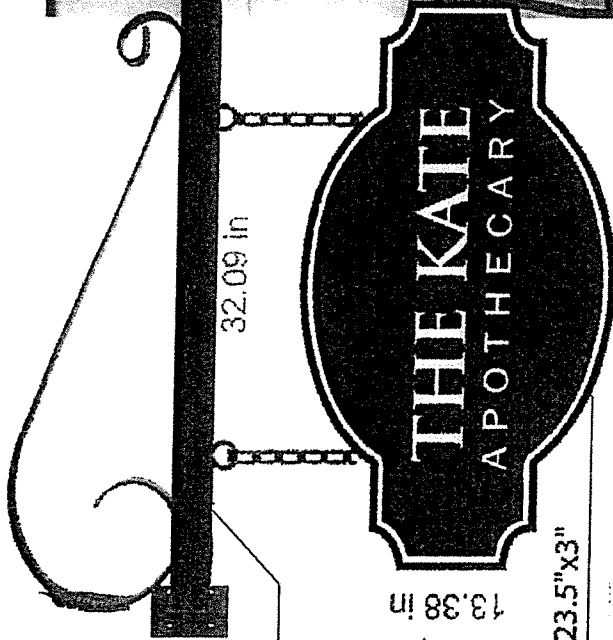
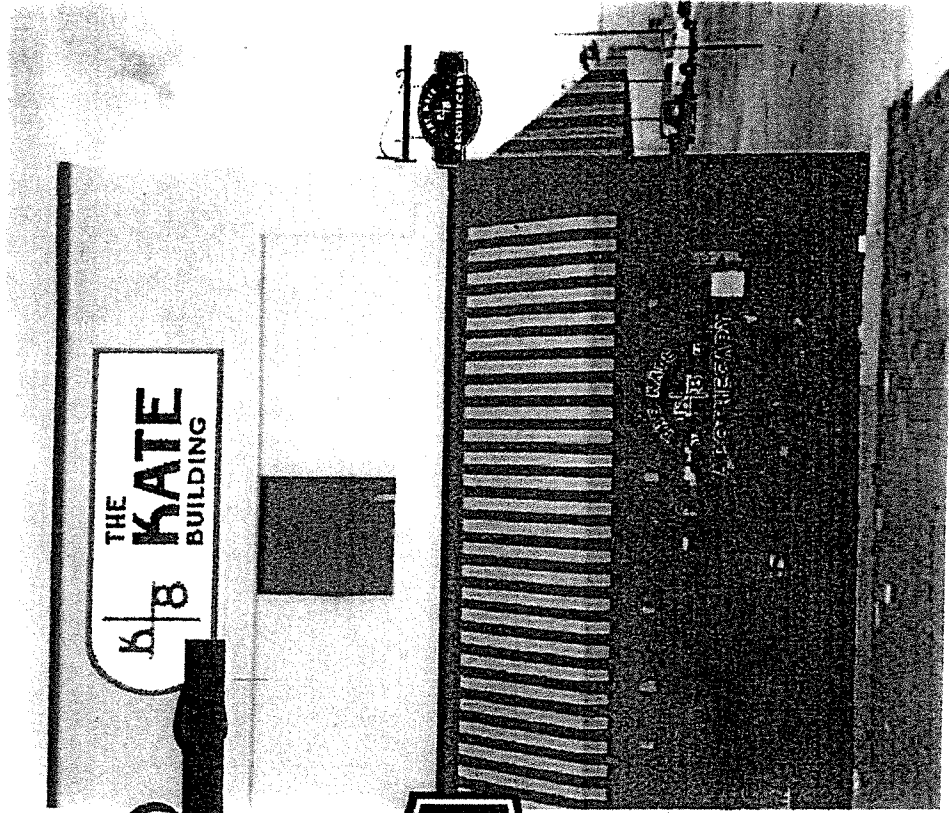
Sec. 15-6-119. - Projecting signs.

No sign shall be permitted on or to project into the public right of way except in the Central Business District(C-3) zoning district upon receipt of a special use permit. In no case shall any sign be less than eight feet above the sidewalk. Special use permits for signs may be revoked upon 30 days notice by the City Commission and signs must be removed from the public right of way by the end of the 30 day period.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013; Ord. 2019-12, § I, passed 4-8-2019)

ME #: 61579 SIGN - 1

Hanging Sign Sign * 13"X 24" Type 1 Wall Sign* The Kate Building*



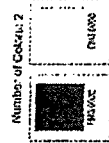
A Hanging MDO Duraply Sign 23.5"X3"

SPECIFICATION FOR FABRICATION AND INSTALLATION:

Sign Type: MDO Duraply with metal bracket to be bolted into building
Quantity: 3
Overall length of sign: 24"(2ft)
Overall height above grade: 13"x (1ft)
Total Square feet: 25ft
Mounting method: Hanging MDO Signs with metal bracket secured to Wall

Primary electrical requirement:
(None Required)

OTHER COMPONENTS/ SPECIAL CONSTRUCTION CONSIDERATIONS:
For Front of Building



COLOR SPECIFICATIONS:
Colors: White and Black

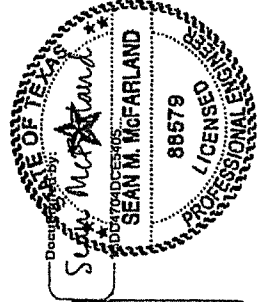
McFarland Engineering
183 Edgewater Ct
Mooresville, NC 27028
Ph: (281) 813-7439
Fax: (888) 712-5364
Email: sean@signstructures.com
Web: www.signstructures.com

STRUCTURAL SIGN DESIGN & ENGINEERING SERVICES

THE KATE BUILDING
Address: 400 E KLEBERG AVE
City/State: KINGSVILLE, TX
Client: MACARENO SIGNS AND GRAPHICS

Initial Drawing: (61579) DS
Number of Copies: 2
ENGINEERING OF
ATTACHMENT TO WALL ONLY
NO CABINET ENGINEERING
OR EVALUATION OF AS
BUILT WALL CONDITIONS
PROVIDED OR IMPLIED.

NC Firm Registration: F-1136
Texas Expiration Date: 6/30/2024
Texas Firm Registration: F-6956
Date: 5-5-2023
Sheet #: 1 OF 4



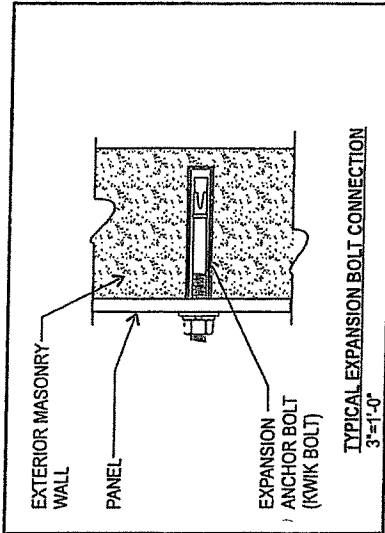
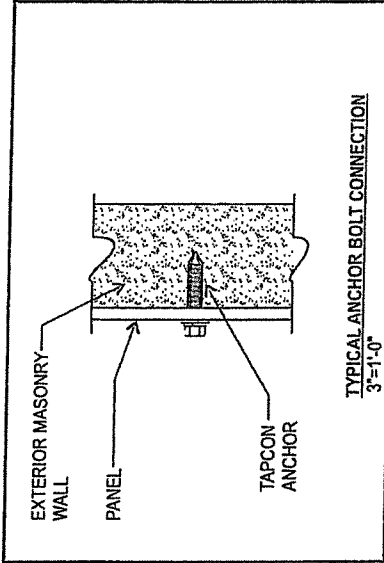
ME #: 61579
SIGN - 2

Connection Specifications: Sign 2
Attach Panel to Wall with Evenly Spaced Connectors. See Drawings for Complete Fabrication Specifications.
Don't Overtighten Connectors.

CONNECTION QUANTITY		3/8" TAPCONS		3/8" KWIK BOLTS	
PANEL		10		8	

1 2

Embed Tapcons - 1 1/2" Min. into Solid Wall
Kwik Bolts - 1 1/2" Min. Embed into Solid Wall
(or Hollow CMU w/ Screens)



M McFarland Engineering
183 Edgewater Ct
Mocksville, NC 27078

**STRUCTURAL SIGN DESIGN
ENGINEERING & SERVICES**
Ph: (281) 815-7439
Fax: (888) 712-5384
Email: sean@signstructures.com
Web: www.signstructures.com

THE KATE BUILDING
Address: 100 E. KLEBERG AVE
City/State: KINGSVILLE, TX
Client: MACARENO SIGNS AND GRAPHICS

Initial Drawing: _____
_____ (61579) DS

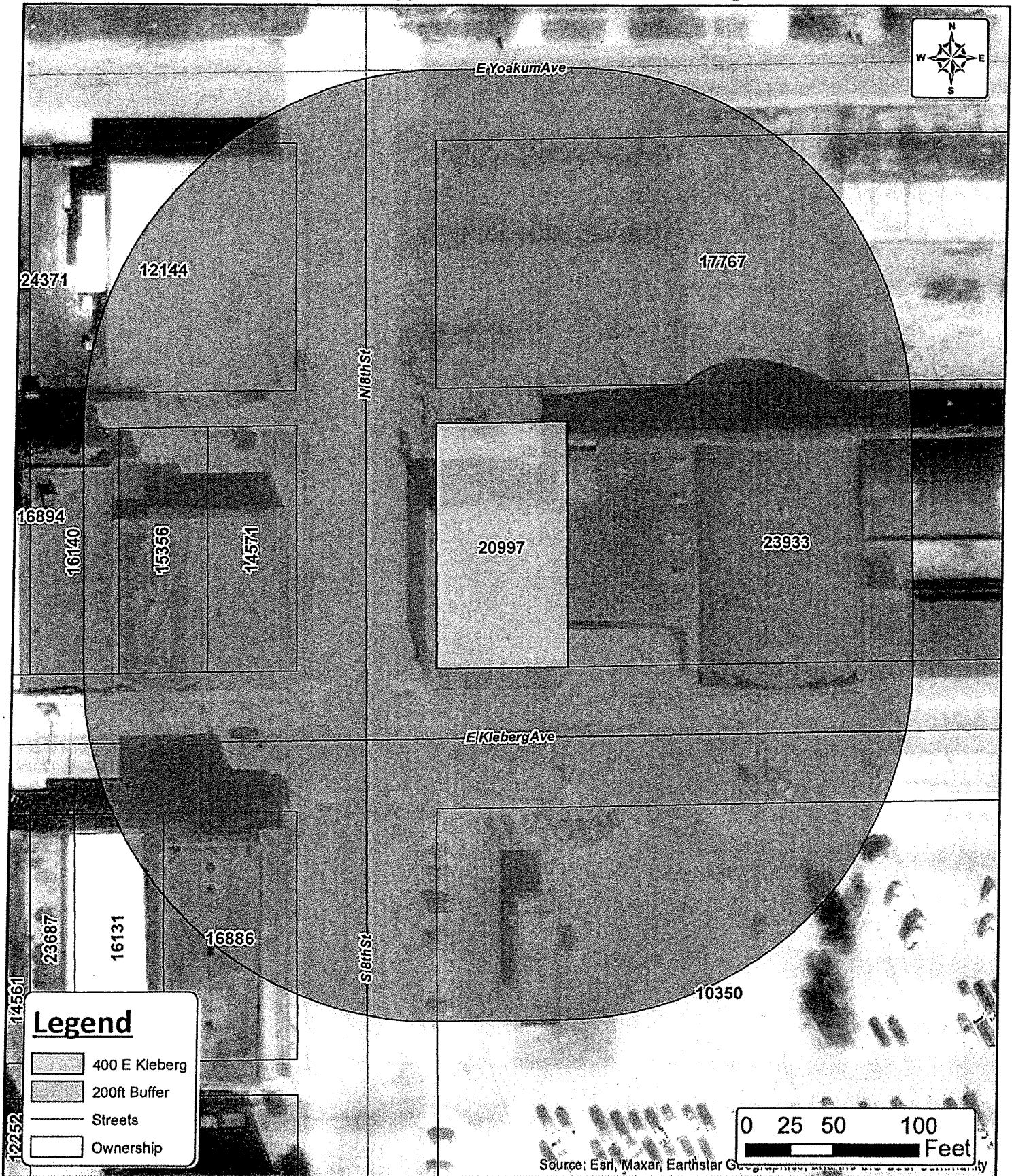
ENGINEERING OF
ATTACHMENT TO WALL ONLY.
NO CABINET ENGINEERING
OR EVALUATION OF AS
BUILT WALL CONDITIONS
PROVIDED OR IMPLIED.

NC Firm Registration: F-1136
Texas Expiration Date: 6/30/2024
Texas Firm Registration: F-6996
Date: 6-5-2023
Sheet #: 4 OF 4

The electronic seal which appears on this document was authorized by: Sean M. McFarland, PE on June 5, 2023.

DocuSigned by:
Sean M. McFarland
SEAN M. MCFARLAND
88579
PROFESSIONAL ENGINEER
STATE OF TEXAS

200ft Buffer at 400 E Kleberg Ave



Legend

- 400 E Kleberg
- 200ft Buffer
- Streets
- Ownership

Page:
1 / 1

Drawn By: G. AMAYA

Last Update: 8/7/2023

Note: Ownership is labeled
with its Prop ID.

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



CITY OF KINGSVILLE ENGINEERING DEPARTMENT

400 W King Ave; Kingsville, TX 78363

Office: (361) 595-8007

Fax: (361) 595-8064

**Jesse J Jaime
PO Box 769
Kingsville, TX 78364
#12144**

**Corner S Properties LLC
PO Box 60410
Corpus Christi, TX 78466
#17767**

**Roque Garcia
Etux Cystal
460 S County Road 1144
Riviera, TX 78379
#16140**

**Debra Ann Garza
318 E CR 2140
Kingsville, TX 78363
#15356**

**Alfredo Hernandez III
Etux Adria
702 Thompson
Bishop, TX 78343
#14571**

**Corner S Properties LLC
PO Box 60410
Corpus Christi, TX 78466
#23933**

**Wilhite Fourm Holdings LLC
323 Kingsville Series
684 S CR 1150
Riviera, TX 78379
#16131**

**Tres De Texas LLC
PO Box 1067
Kingsville, TX 78364
#16886**

**HEB Grocery INC
ATTN: Property Tax Dept
PO Box 839999
San Antonio, TX 78283
#10350**



Pride of South Texas Javelina Marching Band performs a preview of their showcase. Pictured are the Javelina drum corps. (Photo by Ted Figueroa)

Pride of South Texas Javelina Marching Band ready for the season

By Ted Figueroa
Reporter

The Javelina Marching Band has spent the last two weeks learning 47 different drills to perform this marching season. From the morning until the evening band members endured the grueling temperatures of

South Texas heat. The end result was put on display as the Pride of South Texas performed a preview of their halftime show last week.

A flawless, energetic, and an extremely entertaining show that features songs from the 1970s, Spiderman, and of course Jalisco, will definitely be a highlight of

each game. The 220 members of the Javelina Marching band are under the direction of Dr. John Lopez, assistant director of bands at TAMUK.

The Javelina Marching Band will perform the show during halftime at the Javelina home on Sept. 9 at against West Georgia.

KISD Board of Trustees approve new Student Code of Conduct for 2023-24 school year

By Gloria Bigger-Cantu
Contributing Reporter

The Kingsville Independent School District Board of Trustees approved two action items that will impact students this year. The trustees approved a new Student Code of Conduct and the Optional Flexible Day Program application for the 2023-2024 school year at HMK High School at the Aug. 15 meeting.

The Texas Association School Boards, TASB, Student Code of Conduct was utilized to draft the KISD Student Code of Conduct. TASB recommended changes that were implemented in the new KISD Student Code of Conduct for the 2023-2024 school year.

KISD Assistant Superintendent of Support Services Dr. Juan Sandoval said the major change in this Student Code of Conduct this year is the new Vape Law. At a previous school board meeting, Dr. Sandoval explained the new Texas Legislation "Vaping Law" that was enacted in May as House Bill 114. The law dictates that any student in possession of e-cigarettes on public school property or certain school events will be removed from class and placed in the Disciplinary Alternative Education Program referred to as DAEP. Dr. Sandoval stated at that meeting that "HB 114 makes offenses involving the possession or use of vapes a mandatory DAEP offense." (Vaping is the inhaling of a vapor created by an electronic cigarette that has become popular with teenagers).

The Student Code of Conduct provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

The Optional Flexible School Day Program is not new to the district. Dr. Sandoval said this was the fifth year for the program. The Optional Flexible School Day Program, OFSDP, allows districts to provide flexible hours and days of attendance for students who meet at least one of the requirements of the

Texas Education Code 29.0822 (a). The goal of the program is to improve graduation rates for the students who are in danger of dropping out of school or have dropped out or are behind in core subject courses, according to the Texas Education Agency information.

"We will continue to im-

prove and give opportunities for students to graduate," Dr. Sandoval said.

Both action items were approved unanimously by a 7-0 vote by Trustees Joe Mireles, Martin Chapo, Brian Coufal, David R. Garcia, Joseph Ruiz, James Glusing and Dolma Salinas.

In other business the trustees unanimously approved authorizing the declassification of certain portions of the district's currently outstanding obligations, and other matters thereto. Before the vote KISD Chief Financial Officer Dr. Peter Pitts provided information on these financial matters.

The trustees approved the purchase of two vehicles and

excluded the purchase of a truck. All KISD purchases of \$50,000 must be approved by the School Board. Some of the items over \$50,000 are Appraisal District fees, TAMUK Stadium rental fees, city utilities, instructional and financial software.

The Good Cause Exemption for armed security officers. "The good cause exemption is allowable when good faith effort is made to find certified peace officers," KISD Superintendent Dr. Cissy Reynolds-Perez said. "We hired armed security staff and got them trained through the Guardian Program."

Prior to acting on new business, KISD attendance

procedures and information access request for information -GAAA -Regulation were among the reports presented to the trustees.

Dr. Sandoval reported on the fact that "as authorized by law the district shall charge a requester for additional personnel time spent producing information for the requester after personnel of the district have collectively spent 36 hours of time during the district's fiscal year or 15 hours of time during a one-month period."

KISD Trustee Officer Eric Gonzalez reported on the attendance procedures at the

campuses. The procedures to address no shows include phone calls made to parents or guardians, letters sent home, counseling and home visits.

Communities in School staff also work to address those students who need to be in school. State funding is based on ADA. Average Daily attendance. "We got off to a good start with 94.7 percent of students in attendance," Gonzalez said. School began on July 31.

Campus principals also spoke about their attendance systems and incentives for students to attend school.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 6, 2023, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

David Thibodeaux owner/applicant; requesting a Special Use Permit for a projecting sign in C3 (Central Business) at ORIG TOWN, BLOCK 41, LOT 30-32 also known as 400 E Kleberg BLK., Kingsville, TX.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 11, 2023, at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

David Thibodeaux owner/applicant; requesting a Special Use Permit for a projecting sign in C3 (Central Business) at ORIG TOWN, BLOCK 41, LOT 30-32 also known as 400 E Kleberg BLK., Kingsville, TX.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

Obituaries

Edna
Earl
Saul

April 6, 1937 - August 14, 2023



Edna Earl Saul, 86, of Kingsville, TX, known affectionately as Sally by her family and friends, peacefully passed away on August 14, 2023. She was born on April 6, 1937, in Tyler, TX to Robert Earl and Edna Louise Pate.

Throughout her life, Sally found solace and strength in her faith. As an active member of the First Baptist Church in Kingsville, TX, she devoted herself to various church activities. One of her greatest passions was singing, and she shared this gift as a dedicated member of the church choir. Sally's melodious voice could lift spirits and touch hearts; her music was a vessel through which she spread the love and teachings of Christ. Sally's warm smile and kind heart made her beloved by family and friends alike. Her gentle nature drew people towards her and nurtured lasting connections. She possessed a nurturing spirit that embraced everyone she encountered, leaving an indelible impact on their lives.

As we honor Sally's memory, let us remember her for the joy she brought into our lives. May we carry forward her spirit of love and compassion as we navigate this world without her physical presence.

Although our hearts ache at her passing, let us find solace in the knowledge that she has embarked on her heavenly journey. She is preceded in death by her husband, Ted Saul; and parents, Robert Earl and Edna Louise Pate.

Among those left to cherish her memory are her loving children, Teddy Saul, Billy (Kathy) Saul, Melinda Porter, Barbara Barden, and David (Tami) Saul; 11 grandchildren; and 14 great-grandchildren.

A funeral service was celebrated at 9 a.m. on Saturday, August 19, 2023, at First Baptist Church, Kingsville, TX. A rite of committal and interment followed at Resthaven Cemetery.

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VOLUNTEER
YOUR TIME**



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ORDINANCE NO. 2023-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR PROJECTING SIGN IN DOWNTOWN IN C3 (CENTRAL BUSINESS DISTRICT) AT ORIGINAL TOWN, BLOCK 41, LOTS 30-32, ALSO KNOWN AS 400 E. KLEBERG, KINGSVILLE, TEXAS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning & Zoning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of David Thibodeaux, owner/applicant, for amendment to the zoning map of the City of Kingsville;

WHEREAS, the property is currently zoned C3-Central Business District and it is desired for the area to have a projecting sign hanging in front of the business;

WHEREAS, the City Code of Ordinances Section 15-6-119 allows for projecting signs only in the Central Business District (C-3) with a special use permit; and

WHEREAS, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 6, 2023, during a meeting of the Planning & Zoning Commission, and on Monday, September 11, 2023, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning & Zoning Commission voted 5-0 to APPROVE, with no abstentions, the requested special use permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a projecting sign on the premises known as 400 E. Kleberg Ave., Kingsville, Texas, (Original Town, Block 41, Lots 30-32), as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "C3" Central Business District use is for a projecting sign in compliance with Code of Ordinances Section 15-6-119.

2. **STATE LICENSE:** The premises or operator will be licensed or registered by the State of Texas, if needed, to have such a business.

3. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance unless the property is not being used for the purpose outlined in Condition 1 or any other conditions have not been complied with.

4. **SPECIAL CONDITION:** The applicant shall obtain comply with all required City ordinances and all things needed to legally conduct the business, which may include background checks and business licenses. The applicant shall also cooperate with all annual fire safety, health, and sanitation inspections, as required by the City of Kingsville and any other state or federal agency, and comply with any other laws or regulations regarding such business in order to maintain compliance with any regulations for the business.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 11th day of September, 2023.

PASSED AND APPROVED on this the 25th day of September, 2023.

Effective Date: _____, 2023

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

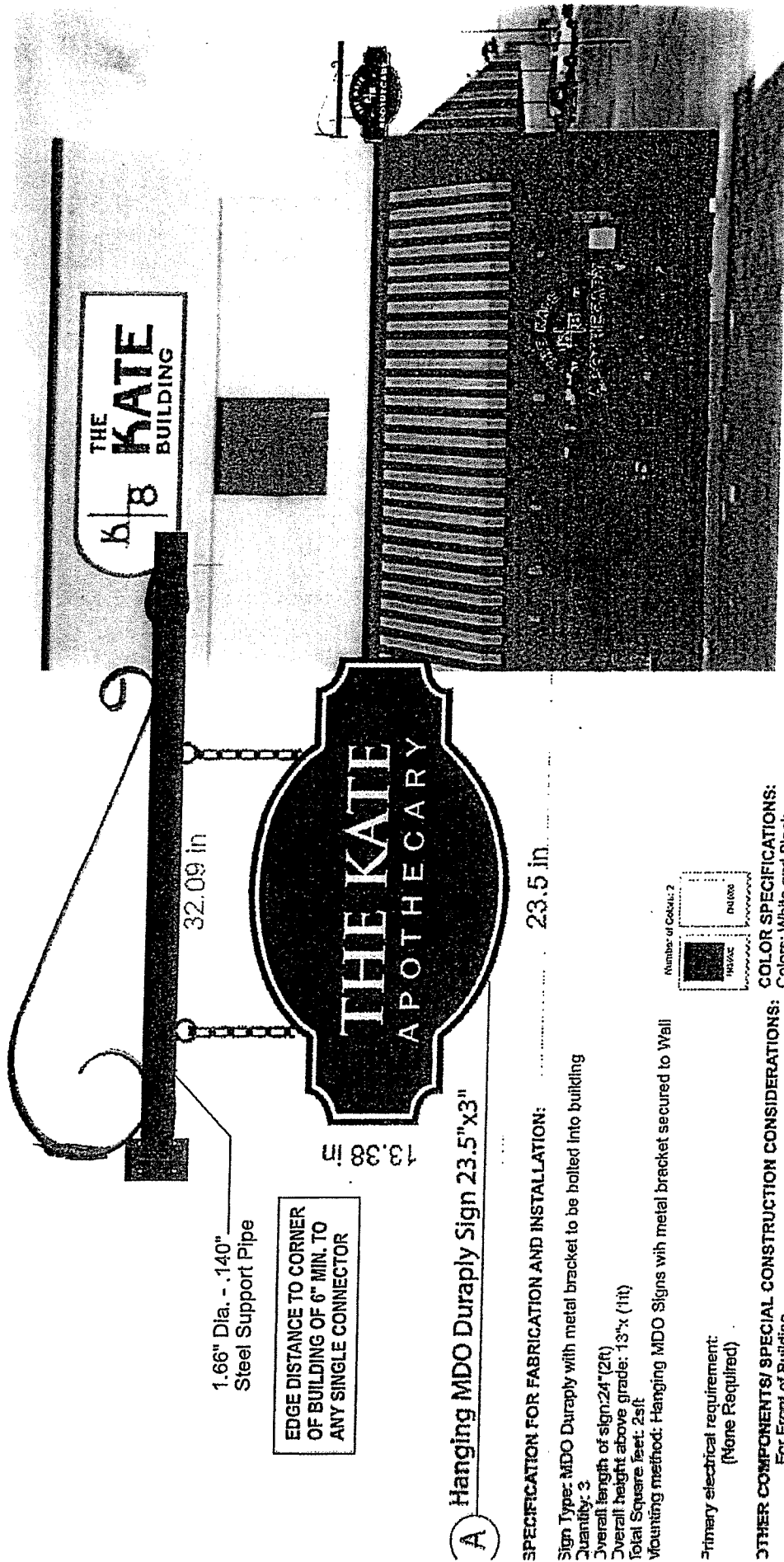
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

ME #: 61579 SIGN - 1

Hanging Sign Sign * 13"X 24" Type 1 Wall Sign* The Kate Building*



SPECIFICATION FOR FABRICATION AND INSTALLATION:

Sign Type: MDO Duraply with metal bracket to be bolted into building
Quantity: 3
Overall length of sign: 24" (2ft)
Overall height above grade: 13"x (1ft)
Total Square Feet: 2sqft
Mounting method: Hanging MDO Signs with metal bracket secured to Wall

Primary electrical requirement:
(None Required)

OTHER COMPONENTS/ SPECIAL CONSTRUCTION CONSIDERATIONS:
For Front of Building
COLOR SPECIFICATIONS:
Colors: White and Black

M McFarland Engineering 183 Edgeview Ct. Mocksville, NC 27028	STRUCTURAL SIGN DESIGN & ENGINEERING SERVICES Pc: (281) 813-7439 Fax: (888) 712-5384 Email: sean@signstructures.com Web: www.signstructures.com	THE KATE BUILDING Address: 400 E. KLEBERG AVE City/State: KINGSVILLE, TX Client: MACRENO SIGNS AND GRAPHICS	Initial Drawing: (61579) DS
	ENGINEERING OF ATTACHMENT TO WALL ONLY, NO CABINET ENGINEERING OR EVALUATION OF AS BUILT WALL CONDITIONS PROVIDED OR IMPLIED.		
NC Firm Registration: F-1136 Texas Expiration Date: 6/30/2024 Texas Firm Registration: F-6996		Date: 6-5-2023 Sheet #: 1 OF 4	



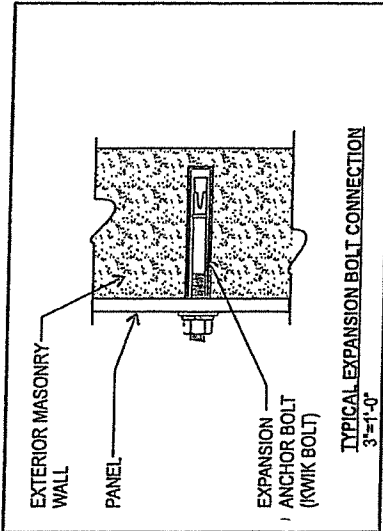
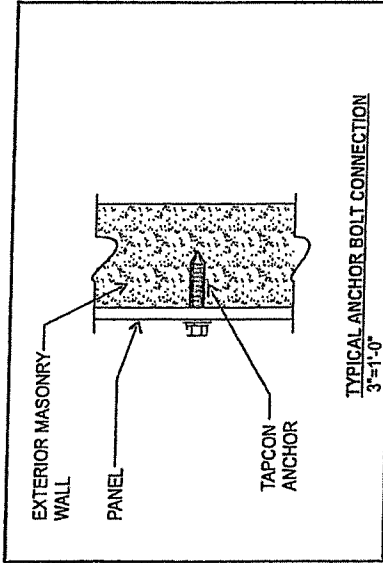
The electronic seal which appears on this document was authorized by Sean M. McFarland, PE on June 5, 2023.

ME #: 61579
SIGN - 2

Connection Specifications: Sign 2
Attach Panel to Wall with Evenly Spaced Connectors. See Drawings for Complete Fabrication Specifications.
Don't Overighten Connectors.

CONNECTION QUANTITY		3/8" TAPCONS		3/8" KWIK BOLTS	
PANEL		10		8	

Embed Tapcons - 1 1/2" Min. into Solid Wall
Kwik Bolts - 1 1/2" Min. Embed. into Solid Wall
(or Hollow CMU w/ Screens)



The electronic seal which appears on this document was authorized by: Sean M. McFarland, PE on June 5, 2023.



STRUCTURAL SIGN DESIGN & ENGINEERING SERVICES Ph: (231) 813-7439 Fax: (888) 712-5364 Email: sean@signstructures.com Web: www.signstructures.com	THE KATE BUILDING Address: 400 E. KLEBERG AVE City/State: KINGSVILLE, TX Client: MACARENO SIGNS AND GRAPHICS	Initial Drawing: _____ (61579) DS ENGINEERING OF ATTACHMENT TO WALL ONLY, NO CABINET ENGINEERING OR EVALUATION OF AS BUILT WALL CONDITIONS PROVIDED OR IMPLIED.	NC Firm Registration: F-1136 Texas Expiration Date: 6/30/2024 Texas Firm Registration: F-5996 Date: 6-5-2023 Sheet #: 4 OF 4
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Fax: (361) 595-8064

AGENDA ITEM #2

City of Kingsville
Public Works, Water Construction Division

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: August 30, 2023

SUBJECT: Fund 051 Budget Amendment Request

Summary:

This item authorizes additional funding in the Water Construction Division for materials to repair watermain breaks.

Background:

This year there have been more waterline breaks than in recent years. Waterline breaks are averaging ten repairs each week and service line repairs are averaging five. The increase in the number of main breaks and increased cost of materials has depleted the waterline funds to negative \$30,398. I am requesting additional funds in the amount of \$45,000 to cover the negative balance and for repairs through the remaining fiscal year.

Financial Impact:

This will reduce unappropriated Fund 051 balance by \$45,000.00 and increase the Water line account 051-5-6001-54100 by \$45,000.00.

Recommendation:

Staff is requesting approval of funds to cover additional costs associated with repairing an unusual high amount of waterline breaks this fiscal year.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR WATER MAIN BREAKS.

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#71

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 – Utility Fund					
<u>Expenditures</u>					
6001	Water Const	Water Lines	54100	\$45,000	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for water main breaks. Funding will come from the unappropriated fund balance of 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 11th day of September 2023.

PASSED AND APPROVED on this the 25th day of September 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

CITY OF KINGSVILLE



P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

Date: August 30, 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

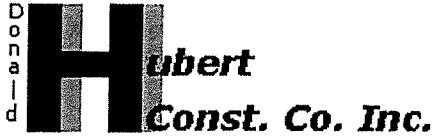
Summary: The Kingsville Visitors Center has a mature tree on the north side of the building that is causing repeated plumbing problems. In July the flooring in the kitchen was replaced as the area had previously flooded and warped the floors. Within two weeks of the floor replacement, the area flooded again, requiring the new flooring to be removed and placed out to dry.

Purchasing Manager Charlie Sosa determined the tree would likely cause repeated flooding in this area and solicited quotes from two different plumbers to find a long-term plan to address the problem.

Donald Hubert Construction Co. Inc. provided a proposal of \$22,050 to reroute the plumbing lines while Rodriguez & Sons provide a bid of \$15,200. Both quotes are attached.

Financial Impact: Total cost for the low bid is \$15,200 should there be no need for additional length in sewer line or broken drain lines discovered during repair work.

Recommendation: Staff recommends that Commission approve a budget amendment in the amount of \$15,200 to be funded from the Tourism's Fund Balance to make the recommended repairs.



P.O.Box 84, Kingsville, TX 78364

(361) 592-9593 Fax (361) 595-0998

E-mail: dhubertco@sbcglobal.net

August 20, 2023

Attn: Charlie Sosa

Re: Plumbing Work Tourism Building

Mr. Sosa

Donald Hubert Const. Co. Inc. respectfully submits the following proposal for the work.

Scope of work: Provide all labor, tools, equipment, supervision, transportation, and insurance necessary to complete the following

1. Reroute Plumbing lines under building in order replace drain lines serving 2 commodes, 2 lavatories and 1 kitchen sink. Reroute main to existing sewer main approx. 80 linear feet. Saw cut driveway and dispose, City to repair drive.

\$22,050.00

Proposal Amount \$ 22,050.00

If you should have any questions, please call Donnie Hubert at (361)592-9593 or mobile at (361)675-0558.

A handwritten signature in black ink, appearing to read "Donald Hubert", is written over a horizontal line.

Thank you,

Donald Hubert

President

Donald Hubert Const. Co. Inc.



627 N. 14th Street, Kingsville TX 78363
Ph (361)592-7975 Fax# (361)592-1033

Estimate

Date	Estimate #
8/18/2023	2853

Name / Address
City of Kingsville P.O. Box 1458 Kingsville Tx 78364

Job Address/P.O. No.	Terms
Visitor center	

Description	Cost	Total
<p>Tunnel under building in order replace drain lines serving 2 commodes, 2 lavatories and 1 kitchen sink. New lines will be run with PVC shc 40 pipe and fittings. We will saw cut approximately 80' of asphalt in order to reroute main sewer line. ((If more then 80' needs to be replaced it will be extra.)) City of Kingsville will repair and replace asphalt. (((If the rest of the main sewer line needs to be replaced it will be extra.))) Select fill dirt will be brought in to backfill tunnel. Old asphalt will be dumped at landfill if needed. (((If drain lines are broken in or above concrete it will be extra to repair.)))</p>	15,200.00	15,200.00

Licensed By:
Texas State Board Plumbing Examiners
929 East 41 Street, P.O. Box 4200 Austin, Texas
78765
1-800-845-6584
Master License No. M36117

Total \$15,200.00

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR PLUMBING REPAIRS AT THE TOURISM VISITORS CENTER.

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#69

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 002 – Tourism					
<u>Expenditures</u>					
1071	Tourism	Building Maintenance	51100	\$15,200	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for plumbing repairs at the Tourism Visitors Center. Funding will come from the unappropriated fund balance of Fund 002-Tourism Fund.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 11th day of September 2023.

PASSED AND APPROVED on this the 25th day of September 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

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/department/parks
Email:
sivy@cityofkingsville.com
or follow us on Facebook
Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Parks Director

Date: August 30, 2023

Re: City Commission Agenda Request Receipt of Donation from KISD Education Foundation

Summary – We are requesting Commission approve the receipt of a \$1,000 donation from the KISD Education Foundation.

History – Kingsville Parks Department is partnering with Kingsville Independent School District to offer fun and innovative programming to kids during the Friday afternoons during the current school year when they are not in school. The Parks Department has scheduled camps with a \$5.09 registration fee to help offset costs. Enrollment has been very low. In an effort to help parents afford to register their kids the KISD Education Foundation has donated \$1,000 to offset registration fees. We have issued information to that affect on our social media to inform parents. Teachers have also been advised.

Financial Impact – This donation will increase our recreational programming budget by \$1,000. We ask that \$1,000 be coded to Recreational programs 001-5-4513-31499.

Recommendation - We ask that you: 1) approve the receipt of this donation and authorize the expenditure of these funds for the purpose for which they were donated, and 2) approve the associated budget amendment.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO ACCEPT AND EXPEND THE DONATION FROM KISD EDUCATION FOUNDATION FOR FRIDAY RECREATION PROGRAMS.

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#70

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues</u>					
4513	Recreation	Donations	58003	\$1,000	
<u>Expenditures</u>					
4513	Recreation	Recreational Programs	31499	\$1,000	

[To amend the City of Kingsville FY 22-23 budget to accept and expend the donation for the KISD Education Foundation for Friday recreational programs. Funding will come from the donation for the stated purpose.]

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 11th day of September 2023.

PASSED AND APPROVED on this the 25th day of September 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5



CITY OF KINGSVILLE

AGENDA MEMORANDUM

TO: City Commissioners
FROM: Deborah Balli, Finance Director
DATE: September 06, 2023
SUBJECT: Budget Amendment – Negative Line Items

Background:

This budget amendment request is to provide additional funding for those items that current budget cannot cover. The requested funding is due to the following:

- Fire 2200 – additional equipment maintenance needs
- Fund 059 – cost over run
- Fund 101 – to close out fund
- Fund 108 – to close out fund
- Fund 110 – to close out fund
- Fund 114 – to close out fund
- Fund 151 – unanticipated expenditures for new bond sale for CO Series 2023A
- Fund 202 – to close out fund

Financial Impact:

All of the notated overages will come from the unappropriated fund balance of the associated fund.

Recommendation:

Staff recommends the approval of the budget amendment request to provide additional funding for various shortages.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR NEGATIVE LINE ITEMS THAT CANNOT BE COVERED BY OTHER LINE ITEMS.

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#72

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
2200	Fire	Equipment Maintenance	41400	\$12,000.00	
6900	Transfers To	Transfer to Fund 059	80059	\$169.00	
Fund 051 – Utility Fund					
6001	Water Const	Vehicle Maintenance	41100	\$14,568.00	
6001	Water Const	Budget Amendment Res	86000	-\$14,568.00	
Fund 101 – TX CDBG Main Street					
6900	Transfer To	Transfer to Fund 001	80001	\$484.75	
Fund 108 – Patrick Leahy Bulletproof Vest					
6900	Transfer To	Transfer to Fund 001	80001	\$14,170.00	
Fund 110 – PD Enhancement BWC Grant Fund					
6900	Transfer To	Transfer to Fund 001	80001	\$9.46	
Fund 114 – SWB Rural & Tribal Assist Grant					
6900	Transfer To	Transfer to Fund 001	80001	\$13,325.00	
Fund 151 – CO Series 2023A GF					
1030	City Special	Printing & Publishing	31500	\$498.00	

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 202 – Tourism Façade Grants Program					
6900	Transfer To	Transfer to Fund 002	80002	\$14,700.00	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for negative line items that cannot be covered by other line items. Funding will come from the unappropriated fund balance of each of the Funds.]

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 11th day of September 2023.

PASSED AND APPROVED on this the 25th day of September 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #6

**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: September 25, 2023

SUBJECT: Consider Approving Construction Contract to Gerke Excavating Inc., for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 3 – 18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plant

Summary:

Bid was awarded at the last Commission meeting (9/11/23), we are requesting the contract be approved in the amount of \$1,498,733.34.

Background:

Sealed bids were received on August 15, 2023. This project was advertised in the local newspaper, Historically Underutilized Business (HUB), Minority and Business Enterprises (MWBE) and on the City's website. Bids were opened, read out loud and the apparent low bidder was identified. Three (3) bids were received which included Gerke Excavating Inc. from Tomah, WI; Clark Pipeline Services LLC. from Corpus Christi, TX.; and Jhabores Construction Co. Inc. from Corpus Christi, TX. The base bids ranged from \$1,498,733.34 to \$3,392,942.00 and additive alternate bids ranged from \$15,595.00 to \$22,579.20. Additive alternate bids will not be awarded as part of this project.

Gerke's bid was the lowest bid and there were some errors noted on the bids and of a minor clerical nature, such as a mistake in transcribing numbers, misplaced decimal, and/or typographical errors. The error added \$11.70 to Gerke's base bid. Staff recommends accepting and enforcing the bid with the noted error as it will not cause substantial hardship to the bidder because the total bid price and terms are not materially affected.

General Land Office Awarded \$7,293,111.00 to the City of Kingsville for Citywide Wastewater Improvements on March 11, 2021. Texas Land Commissioner George P. Bush announced the Texas General Land Office (GLO) approved \$135,462,438 in flood



**City of Kingsville
Engineering Dept.**

mitigation projects to 21 grantees in the second round of grant funding for the GLO's \$2.3 billion regional mitigation competitions.

"Texas continues to experience tremendous economic and population growth across our state, and the GLO is working with local leaders to protect our communities against natural disasters such as flooding," said Commissioner Bush. "The GLO was provided with historic funding to help communities fortify critical infrastructure in preparation for flooding events. This \$135 million in vital mitigation funds awarded by the GLO will provide essential protection for residents, businesses, and local government infrastructure."

The GLO received a historic \$4.3 billion allocation in Community Development Block Grant Mitigation (CDBG-MIT) funds from the U.S. Department of Housing and Urban Development (HUD) to mitigate against future damage from hurricanes, flooding, and other natural disasters in repetitively damaged areas. Within the \$2.3 billion set aside for regional mitigation awards, \$147,680,760 was allocated to the 2016 Floods State Mitigation Competition, with 50% going to the HUD- and state-designated Most Impacted and Distressed (MID) areas. HUD requires at least 50% of the total \$4.3 billion must be spent on activities benefiting low- to moderate-income (LMI) populations. Of the 504,428 residents benefiting from the announced grants, 284,196 – or more than 56% – are low- to moderate-income.

For the 2016 Floods Competition, the GLO received 35 applications representing a total request of \$244,674,464 for \$147,680,760 in available funding. The grantees announced represent the highest scoring applications meeting program eligibility requirements based on the 2016 Floods State Mitigation Competition Applicant Scoring and Eligibility Competition Criteria and the CDBG-MIT Action Plan.

Financial Impact:

Project 3 will be funded by Fund 113 Citywide Wastewater Collection System Improvements in the amount of \$1,498,733.34.

Recommendation:

Staff recommends:

1. Approving Construction Contract between City and Gerke Excavating, Inc. in the amount \$1,498,733.34.
2. Authoring the City Manager to sign the Construction Contract.

Attachments:

Construction Contract



Construction Advertisement and Invitation for Bids

The City of Kingsville will receive bids for (GLO SS PROJECT 3 (REMOVE AND REPLACE 18" LINE FROM E. CORRAL AVE. TO E. SANTA GERTRUDIS AVE.) SANITARY SEWER IMPROVEMENTS (CDBG-MIT GLO CONTRACT NO. 22-082-016-D218)) until (2:00 p.m.) on (Tuesday, August 15, 2023) at (400 W. King Ave, Kingsville, Tx 78363). Bids must be addressed to: (Rutilio "Rudy" Mora, Jr., P.E.). The bids will be publicly opened and read aloud at (2:00 p.m.) on (Tuesday, August 15, 2023) at (400 W. King Ave, Kingsville, Tx 78363).

Bids are invited for several items and quantities of work as follows:

1. Base Bid

ITEM	DESCRIPTION	UNIT	QTY.	UNIT COST	TOTAL
A1	Mobilization / Bonds / Insurance	LS	1	\$106,125.95	\$106,125.95
A2	Traffic Control	LS	1	\$10,688.84	\$10,688.84
A3	SWPP (Sediment Control Fence)	LF	1,085	\$3.62	\$3,927.10
A4	Remove 18" Sanitary Sewer Line	LF	4,055	\$24.18	\$98,049.90
A5	Remove Bollards / Guard Rail	EA	12	\$244.27	\$2,931.24
A6	Remove Existing Sanitary Sewer Manholes	EA	7	\$1,094.32	\$7,660.24
A7	Remove Concrete Driveway	SY	65	\$25.97	\$1,676.35
A8	Remove Asphalt Driveway	SY	19	\$88.22	\$1,676.18
A9	Remove Gravel Driveway	SY	10	\$29.60	\$296.00
A10	Remove Dirt Driveway	SY	28	\$1.05	\$29.40
A11	Remove Brick Fence Columns	EA	10	\$226.55	\$2,265.50
A12	Remove Existing Flag Pole	EA	1	\$227.58	\$227.58
A13	Trench Excavation	LF	4,055	\$2.80	\$11,534.00
A14	Trench Safety	LF	4,055	\$6.98	\$28,282.90
A15	24" Ø Sanitary Sewer Line PVC SDR-26 (Green Color)	LF	4,055	\$244.00	\$989,420.00
A16	6' Ø Fiberglass Sanitary Sewer Manhole	EA	6	\$27,471.58	\$164,529.48
A17	6" Ø Steel Bollards Complete in Place	EA	33	\$934.76	\$30,847.08
A18	Tie-In to Existing Manhole Connection	EA	5	\$3,050.00	\$15,250.00
A19	Seeding for Erosion Control	SY	1,541	\$1.69	\$2,604.29
A20	Driveway Concrete Repair	SY	65	\$217.56	\$14,141.40
A21	Driveway Asphalt Repair	SY	19	\$217.56	\$4,133.64
A22	Driveway Gravel Repair	SY	10	\$142.07	\$1,420.70
A23	Driveway Dirt Repair	SY	28	\$50.74	\$1,420.72

TOTAL BID \$ 1,478,721.64

2. Additive Alternate Bid

ITEM	DESCRIPTION	UNIT	QTY.	UNIT COST	TOTAL
A24	Replace Brick Fence Columns	EA	10	\$1,891.60	\$18,916.00
A25	Replace Flag Pole	EA	1	\$1,411.20	\$1,411.20
A26	Replace Cable Fence	LF	10	\$235.20	\$2,352.00

TOTAL BID \$ 22,679.20

Bid Bond



AIA

Document A310™ – 2010

CONTRACTOR:*(Name, legal status and address)***GERKE EXCAVATING, INC.**

15341 State Hwy 131

Tomah, WI 54660

SURETY:*(Name, legal status and principal place of business)***Old Republic Insurance Company**

P.O. Box 789

Greensburg, PA 15601-0789

Bid Bond No. OI00551

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:*(Name, legal status and address)***City of Kingsville**

400 W. King Avenue

Kingsville, TX 78363

BOND AMOUNT: Five Percent of the Bid Amount (5.00% of Bid Amount)**PROJECT:***(Name, location or address, and Project number, if any)*


Sanitary Sewer Improvements GLO SS Project 3; Project No. CDBG-MIT GLO Contract No. 20-0820016-D218

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

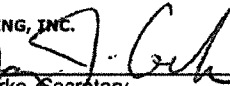
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 9th day of August, 2023.


(Witness) Tanya Scott


(Witness) Karla K. Heffron

GERKE EXCAVATING, INC.
(Principal)


(Title) Jay J Gerke, Secretary
Old Republic Insurance Company
(Surety)


(Title) Connie Smith, Attorney-in-fact

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001110



POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania stock insurance corporation, does make, constitute and appoint:

MICHAEL J. DOUGLAS, CHRIS M. STEINAGEL, CHRISTOPHER MATHER KEMP, ROBERT S. DOWNEY, CONNIE SMITH, KORY C. MORTEL.

ELIOT MOTU, SAMUEL DUCHOW of HUDSON, WI

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC INSURANCE COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a meeting held on December 10, 2019. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC INSURANCE COMPANY on December 10, 2019.

RESOLVED FURTHER, that the chairman, president or any vice president of the Company's surety division, in conjunction with the secretary or any assistant secretary of the Company, be and hereby are authorized and directed to execute and deliver, to such persons as such officers of the Company may deem appropriate, Powers of Attorney in the form presented to and attached to the minutes of this meeting, authorizing such persons to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds, other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and not guaranty bonds. The said officers may revoke any Power of Attorney previously granted to any such person.

RESOLVED FURTHER that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by chairmen, president or any vice president of the Company's surety division and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by a duly authorized Attorney-in-Fact and sealed with the seal of the Company (if a seal be required).

RESOLVED FURTHER, that the signature of any officer designated above, and the seal of the Company, may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC INSURANCE COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 22nd day of September, 2022.

OLD REPUBLIC INSURANCE COMPANY

Karen J. Haffner
Assistant Secretary



Alan Pavlic
Vice President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 22nd day of September, 2022, personally came before me, Alan Pavlic and Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC INSURANCE COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said organization.



Kathryn R. Pearson
Notary Public

My Commission Expires: September 28, 2026

CERTIFICATE

(Expiration of notary's commission does not invalidate this instrument)

I, the undersigned, assistant secretary of the OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.



24-5172

Signed and sealed at the City of Brookfield, WI this 9th day of August, 2023.

Karen J. Haffner
Assistant Secretary

ORSC 11008 (6-93)

J. RYAN BONDING, INC.

STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. **This statement must be notarized.** If necessary, questions may be answered on separate attached sheets. The Bidder may submit any additional information it desires.

Date: August 14, 2023

Bidder (Legal Name of Firm): Gerke Excavating, Inc.

Date Organized: 11/19/1999

Name of Owner(s): Richard A Gerke, Paul W and Diana M Gerke Family Trust

Address: 15341 State Hwy 131
Tomah, WI 54660

Date Incorporated 11/19/1999

Federal ID Number: 39-1979071

Number of Years in contracting business under present name 23.5

List all other names under which your business has operated in the last 10 years:

Work Presently Under Contract:

Contract	Amount \$	Completion Date
<u>*attached</u>		

Type of work performed by your company: *attached

Total Staff employed by Firm (Break down by Managers and Trades on separate sheet):

*attached

Have you ever failed to complete any work awarded to you? ☐ Yes ☒ No

(If yes, please attach summary of details on a separate sheet. Include brief explanation of cause and resolution)

Have you ever defaulted on a contract? ☐ Yes ☒ No

(If yes, please attach summary of details on a separate sheet.)

Has your organization had any disbarments or suspensions that have been imposed in the past five years or that was still in effect during the five-year period or is still in effect? ☐ Yes ☒ No

(If yes, list and explain; such list must include disbarments and suspensions of officers, principals, partners, members, and employees of your organization.)

List the projects most recently completed by your firm (include project of similar importance):

Project	Amount \$	Mo/Yr Completed
*Attached		

Major equipment available for this contract: *Attached

Are you in compliance with all applicable EEO requirements? ☒ Yes ☐ No
(If no, please attach summary of details on a separate sheet.)

(Optional) Minority Business Reporting Information:

Owner's Race: _____
Owner's Ethnicity: _____
Owner's Gender: _____

Are you a Section 3 business? (see below) ☐ Yes ☒ No

Section 3 Business Concerns:

- a) Businesses that are 51 percent or more owned by Section 3 residents;
- b) Businesses whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents;
- c) Businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above; or
- d) Businesses located within the City jurisdiction that identifies themselves as Section 3 Business Concerns because they provide economic opportunities for low- and very low-income persons.

Bank References

Address: 110 W Veterans St Contact Name: Brad Rahmlow
City & State: Tomah, WI Zip: 54660 Phone Number: 608.372.2265
Credit available: \$ 3,600,000.00

Has the firm or predecessor firm been involved in a bankruptcy or reorganization? ☐ Yes ☒ No
(If yes, please attach summary of details on a separate sheet.)

List on a sheet attached hereto all judgements, claims, arbitration proceedings, or suits pending or outstanding against bidder over the last five (5) years with amount of claim and brief description.

List on a sheet attached hereto all lawsuits or requested arbitration with regard to construction contracts which bidder has initiated within the last five (5) years and brief explanation of claim and outcome.

Attach resume(s) for the principal member(s) of your organization, including the officers as well as the proposed superintendent for the project.

Signed this 8th day of August, 2023.

Signature

Jay J Gerke, Secretary

Printed Name and Title

Gerke Excavating, Inc.

Company Name

Notary Statement:

Jay J Gerke being duly sworn, says that he/she is the Secretary Position/Title of Gerke Excavating, Inc. (Firm Name), and hereby swears that the answers to the foregoing questions and all statements therein contained are true and correct. He/she hereby authorizes and requests any person, firm, or corporation to furnish any information requested by City of Kingsville in verification of the recitals comprising this Statement of Bidder's Qualifications.

Subscribed and sworn before me this 8 day of August, 2023.

Notary Public

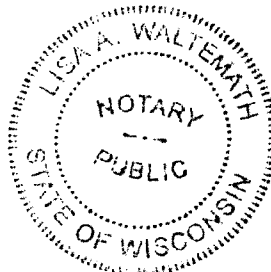
Lisa A Waltemath

Signature

Lisa Waltemath

Printed Name

My Commission Expires: 10/20/25



The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

I, Mark Project Status "Closed" and Tie Out Contract Amount with Vista (JC Contract Past Balance \$ (Includes Pending

Open Only	Pending Only	Closed Only	\$121,258,932.44	\$38,710,478.12	64.18%
Project Name			Contract Amount w/CO's	Forecast Total Gerke \$ to Complete	Progress Complete
35th St, Tn of Clearfield			\$27,028.50	\$3.36	99.99%
Harter's Roller Rental Cty SS Pit			\$2,725.00	\$50.00	100.00%
Lone Tree Access Rd, US Fish & Wildlife			\$34,384.50	\$67.76	99.80%
Cypress, Tn of Strong's Prairie			\$29,106.00	\$91.72	99.68%
March DOT 51 - La Crosse - Sunnyside Drive			\$2,383,283.05	\$99.95	100.00%
Fleming Ave Reconditioning, Tn of Greenfield			\$50,677.43	\$846.67	98.33%
Ft McCoy WWTP			\$1,356,574.82	\$1,000.00	95.00%
Tomah Winnebago Park Phase 1			\$669,841.08	\$1,000.00	96.43%
Darlington			\$11,747,871.69	\$2,000.00	100.00%
Bangor Commercial Street			\$4,917,242.11	\$2,000.00	99.96%
Onalaska Grandview Estates			\$2,123,130.00	\$2,000.00	100.00%
Site and Concrete Work VB Storage Buildings			\$207,155.53	\$2,524.00	98.78%
Coulee Region May 11th Street Sinkhole			\$3,718.00	\$3,718.00	0.00%
St Pauls Lutheran Onalaska, JF Ahern Plumbing			\$7,513.00	\$4,710.20	100.00%
Mauston School Addition - Budget for Miron			\$2,849,735.50	\$5,000.00	97.85%
Tomah VA Building 400			\$102,005.00	\$5,000.00	96.62%
LaCrosse 5th Ward Residences			\$611,256.00	\$5,000.00	98.72%
Dale Martin 2022 Sime Ave Projects - August 2022 Site Plan			\$277,463.00	\$6,657.00	95.37%
DOT April No 41 STH 173 Babcock - Nekoosa			\$124,643.25	\$8,368.13	91.28%
Village of Norwalk Replace piping in well house			\$8,500.00	\$8,500.00	0.00%
Mauston WTC lot Improvements			\$23,420.00	\$9,368.00	60.00%
BJ Rice Subdivision			\$296,302.21	\$9,493.38	96.80%
Fort McCoy Fire Protection BLDG 2825 & 2829			\$16,000.00	\$10,000.00	0.00%
Remove/Replace Oil Water Separators Volkfield			\$52,400.00	\$10,979.49	79.05%
La Crosse Market & Gohres Street			\$611,175.00	\$14,208.00	79.68%
Onalaska Luther High School Addition			\$66,250.00	\$15,000.00	80.00%
Bahia Bay Outfall and Bulhead Improvements			\$876,613.37	\$15,000.00	100.00%
Elroy Main Street and Alley			\$568,139.50	\$15,076.75	97.35%
Fort McCoy Repair Storm Water Drainage B2000			\$395,225.00	\$18,530.72	95.31%
STH 35 DOT 8			\$1,599,089.38	\$18,969.20	98.81%
Wisconsin Dells Elm Street			\$784,823.76	\$20,000.00	100.00%
City of LaCrosse Hagar Street Extension			\$450,000.00	\$20,000.00	99.05%
2022 Street and Utility Improv City of Tomah			\$2,242,741.58	\$20,000.00	93.76%
VA BLDG 23 Remodel -Bahr Electric			\$30,750.00	\$20,602.50	33.00%
Avalon Express Mauston			\$1,068,548.00	\$20,812.23	97.87%
Wabash National New Lisbon residential drainage			\$21,932.03	\$21,932.03	0.00%
Galesville Ridgeview Estates Street Rehabilitation			\$102,573.00	\$30,000.00	71.33%
DOT Jan No 5 - V. Norwalk - T. Ridgeville, Moore Creek Bridge, B-41-0319			\$51,305.93	\$30,414.04	40.72%
DOT Jan No 2 - Tomah - Portage, Camp Douglas to Seven Miles Creek			\$206,705.30	\$32,456.18	84.30%
Dutton Lot 7 Twindo Septic			\$34,124.00	\$34,124.00	0.00%
Dutton Lot 8			\$34,124.00	\$34,124.00	0.00%
Little Rock AFB 168 Unit Dorm			\$1,069,313.75	\$35,054.58	88.31%
R8 Parking Lot Reconstruction UWL			\$48,234.00	\$40,000.00	0.00%
Onalaska WI DOT DMV District 3 Driveway Replacement			\$48,245.00	\$40,000.00	0.00%
Gundersen Clinic Elroy			\$189,800.00	\$45,719.36	75.91%
Demo Old Schreiner Studios Building - Tomah			\$83,749.00	\$48,749.00	41.79%
DOT Jan No 11 - Village of Oakdale - STH 21, East Fork Lemonweir River Br			\$49,075.21	\$49,075.21	0.00%
Mayo La Crosse - Darcy Geothermal			\$53,418.00	\$53,418.00	0.00%

WI Dells HS Performing Arts Center	\$413,024.45	\$59,223.10	85.66%
Long Cove Easport Road Construction	\$1,602,876.09	\$85,000.00	92.04%
LaCrosse Myrick Park Playground Phase 2	\$97,500.00	\$90,000.00	0.00%
La Crosse Veterans Memorial Park Pond	\$112,985.00	\$90,000.00	0.00%
City of Ingleside 4th St	\$5,564,428.30	\$100,000.00	97.17%
DOT #4 September STH 58 La Valle - Mauston	\$118,180.62	\$103,654.02	12.29%
Sparta Free Library	\$124,567.70	\$107,781.78	13.48%
STH 21 Tomah Necedah .15 MI E Eaton Ave	\$112,373.17	\$112,373.17	0.00%
Bangor Apartments R5 Lot, Justin Birdd	\$357,824.66	\$114,745.36	67.93%
Riverstone Apartment Site & Utility, Phase 1, New Lisbon	\$196,617.22	\$128,706.50	34.54%
DOT Feb No 44 - La Crosse - Trempealeau La Crosse Tremp Co Ln to 10th S	\$134,488.13	\$134,488.13	0.00%
DOT Feb No 7 - Ontario - Tomah; STH 71 to CTH A/B-41-21, 136,137	\$142,830.43	\$142,830.43	0.00%
Tomah Area Schools Concrete	\$191,383.39	\$148,850.77	22.22%
Cashton Elementary Track	\$152,629.00	\$152,629.00	0.00%
Fort McCoy Transient Training Brigade HQ	\$500,201.00	\$159,324.11	68.15%
VA BLDG 23 Remodel	\$250,000.00	\$191,836.65	23.27%
Royall School District	\$333,929.00	\$203,800.36	38.97%
St Paul's Lutheran Onalaska	\$257,064.61	\$206,653.42	55.91%
DOT March No 10 - T of Tomah - T of La Grange Flare Avenue To STH 21	\$541,503.15	\$215,238.73	0.00%
La Crosse 2022 Curb & Gutter with Utilities	\$776,819.00	\$235,747.00	42.75%
Tomah Justin Birdd Veterans Apartments 2023 Phase 1	\$329,210.00	\$244,879.19	25.62%
Mayo Bed Tower	\$2,774,204.00	\$246,431.00	89.31%
La Crosse 21st St Curb & Gutter w/ Utilities	\$253,158.00	\$253,158.00	0.00%
Gundersen Tri County Hospital	\$1,267,439.00	\$263,357.00	79.22%
2023 Strum Street and Utility Improvements	\$568,554.00	\$268,987.00	28.63%
Stripping for Nomad Proppant Services	\$2,200,000.00	\$308,058.47	86.00%
North Kinney Coulee Apartments	\$1,037,659.80	\$317,321.29	69.42%
DOT Feb No 42 - STH 13 - La Crosse - Galesville South County Line to Harris	\$319,832.26	\$319,832.26	0.00%
Town of Campbell 2023 Sewer Rehab	\$535,512.00	\$340,000.00	38.02%
Town of Albion - Cloverdale Rd 2023 Rebid	\$383,868.00	\$350,000.00	0.00%
DOT March No 3 - C La Crosse South Avenue Green Bay St to Easter	\$571,338.37	\$402,462.22	29.56%
Park Lawn Estates Watermain	\$433,735.00	\$433,735.00	0.00%
Village of Lake Delton 2022 Streets Project	\$1,263,542.82	\$460,400.04	20.19%
Amtrak Tomah	\$593,630.00	\$504,449.15	15.02%
La Crosse Eastwood Lane to Ohlsun Court Street & Utility Replacement	\$591,004.00	\$591,004.00	0.00%
La Crosse LRIP Cliffwood Lane, 28th St to Seiler Lane	\$683,221.00	\$650,000.00	0.00%
Oncore 5 Barr Ranch	\$1,500,000.00	\$651,019.92	56.60%
La Crosse River Point Phase 2	\$5,198,377.49	\$664,164.79	77.41%
City of Lacrosse 2023 Curb & Gutter	\$784,741.00	\$750,000.00	0.00%
Oncore 1 Laredo	\$1,500,000.00	\$753,992.40	49.73%
City of Onalaska 2023 Utilities	\$887,863.00	\$790,000.00	0.00%
Oncore 2 Ron White	\$1,500,000.00	\$826,747.68	44.88%
DOT Dec No 15 - Tomah - Mauston Veterans Street Intersection Area	\$2,979,290.84	\$847,023.51	-0.07%
New Lisbon - Necedah, 25th St W to 400' N of Kingsbury Dr	\$883,070.00	\$883,070.00	0.00%
LaCrosse County Multi- Use Trail	\$1,012,507.00	\$900,000.00	0.00%
Fort McCoy Concrete and Gravel paving IDIQ FY 2023 - FY 2026	\$937,070.70	\$937,070.70	0.00%
DOT March No 5 - Hillsboro - Reedsburg V Wonewoc S Limits To Main Street	\$1,603,417.91	\$1,154,595.50	27.99%
Fort McCoy Construct Fire Training Site	\$1,298,303.00	\$1,298,303.00	0.00%
Wisconsin Dells Commercial Ave. & Stand Rock Rd Reconstruction	\$3,414,443.75	\$1,369,810.66	15.79%
Justin Birdd West Ridge Addition	\$3,152,629.46	\$1,496,304.00	98.47%
Village of Pardeeville LaFollette St	\$3,664,631.11	\$1,818,381.80	48.99%
Green Lake Drainage Improvements	\$8,738,796.70	\$2,351,147.31	52.50%
Fort McCoy Range 29 - Scout Recce Gunnery Complex	\$2,937,748.76	\$2,391,333.92	18.60%
DOT Feb No 53 - Tomah - Camp Douglas Eb USH 12 to CTH C	\$3,098,103.08	\$2,455,762.32	20.73%

Hi Crush Valley Junction	\$6,720,000.00	\$2,539,690.00	62.21%
DOT Aug 13 LaCrosse Greenbay St to Ward Ave	\$5,152,874.99	\$4,303,360.00	50.69%

Type of work performed by your company:

Gerke Excavating Inc/Allan Gerke & Sons Inc is an excavating, gravel crushing and trucking firm. Gerke Excavating is a family owned and operated business specializing in government, residential and commercial work. Work consists of large and small building sites, landfill construction, road construction, new home sites, demolition projects, water and sewer projects, and excavation of all types. Gerke Excavating crushes limestone in the Gerke, King, Brueggeman, Revels, Richardson, Bragger, Miller and Menn quarries, which are in Monroe and Trempealeau counties. Gerke Excavating also has several sand pits located in Tomah, Sparta, Holmen and Adams. Gerke Excavating and Allan Gerke & Sons have been in business for over 76 years.

Total Staff employed by Firm (Break down by Managers and Trades on separate sheet):

Estimators	4
Project Managers	10
Foreman	31
Operators	129
Laborers	31
Quad Axle Truck Drivers	55
Office Staff	23
Mechanics	8

List the projects most recently completed by your firm (include project of similar importance):

Deberry, Saunders and Greenwood Drainage Project, Aransas Pass, \$2,285,061.22 completed May 18, 2022.

Long Cove Excavation, Drainage & Shoreline Stabilization. \$2,737,937.60 completed March 5, 2022.

12th Street Improvements, City of Ingleside. \$2,285,061.22 completed October 29, 2022.

Bahia Bay Outfall and Bulkhead Improvements. \$770,985.95 completed June 5, 2023.

4th Street & Alley Improvements, City of Ingleside. \$5,854,143.68 completed July 16, 2023.

Major equipment available for this contract:

Major Equipment	Quantity
Tri/Quad Axle Dump Trucks	47
Dozers	23
Excavators	46
Front End Loaders	37
Posi Tracks/Skidsteers	21
Graders	3
Compactors	10
Articulated Haul Trucks	15

Attach resume(s) for the principal member(s) of your organization, including the officers as well as the proposed superintendent for the project.

INDIVIDUAL NAME	PRESENT POSITION/OFFICE	YEARS OF EXPERIENCE	WORK TYPE AND MAGNITUDE	IN WHAT CAPACITY
Richard Gerke	President	60		Owner
Jay Gerke	Secretary	34	Site Supervision	Owner
Chad Gerke	Construction Supervisor	29	Site Supervision	Owner
Kim Voigt	Office Manager	14	Contracts/Administration	Owner
Dean McHugh	Business Development	31	Bidding	
Tom Path	Estimator	38	Bidding	
Svet Roussev	Engineer	21	Civil Engineering	
Eric Stickney	Estimator	23	Bidding	
Kurt Thornton	Estimator	29	Bidding	
Dennis Werner	Estimator	24	Bidding	
Randy Dunst	Chief Financial Officer	8		

Jay Gerke, Project Supervisor/Board of Directors

1990-1994

Studied Business Management, University of Wisconsin, La Crosse

1994-1995

Technical Degree as a Civil Engineering Technician, Chippewa Valley Technical Institute, Eau Claire, Wisconsin

1990-1994

On the job training, during summers, in family business (Gerke Excavating, Inc.)

1994 -1999

Laborer, Operator, Grade Foreman for Gerke Excavating, Inc.

1999 – Present

Project Supervisor, Gerke Excavating, Inc. (Responsible for Daily Scheduling of 100 to 300 personnel, Site Supervision and Client Contact).

Chad Gerke, Project Supervisor

1993-1994

On the job training, during summers, in family business (Gerke Excavating, Inc.)

1994 -1999

Laborer, Operator, Grade Foreman for Gerke Excavating, Inc.

1999 – Present

Project Supervisor, Gerke Excavating, Inc. (Responsible for Daily Scheduling of 100 to 300 personnel, Site Supervision and Client Contact).

Kim Voigt, Office Manager

1997-2000

Studied International Business/International Relations at Mankato State University, MN.

2003-2005

Studied Respiratory Therapy at Western Technical College, La Crosse Campus

2003-2009

Mail processor, print press prep at La Crosse Mail and Print Solutions.

2009-2010

Receptionist, purchase orders at Gerke Excavating, Inc.

2010-2011

Accounts Payable at Gerke Excavating.

2011-2014

Payroll at Gerke Excavating.

2014-2021

Project Coordinator, Payroll Supervisor at Gerke Excavating, Inc.

Jan. 2017-2020

Director for Tomah Area Chamber of Commerce

Jan. 2020-Present

Office Manager, Director of Administration, Contract Supervisor

Rhonda Culpitt

Gerke Excavating Inc.
Allan Gerke & Sons Inc.
Central State Construction LLC.
rrc@gerkeexcavating.com

A servant leader with experience in directing effective teams whose operational excellence, organizational, administrative and people management strengths has brought a positive team motivational atmosphere that creates a cultural and organization effectiveness. Over 20 years of logistics management experience in handling, distribution, sales, financial management, purchasing, P&L responsibility, safety, and human resources. Ten years of training, coaching, and implementing Lean methodologies to operational and logistical areas with the transportation and distribution environment as well as within the heavy construction and mining operations.

Area of Expertise

Material Management	Succession Planning	Project Management	Inventory Control
Fulfillment & Procurement	Change Management	Workforce Planning	Coaching and Mentoring
Customer Satisfaction	Distribution & Shipping	Cross-Functionally Leader	Financial Acumen
P&L Ownership	Optimization Expert	Employee Engagement	Risk Management

Accomplishments:

- Successfully managed a \$11.5M operating budget
- Handle over 60M lbs. of freight annually through the local center and 630M lbs. through the FAC
- Reduced operating cost by approximately 2% under budget
- Reduced planned maintenance cost by almost 5% under budget
- Increased customer service levels by 85% on time to 93% on time
- Improved safety performance by 50%
- Received Quality Leadership Awards
- Nominated and Received ESGR Patriot Award from the Wisconsin Army National Guard

Additional Training

Extensive Leadership and Supervisory Training
HazMat and Hazardous Waste Training
Lean Certification Training
OSHA 10 Certified
CPR & First Aid Certified
Level 1 Antiterrorism Awareness Training
OPSEC Awareness for Military Members
Trenching and Excavation Competent Person
Confined Space Entry Certified
Reasonable Suspicion Certified

RANDY L. DUNST

PO Box 159 • Bangor, WI 54614 • (712) 579-4053 • beancntr87@gmail.com

CAREER SUMMARY

Finance professional with 30 plus years experience accounting management and leadership roles in industrial organizations. Excellent technical skills and in-depth knowledge of business systems. Detail oriented with the ability to manage people, processes and projects. Demonstrated skills and expertise:

- Plant/Division/Corporate Controllershops
- Sarbanes-Oxley
- Supervision / Management / Development
- Project Management / Process Improvement
- Accounting Functional Leadership
- Six Sigma / LEAN Principles
- System Implementations
- SAP / JD Edwards / Fourth Shift

PROFESSIONAL EXPERIENCE

GERKE EXCAVATING, INC., Tomah, WI

2022 to Present

Gerke Excavation, Inc serves Western Wisconsin with comprehensive excavating services for building sites of any size. From residential to commercial, they provide excavation, grading, landfill construction services and more. The company is actually made up of 4 companies (Gerke Excavating, Inc., Allan Gerke & Sons, Inc., Permian Excavating, Inc., and Central State Construction, LLC.).

CFO

- Responsible for all treasury, banking and investment functions for all companies.
- Responsible for all accounting services functions including A/R, A/P, Invoicing, payroll processing, budgeting & forecasting, cost accounting, and financial analytics which includes the supervision of the accounting staff of 8.
- Responsible for all business insurance policies.
- Responsible for developing and implementing policies and procedures of the corporation.
- Responsible for managing the tax and audit functions with Clifton, Larson, Allen LLP.

KINZE MANUFACTURING, Williamsburg, IA

2014 to 2022

Kinze is the technology leader and innovator of farm equipment including row crop planters, grain auger carts and high speed tillage equipment.

Sr. Director of Finance/CFO, Williamsburg, IA (July 2017 to present)

- Responsible for all treasury, banking and investment functions for all Kinze.
- Responsible for all accounting services functions including A/R, A/P, Invoicing, hourly and salary payroll processing, budgeting & forecasting, cost accounting, transfer pricing and financial analytics which includes the supervision of the accounting staff (7 fulltime and 1 part-time).
- Responsible for all business insurance policies.
- Responsible for overseeing the accounting functions of the Lithuanian operation performed by the Accounting Manager and E&Y.
- Responsible for developing and implementing policies and procedures of the corporation. The most recent changes include a Travel and Entertainment Policy, Corporate Purchasing Card Policy and a Dealer Payment Terms and Credit programs.
- Responsible for the integration of the Lithuanian operation into the US policies, procedures and financial statements.
- Core member of the export team whose goal is to ensure compliance with all US and Lithuanian Laws.

- Core member of the Kinze pricing strategy team implemented to create a program to sell slow moving inventory held in Kinze and Dealer inventory's in the US and abroad.
- Responsible for managing Cost Reduction and Business Improvement Initiatives.
- Implemented Departmental, Business Unit and Global forecasting and budgeting processes to measure our financial progress against on a monthly, quarterly, annual and fiscal year basis.
- Responsible for managing the company audits in the US and Lithuania and coordinates the activities of the two CPA firms.
- Core member of the IT Infrastructure team to identify and implement projects to improve operations.
- Responsible for leading, managing and developing the Accounting and Finance Team throughout Kinze.
- Instilling an atmosphere of accountability within the accounting and finance functions.

Corporate Controller, Williamsburg, IA (March 2014 to July 2017)

MAHLE ENGINE COMPONENTS

2008 to 2014

MAHLE is a leading manufacturer of components and systems for combustion engines and is among the top three systems suppliers worldwide for piston systems, cylinder components, valve train systems, air management systems, and liquid management systems and is headquartered in Stuttgart, Germany.

Plant Controller, Atlantic, IA (December 2008 to March 2014)

Interim Plant Manager (June 2011 to October 2011)

Responsible for all facets of plant accounting as well as working with the management team to control spending and inventories. Report to the Atlantic Plant Manager as well as the North American Regional Controller.

- Responsible for onsite management of the implementation of the cost accounting, purchasing, inventory, maintenance and quality modules of SAP and a Shop Floor Data Collection program.
- Responsible for identifying cost reduction projects totaling \$753K in 2010 and \$1.4M in 2011, including leading the effort to reduce operating supplies expense, worked towards implementing a centralized store room system and reducing the raw materials inventory up to \$2.3M.
- Coordinated the Six Sigma programs for the plant.
- Preparation of all facets of the annual Economic Plan and Strategic Plans and two calendar Forecasts including the analysis and eventual presentation of the sales provided information, calculation of material requirements, development of the manufacturing and labor plans, and coordinating departmental spending budgets and the preparation of all financial statements and analytics.
- Development of a monthly Gross Margin by Customer and by part number report.
- Development of a Monthly Dash Board Report and a Daily Key Indicators Report tracking 20+ metrics that are reviewed by all levels of employees and management within the plant and company.
- Coached the Management Team to better understand the financial statements and to manage their areas based on financial goals as well as productivity metrics.
- Working closely with the management staff to turn the plant operations into a profitable facility.
- Led cross functional teams to improve inter-departmental communications and mapped current state and future state processes to implement more efficient business processes. Areas covered included the inventory cycle counting process, credit returns and holds, purchase requisition processing, shop floor labor tracking, variance analysis and budgeting and forecasting.
- Certified as a RABQSA-Certified ISO 9001:2008 Internal Auditor with an ISO/TS 16949 Automotive Emphasis.

VEYANCE TECHNOLOGIES, INC.

2005 to 2008

Formerly Engineered Products Division of the Goodyear Corporation, a global organization headquartered in Akron, OH.

Plant Controller, Norfolk, NE

Responsible for all facets of plant accounting as well as the purchasing and inventory control functions. Reported to the North American Regional Controller located at Corporate Headquarters as well as to the Norfolk Plant Manager.

- Supervised revamping of Sarbanes Oxley documentation to the VTI and PWC established standards.
- Responsible for identifying cost reduction projects totaling \$2.6MM in 2008, including leading the effort to reduce operating supplies expense and reducing the raw materials inventory up to 30%.
- Obtained training to become a Six Sigma Black Belt. Led a waste reduction team focusing on eliminating hose length variation waste.
- Attended CIS and LEAN training programs offered by VTI's corporate CIS department and became the plant contact for such activities.
- Mentored and groomed the senior accountant for a controllership position.
- Core team member of a corporate wide supply line optimization team working to improve inbound and outbound shipments and reduce inventories and freight costs in North America.
- Led cross functional teams to improve the inventory handling/tracking systems to improve the accuracy and user friendliness of the system.

WAUSAU PAPER, Wausau, WI

1995 to 2005

One of the industry's leading producers of paper and related products making a broad range of fine printing and writing, specialty products.

Manager Financial Accounting – Printing & Writing Paper Group, Wausau, WI (1998 to 2005)

Responsible for oversight of the A/P, capital, general ledger accounting, fixed asset and sales function for the division. The division consisted of three paper mills and three converting facilities, all located in North America. Reported to Group VP of Finance.

- Mentored 2 employees including encouragement to obtaining four year accounting degrees and helped them obtain supervisor status.
- Developed and enforced accounting policies and procedures.
- Served as member of JD Edwards Implementation Core Team for the General Ledger and Purchasing modules.
- Core team member of the Sarbanes Oxley Corporate Compliance project and documented Order Management, Procurement, Human Resources, Support Services, and Financial Reporting functions.
- Provided leadership to result in the following cash/financial management statistics:

	<u>2001</u>	<u>2004</u>	<u>Target</u>	<u>Ind. Ave.</u>
DWC	55.0	48.0	46.0	42.0
DSO	30.0	29.9	28.2	35.0
DPO	33.5	34.4	38.2	29.0
Inv. Turns	5.5	6.1	5.9	8.0

Manager Financial Accounting, Brokaw, WI (1996 to 1998)

Manager General Accounting, Rhinelander, WI (1995 to 1996)

PACKAGING CORPORATION OF AMERICA, Tomahawk, WI

1987 to 1995

Formerly owned by Owens Illinois, Great Northern Nekoosa, and Georgia Pacific.

Financial Accounting Supervisor (1991 to 1995)

Senior Accountant (1989 to 1991)

Staff Accountant (1987 to 1989)

EDUCATION / PROFESSIONAL DEVELOPMENT

Bachelor of Business Administration, University of Wisconsin - Eau Claire, WI

Comprehensive Accounting Major - 1987

TECHNICAL SKILLS

D & B Credit System, Microsoft Excel, Microsoft Word, FAS Asset Accounting

IBM AS/400, Sales Tracker, JD Edwards, Showcase Reporting Software

SAP, EssBase, Goodyear Certified Six Sigma Black Belt

NONCOLLUSION AFFIDAVIT OF PRIME BIDDER

State of ~~Texas~~ Wisconsin)

County of Monroe)

Jay J Gerke, being first duly sworn, deposes and says that:

(1) He/She is Secretary of Gerke Excavating Inc, the Bidder that has submitted the attached Bid;

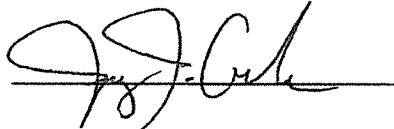
(2) He/She is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with another Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix an overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the _____ (Local Public Agency) or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed)

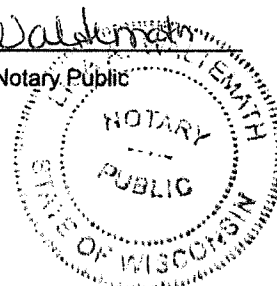


Jay J Gerke, Secretary

Title

Subscribed and sworn to me this 9th day of August, 2023.

By: Rae Walden
Notary Public



My commission expires 10/20/25

CONTRACTOR'S LOCAL OPPORTUNITY PLAN

Gerke Excavating Inc _____ (Name of Company) agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and businesses within the (City) of Kingsville.

- A. To ascertain from the City CDBG program official the exact boundaries of the project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the city the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within and servicing the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this plan in all bid documents and to require all bidders on subcontracts to submit an affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- E. To ensure that subcontracts (greater than \$10,000), which are typically let on a negotiated rather than a bid basis in areas other than the covered project area, are also let on a negotiated basis, whenever feasible, in a covered project area.
- F. To formally contact unions, subcontractors, and trade associations to secure their cooperation in this effort.
- G. To ensure that all appropriate project area business concerns are notified of pending sub-contractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this plan.
- J. To maintain records concerning the amount and number of contracts, subcontracts, and purchases which contribute to objectives.
- K. To maintain records of all projected work force needs for all phases of the project by occupation, trade, skill level, and number of positions and to update these projections based on the extent to which hiring meets these Local Opportunity objectives.

As officers and representatives of Gerke Excavating Inc (Name of Company), we the undersigned have read and fully agree to this Plan and the City Section 3 Plan, and become a party to the full implementation of the program and its provisions.

Signature 

Jay J Gerke

Printed Name

Secretary

Title

8/9/2023

Date

CONTRACTOR'S CERTIFICATION of RECOVERED MATERIAL

ACKNOWLEDGEMENT

I, Jay J Gerke (Principal's Name) of Gerke Excavating Inc (Company Name), (hereinafter called "Contractor"), acknowledge the recovered material bidding requirements found in 2 CFR 200.322 that requires the Contractor to procure those items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

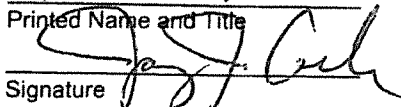
I also acknowledge that this requirement shall apply to items purchased (1) where the Contractor purchases in excess of \$10,000 of the item under this contract; or (2) where during the preceding fiscal year, the value of the quantity acquired was in excess of \$10,000.

Finally, I acknowledge the attached list of recovered materials included in the bid documents.

(For up-to-date listing, please go to <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#directory>)

Jay J Gerke, Secretary

Printed Name and Title

Signature 

8/9/2023

Date

USE OF RECOVERED MATERIAL

Please check one:

- ☐ Recovered materials are included in this bid:
Materials included _____
- ☒ Recovered materials are not reasonably available in a reasonable period of time.
- ☐ Recovered materials fail to meet reasonable performance standards, which are determined on the basis of the guidelines of the National Institute of Standards and Technology, if applicable.
- ☐ Recovered materials are only available at an unreasonable price.

Jay J Gerke, Secretary

Printed Name and Title

Signature 

8/9/2023

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Gerke Excavating Inc

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed._____
Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes☒ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 Jay J Gerke, Secretary_____
Signature of vendor doing business with the governmental entity

8/9/2023

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

CERTIFICATION REGARDING LOBBYING
COMPLIANT WITH APPENDIX A TO 24 C.F.R. PART 87*
(To be submitted with each bid or offer exceeding \$100,000)

Certification for Contracts, Grants, Loans, and Cooperative Agreements:

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance:

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the duly authorized representative of the Contractor, I hereby certify that the applicant will comply with the above applicable certification.



Signature of Contractor's Authorized Official

Jay J Gerke, Secretary

Printed Name and Title of Contractor's Authorized Official

8/9/2023

Date

*24 C.F.R. 87 App. A, available at <https://www.gpo.gov/fdsys/granule/CFR-2011-title24-vol1/CFR-2011-title24-vol1-part87-appA>. Published Apr. 1, 2011. Accessed Aug. 1, 2018.

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the sub awardee, e.g., the first sub awardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub awardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 4040-0013. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (4040-0013), Washington, DC 20503

Disclosure of Lobbying Activities

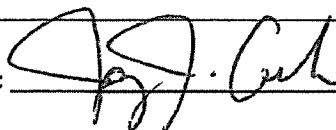
Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract <input checked="" type="checkbox"/> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: <input checked="" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For material change only: Year _____ quarter _____ Date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Sub awardee Tier _____, if Known: Gerke Excavating Inc 15341 State Hwy 131 Tomah WI 54660 Congressional District, if known:	5. If Reporting Entity in No. 4 is Sub awardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency: CDBG	7. Federal Program Name/Description: CDBG-MIT GLO Contract No. 22-082-016-D218 CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____



Print Name: Jay J Gerke

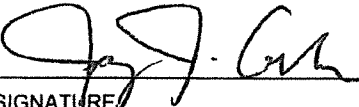
Title: Secretary

Telephone No.: 608.372.4203 Date: 8/9/2023

Federal Use Only

Authorized for Local Reproduction
Standard Form - LLL (Rev. 7-97)

CONTRACTOR CERTIFICATIONS

U.S. Department of Housing and Urban Development	
CERTIFICATION OF BIDDER REGARDING CIVIL RIGHTS LAWS AND REGULATIONS	
INSTRUCTIONS	
CERTIFICATION OF BIDDER REGARDING Executive Order 11246 and Federal Laws Requiring Federal Contractor to adopt and abide by equal employment opportunity and affirmative action in their hiring, firing, and promotion practices. This includes practices related to race, color, gender, religion, national origin, disability, and veterans' rights.	
NAME AND ADDRESS OF BIDDER (include ZIP Code) Gerke Excavating Inc 15341 State Hwy 131 Tomah WI 54660	
CERTIFICATION BY BIDDER	
Bidder has participated in a previous contract or subcontract subject to Civil Rights Laws and Regulations. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
The undersigned hereby certifies that: <input checked="" type="checkbox"/> The Provision of <u>Local Training, Employment, and Business Opportunities</u> clause (Section 3 provision) is included in the Contract. A written Section 3 plan (Local Opportunity Plan) was prepared and submitted as part of the bid proceedings (if bid equals or exceeds \$100,000). <input checked="" type="checkbox"/> The <u>Equal Opportunity</u> clause is included in the Contract (if bid equals or exceeds \$10,000).	
Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
NAME AND TITLE OF SIGNER (Please type) Jay J Gerke, Secretary 	
SIGNATURE	8/9/2023 DATE



Texas General Land Office
Community Development Block Grant (CDBG)
Disaster Recovery Program

CERTIFICATION FOR BUSINESS CONCERNS
Seeking Section 3 Preference In Contracting and
Demonstration of Capability

Economic Opportunities for Low and Very Low-Income Persons

Grantee/Subrecipient:	Contract Number:	Date:
City of Kingsville	22-082-016-D218	8/9/2023

CONTRACTOR INFORMATION

Name of Business: Gerke Excavating Inc

Address of Business: 15341 State Hwy 131 Tomah WI 54660

Type of Business: ☒ Corporation ☐ Partnership ☐ Non-Profit Consortium
☐ Sole Proprietorship ☐ Joint Venture

Attach the following documentation as evidence of Section 3 eligible status:
(Definition of "Section 3 Business Concern" in 24 CFR 135 describes the three alternative qualifications.)

For Business claiming status as a Section 3 resident-owned enterprise:

- | | |
|---|---|
| <input type="checkbox"/> Copy of resident lease | <input type="checkbox"/> Copy of receipt of public assistance |
| <input type="checkbox"/> Copy of evidence of participation in a public assistance program | <input type="checkbox"/> Other evidence |

For business entity as applicable:

- | | |
|---|---|
| <input type="checkbox"/> Copy of Articles of Incorporation | <input type="checkbox"/> Certificate of Good Standing |
| <input type="checkbox"/> Assumed Business Name Certificate | <input type="checkbox"/> Partnership Agreement |
| <input type="checkbox"/> List of owners/stockholders and % ownership of each appointed officers | <input type="checkbox"/> Corporation Annual Report |
| <input type="checkbox"/> Organization chart with names and titles and brief function statement | <input type="checkbox"/> Latest Board minutes |
| | <input type="checkbox"/> Additional documentation |

For business entity claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business(es):

- ☐ List of subcontracted Section 3 business(es) and subcontract amount

For business claiming Section 3 status, by claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

- | | |
|---|---|
| <input type="checkbox"/> List of all current full-time employees | <input type="checkbox"/> List of employees claiming Section 3 status |
| <input type="checkbox"/> PHA/IHA Residential lease less than 3 years from day of employment | <input type="checkbox"/> Other evidence of Section 3 status less than 3 years from date of employment |

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- | | |
|---|--|
| <input type="checkbox"/> Current financial statement | <input type="checkbox"/> Statement of ability to comply with public policy |
| <input type="checkbox"/> List of owned equipment | |
| <input type="checkbox"/> List of all contracts for the past two years | |

Authorized Name and Signature Jay J Gerke, Secretary

Date 8/9/2023

Attested By: Richard A Gerke, President

(Corporate Seal)

PROPOSED CONTRACTS BREAKDOWN

Type of Contracts	No. of Contracts	Approx. Total Dollar Amount	Estimated No. to local Business	Estimated \$ Amount Local Business
Materials	1	\$526,000. ⁰⁰		100%
Aggregates	1	\$50,000. ⁰⁰	100%	100%
Concrete	1	20,000. ⁰⁰		100%

ESTIMATED PROJECT WORKFORCE BREAKDOWN

Work Classifications	Total Estimated Positions	No. of Positions Currently Filled	No. of Positions not Filled	No. of Positions to fill with LMI Residents (Section 3)
Laborer	2	2	0	0
Operator	3	3	0	0
Totals	5	5	0	0

RESOLUTION # 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH GERKE EXCAVATING INC. FOR PROJECT 3 OF THE COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-016-D218.

WHEREAS, the City of Kingsville has applied for and received a Community Development Block Grant-Mitigation (CDBG-MIT) award to provide Flood & Drainage Improvements; and

WHEREAS, the City advertised for bids in the newspaper on July 20 and 27, 2023 for Project 3-18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plan;

WHEREAS, the City received three bids by the August 15, 2023 bid deadline and the City Commission awarded the bid to apparent low bidder Gerke Excavating Inc. on September 11, 2023 with a base bid of \$1,498,733.34; and

WHEREAS, the City and Gerke Excavating Inc. have negotiated a contract for the construction services bid previously awarded; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

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

SECTION 1: The City Manager is authorized to execute Construction Contract documents between the City of Kingsville, Texas and Gerke Excavating Inc. for the GLO CDBG-MIT Contract No. 22-082-016-D218, Project 3: 18"Wastewater Main Replacement to 3MGD Wastewater Treatment Plan.

SECTION 2: All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

SECTION 3: This Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission the 25th day of September, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

CONSTRUCTION CONTRACT

THIS AGREEMENT made this the 25th day of September, 2023, by and between Gerke Excavating, Inc. (a corporation organized and existing under the laws of the State of Wisconsin hereinafter called the "Contractor", and City of Kingsville hereinafter called the "City."

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

ARTICLE 1. 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 construction of the Improvements embraced in the Project; namely, (GLO SS PROJECT 3 (18" WASTEWATER MAIN REPLACEMENT TO 3MGD WWTP PROJECT) SANITARY SEWER IMPROVEMENTS (CDBG-MIT GLO CONTRACT NO. 22-082-016-D218) for the Community Development Block Grant– Mitigation (CDBG-DR) project, all in strict accordance with the contract documents including all addenda thereto, numbered n/a, dated n/a and n/a, all as prepared by International Consulting Engineers (ICE) acting and in these contract documents preparation, referred to as the "Engineer".

ARTICLE 2. The Contract Price. The City will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the *unit prices* stipulated in the Bid for the several respective items of work completed subject to additions and deductions as provided in THE BASE BID \$1,498,733.34 hereof.

ARTICLE 3. The Contract. The executed contract documents shall consist of the following components:

- | | |
|------------------------------|--|
| a. This Agreement (pgs. 1-3) | f. General Conditions, Part I |
| b. Addenda | g. Special Conditions |
| c. Invitation for Bids | h. Technical Specifications |
| d. Instructions to Bidders | i. Drawings (<i>as listed in the Schedule of Drawings</i>) |
| e. Signed Copy of Bid | j. [Add any applicable documents] |

ARTICLE 4. Performance. Work, in accordance with the Contract dated SEPTEMBER 25, 2023, shall commence on or before October 12, 2023, and Contractor shall complete the WORK within 120 consecutive calendar days thereafter. The date of completion of all WORK is therefore February 8, 2024.

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate original copies on the day and year first above written.

FOR CONTRACTOR:

Gerke Excavating, Inc.

15341 State Hwy 131
Tomah, WI 54660

By: Richard A. Gerke

Title: Owner

FOR CITY:

City of Kingsville
400 West King Ave, 78363
P.O. Box 1458
Kingsville, Tx 78364

By: Mark McLaughlin

Title: City Manager

Corporate Certifications

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 in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate
Seal

(Corporate Secretary)

AGENDA ITEM #7

**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: September 25, 2023

SUBJECT: Discuss and Consider Approving a Resolution Authorizing the updates to the Texas General Land Office Community Development Block Grant-Mitigation (CDBG-MIT) Resolution for State Contract Number 22-085-009-D237; Updating the City of Kingsville's Contributing funds to reflect that of the State Contract Matching Funds Amount and Eligible Activities in All Matter Pertaining to the City's CDBG-MIT State Contract 22-085-009-D237.

Summary:

This revised resolution will allow the City to use matching funds for eligible items in the grant such as environmental surveys and reports.

Background

On October 13, 2020, the City Commission approved a resolution to request financial assistance from any program the City may qualify for; authorizing the filing of an application for assistance; and making certain findings in connection therewith. Additionally, On October 13, 2020, the City Commission heard the introduction of an ordinance amending the City of Kingsville Drainage Master Plan (DMP).

One such program for which the city qualifies is the Community Development Block Grant – Mitigation (CDBG-MIT) program administered by the Texas General Land Office (GLO). A total of three individual applications can be submitted by the city to this program; this memo is in regard to one of those applications. The funds are intended to restore and fortify local infrastructure against damages caused by hurricanes/tropical storms/tropical depressions, severe coastal flooding, and/or riverine flooding.



**City of Kingsville
Engineering Dept.**

Improvements to the drainage infrastructure in the city are needed to prevent flooding during heavy rain events. Currently, the drainage infrastructure across the city is inadequate, resulting in water topping streets, infiltrating residential and commercial structures and damaging property. The proposed project for this application includes the demolition and removal of undersized sewer components, replacement of over 9000 feet of reinforced concrete pipe and more than 23,000 feet of box culverts in 14 locations around the city, repair of 65 storm manholes, and all associated repaving. Some curb and gutter and sidewalk work are also included. Once complete, these improvements will benefit the entire City of Kingsville.

Financial Impact:

No Financial Impact.

Recommendation:

Staff recommends approval of the resolution authorizing updates to the local matching funds and eligible activities in all matters pertaining to the City's CDBG-MIT State Contract 22-085-009-D237.

Attachments:

Resolution 2023-_____



RESOLUTION #2023- _____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE UPDATES TO THE TEXAS GENERAL LAND OFFICE COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) RESOLUTION FOR STATE CONTRACT NUMBER 22-085-009-D237; UPDATING THE CITY OF KINGSVILLE'S CONTRIBUTING FUNDS TO REFLECT THAT OF THE STATE CONTRACT MATCHING FUNDS AMOUNT AND ELIGIBLE ACTIVITIES IN ALL MATTERS PERTAINING TO THE CITY'S CDBG-MIT STATE CONTRACT 22-085-009-D237.

WHEREAS, the City Commission of the City of Kingsville passed a resolution on October 26, 2020, authorizing the submission of an application to the Community Development Block Grant-Mitigation (CDBG-MIT) to the General Land Office; and

WHEREAS, the City of Kingsville committed matching funds in cash and/or in-kind for the amount of \$366,787.00 for application activities; and

WHEREAS, the City of Kingsville was awarded a contract for the aforementioned application, State Contract No. 22-085-009-D237; and

WHEREAS, the State Contract included a matching funds obligation of \$366,787.00; and

WHEREAS, the City of Kingsville needs to update the resolution to reflect the matching funds and activities;

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

1. That the City of Kingsville update the contributing funds authorized by the Resolution passed and approved on the 26th day of October, 2020, be updated to reflect the amount stated within State Contract 22-085-009-D237 in the amount of up to \$366,787.00 in cash and/or in-kind are committed by the City of Kingsville towards contract activities including but not limited to procurement, environmental review, labor standards, real property acquisition, civil rights requirements, and construction activities.

Passed and approved this 25th day of September, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Courtney Alvarez, City Attorney
DATE: September 15, 2023
SUBJECT: Budget Amendment-Professional Services

Summary: A budget amendment is needed to cover the professional services line item through the end of the fiscal year.

Background: Due to a decreased departmental budget the last few fiscal years and a few matters referred for outside counsel this fiscal year, the professional services line item is insufficient to cover expenditures through September 30, 2023.

Financial Impact: The unappropriated fund balance for General Fund will allocate \$12,847.50 to cover this budget amendment.

Recommendation: Approve the budget amendment.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET FOR ADDITIONAL FUNDING FOR PROFESSIONAL SERVICES FOR THE LEGAL DEPARTMENT.

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#75

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
1400	Legal	Professional Services	31400	\$12,847.50	

[To amend the City of Kingsville FY 22-23 budget to appropriate additional funding for professional services for the Legal Department. Funding of \$12,847.50 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 25th day of September 2023.

PASSED AND APPROVED on this the 9th day of October 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

City of Kingsville
Public Works, Water Production Division

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: September 15, 2023

SUBJECT: Fund 051 Budget Amendment Request

Summary:

This item authorizes additional funding for emergency repairs to Water Well #24.

Background:

This well has been a great water producer averaging 850gpm. The last work done on the well pumping system was in 2016 for the installation of a new motor and minor pump repairs. The need to replace the failed motor initiated the requirement to pull the well. Upon removal of the column pipe and pump, the column pipe and pump housing were found to have excessive deterioration and in need of replacing. This budget amendment will allow for the replacement of the motor, pump and column pipe.

Financial Impact:

This will reduce unappropriated Fund 051 balance by \$94,579.98 and increase the Utility Plant account 051-5-6002-54300 by \$94,579.98.

Recommendation:

Staff is requesting approval of funds to cover emergency repairs for Water Well #24 this fiscal year.

Friedel Drilling Company
555 City of Hochheim Rd.
Yoakum, TX 77995-4824

Phone # 3612935545
Fax # 361-293-7085
E-mail fdc@friedeldrilling.com

City of Kingsville
P. O. Box 1458
Kingsville, Texas 78364

0 • C

12,436.00 +
27,800.00 +
4,830.00 +
37,400.00 +
500.00 +
1,000.00 +
5,600.00 +
4,550.00 +
98,116.00 *

Estimate

This Estimate Is Good For 15 Days

Date	Estimate #
9/11/2023	5047

Video + 4,000
pre. + 200
\$ 98,316.00

Well No. 24

NOW ACCEPTING ALL
MAJOR CREDIT CARDS

Description	Qty	Rate	U/M	Total
798 GPM 423' TDH @3450 RPM Bowl Assembly	1	12,436.00	ea	12,436.00T
125 Hp 460/3 3w 8" Franklin Motor	1	27,800.00	ea	27,800.00T
8" DI Check Valve	2	2,415.00	ea	4,830.00T
8" Black Pipe T & C	441	58.00	ft	25,578.00T
Miscellaneous Supplies	1	500.00	ea	500.00T
Hotel/Per Diem, if necessary	1	1,000.00	DA	1,000.00T
Reinstall pump equipment	16	350.00	hr	5,600.00T
Pulled pump equipment, pipe and cable (8/30/23)	13	350.00	hr	4,550.00T
Subtotal				82,294.00
 **Second Option on 8" pipe **				
8" .322w x 20' T & C Pipe (per Joint)	22	1,700.00	ea	37,400.00T
Coated ID & OD w/Tnemec N141 white, 8-12 mils DFT				

Subtotal		\$119,694.00
Sales Tax (0.0%)		\$0.00
Total		\$119,694.00

Regulated by: Texas Department of Licensing and Regulation, P. O. Box 12157,
Austin, Texas 78711, Phone: 800-803-9202 or 512-463-7880.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR EMERGENCY REPAIRS TO WATER WELL #24.

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#73

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 – Utility Fund					
6002	Water Prod	Utility Plant	54300	\$98,316.00	
6001	Water	Budget Amendment Res	86000	(\$2,005.39)	
7001	Wastewater	Budget Amendment Res	86000	(\$1,730.63)	
		Net Fund Balance		\$94,579.98	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for emergency repairs to Water Well #24. Funding of \$94,579.98 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 25th day of September 2023.

PASSED AND APPROVED on this the 9th day of October 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #10

**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: September 25, 2023

SUBJECT: Consider resolution authorizing Amendment No. 1 for Professional Services for Surveying Proposed Utility Easements Within Farm Lots 11 and 14, Section 11, Kleberg Town & Improvement Company (KT&I Co.) Subdivision.

Summary:

The Resolution will authorize Amendment No. 1 - Professional Services for Surveying proposed utility easement within Farm Lots 11 and 14, Section 11, KT&I Co. Subd. Project includes three (3) additional Utility Easements for providing wastewater services for future development on the east side of Interstate 69. As the City Commission approved the original surveying agreement via Resolution #2023-31 on May 8, 2023, the City Commission's approval of this amendment is now needed.

Financial Impact:

The unappropriated fund balance of Utility Fund will allocate \$9,500.00 to cover the budget amendment for Amendment No.1 to the Professional Services Surveying Agreement.

Recommendation:

Staff recommends approval of the Resolution authorizing Amendment No. 1 - Professional Services for Surveying for the purpose stated above.

Attachments:

Amendment No 1



RESOLUTION #2023- 31

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPOSAL FOR SERVICES WITH ARDURRA GROUP, INC. FOR A UTILITY EASEMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") plans to propose a utility easement for the future development of wastewater services on the east side of U.S. Highway 77/Interstate 69 in Kingsville, Texas; and

WHEREAS, in order to propose a utility easement, it is necessary to obtain the services of a professional surveyor to perform the utility easement survey work; and

WHEREAS, the City contacted Ardurra Group, Inc. (formerly LNV, LLC) and received a proposal from their survey division for the proposed utility easement work in an amount not to exceed \$14,250.00 that is to be paid from the Utility Fund; and

WHEREAS, the company's references have been verified and the firm has previously performed work satisfactorily for the City;

WHEREAS, staff has negotiated a contract for a fair and reasonable price and now brings the contract back before City Commission for approval.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute a Proposal for Services with Ardurra Group, Inc. for a Utility Easement in accordance with Exhibit A hereto attached and made a part thereof.

II.

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

III.

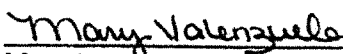
THAT this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the
____ 8th day of ____ May ___, 2023.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary

APPROVED AS TO FORM:



Courtney Alvarez, City Attorney



PROPOSAL FOR SERVICES

April 24, 2023

City of Kingsville
400 W. King Avenue / P.O. Box 1458
Kingsville, TX 78364

Attn: Rutilio "Rudy" P. Mora, Jr, PE, CFM – City Engineer

In response to your request, Ardurra Group, Inc – Survey Division (formerly LNV, LLC) is proposing the following scope of services for the new sanitary forcemain easement to be located between E. Santa Gertrudis and E. Kennedy Avenue just east of Highway 77, in Kingsville, Texas.

SCOPE OF SERVICES

- Ardurra shall perform the boundary work to establish the right-of-way of Kenedy Avenue along with identifying the route of the existing sanitary sewer effluent line between the waste water treatment plant and Kenedy Avenue.
- Ardurra shall also submit a One-Call utility locate ticket for the city and third party utility locators to mark their utilities along the route.
 - To perform this work, Ardurra will need permission from the adjoining land owners south of the waste water treatment plant and east of Tranquitas Creek.
- Ardurra shall prepare a survey exhibit and legal description of said easement and submit to the client for their use.
- Ardurra shall receive a 24 to 48 hour notice for scheduling purposes and coordination for site access to begin survey work.
- Any additional surveying services related to design services, bidding, and/or contract administration shall be performed at our standard hourly rates according to the latest Ardurra standard rate sheet, only upon authorization by Client.
- Optional – In the event utility location is required, Ardurra shall provide the Client with hydro excavation services along the route between the waste water treatment plant and Kenedy Avenue, assuming 4 potholes at locations To Be Determined at a later date.
 - Hydro excavation service includes disposal of old material, new backfill material (assuming non paved areas), and mobilization to and from site.



ESTIMATE OF COST

Ardurra proposes to perform the above listed Scope of Services for a lump sum fee as indicated below;

- **Surveying Services**

- Fieldwork, Utilities, and CAD file \$5,250
- New Utility Easement (for new sanitary forcemain) \$3,500
- Optional – Hydro excavation services \$5,500
 - (includes 4 potholes at locations TBD)

Base Bid = \$8,750 (assuming sales tax exempt)

Base Bid + Option = \$14,250 (assuming sales tax exempt)

Any additional work not listed in the above Scope of Services will be performed in accordance with our current contract rate schedule, only upon authorization by Client.

If you are in agreement with our proposal, please provide a Task Order to serve as our authorization to proceed. We appreciate the opportunity to work with you and look forward to providing you with our services. If you have any questions, please feel free to contact me at 361.883.1984 or by email, Scanales@ardurra.com

Sincerely,

Ardurra Group, Inc.

By: Sergio Z. Canales, RPLS

Its: Senior Survey Manager

Mark McLaughlin, City Manager

RESOLUTION #2023-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO.1 FOR SURVEYING SERVICES WITH ARDURRA GROUP, INC. FOR UTILITY EASEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") plans to propose a utility easement for the future development of wastewater services on the east side of U.S. Highway 77/Interstate 69 in Kingsville, Texas; and

WHEREAS, in order to propose a utility easement, it is necessary to obtain the services of a professional surveyor to perform the utility easement survey work; and

WHEREAS, the City contacted Ardurra Group, Inc. (formerly LNV, LLC) and received a proposal from their survey division for the proposed utility easement work, which was previously approved by Commission via Resolution #2023-31 on May 8, 2023; and

WHEREAS, the City now needs three additional utility easements for providing wastewater services for future development on the east side of Interstate 69 and Adurra has proposed Amendment No.1 in an amount not to exceed \$9,500.00 that is to be paid from the Utility Fund; and

WHEREAS, staff has negotiated a contract for a fair and reasonable price and now brings the contract back before City Commission for approval.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute Amendment No.1 for Surveying Services with Ardurra Group, Inc. for a Utility Easement in accordance with Exhibit A hereto attached and made a part thereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
____ 25th day of September, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



AMENDMENT NO. 1

August 16, 2023

City of Kingsville
400 W. King Avenue / P.O. Box 1458
Kingsville, TX 78364

Attn: Rutilio "Rudy" P. Mora, Jr, PE, CFM – City Engineer

In response to your request, Ardurra Group, Inc – Survey Division (formerly LNV, LLC) is proposing the following amendment for the new sanitary forcemain easement to be located between E. Santa Gertrudis and E. Cesar Avenue just east of Highway 77, in Kingsville, Texas. (Reference Ardurra Job No. 230115.000.2)

SCOPE OF SERVICES

- Original project limits was from E. Santa Gertrudis to E. Kenedy Avenue, and now shall extend south to E. Cesar Avenue as requested by Client.
- Ardurra shall perform the boundary work to establish the best route for the proposed sanitary sewer forcemain, which shall extend from the existing wastewater treatment plant on E. Santa Gertrudis and continue south to E. Cesar Avenue for a proposed site development, by a third-party developer, at the intersection of Highway 77.
- Ardurra shall also submit a One-Call utility locate ticket for the city and third-party utility locators to mark their utilities along the route.
 - To perform this work, Ardurra will need permission from the adjoining land owners along the proposed route which extends south of the waste water treatment plant to E. Cesar Avenue.
- Ardurra shall prepare a survey exhibit and legal description of said easements and submit to the Client for their use. Proposed route assumes 4 easements shall be required.
- Ardurra shall receive a 24 to 48 hour notice for scheduling purposes and coordination for site access to begin survey work.
- Any additional surveying services related to design services, bidding, and/or contract administration shall be performed at our standard hourly rates according to the latest Ardurra standard rate sheet, only upon authorization by Client.
- Optional – In the event utility location is required, Ardurra shall provide the Client with hydro excavation services along the proposed route between the waste water treatment plant and Cesar Avenue. Utility locations To Be Determined at a later date.
 - Hydro excavation service includes disposal of old material, new backfill material (assuming non paved areas), and mobilization to and from site.



ESTIMATE OF COST

Ardurra proposes to perform the above listed Scope of Services for a lump sum fee as indicated below;

- **Surveying Services**

- Original Scope of Services \$14,250
 - Includes Fieldwork, Utilities, and CAD file
 - Includes (1) New Utility Easement
 - Removal of hydro excavation option (see option below)
 - See Attachment (City Resolution #2023-31, approved May 8, 2023)

- **Additional Services**

- Fieldwork, Utilities, and CAD file No Charge
- New Utility Easements (assume 3 easements) \$9,500
- Optional – Hydro excavation services TBD
 - (Service To Be Determined by Client)
 - (Separate Amendment shall be issued for this service, if needed)

Additional Services = \$9,500 (assuming sales tax exempt)

Any additional work not listed in the above Scope of Services will be performed in accordance with our current contract rate schedule, only upon authorization by Client.

If you are in agreement with our proposal, please provide a Task Order to serve as our authorization to proceed. We appreciate the opportunity to work with you and look forward to providing you with our services. If you have any questions, please feel free to contact me at 361.883.1984 or by email, Scanales@ardurra.com

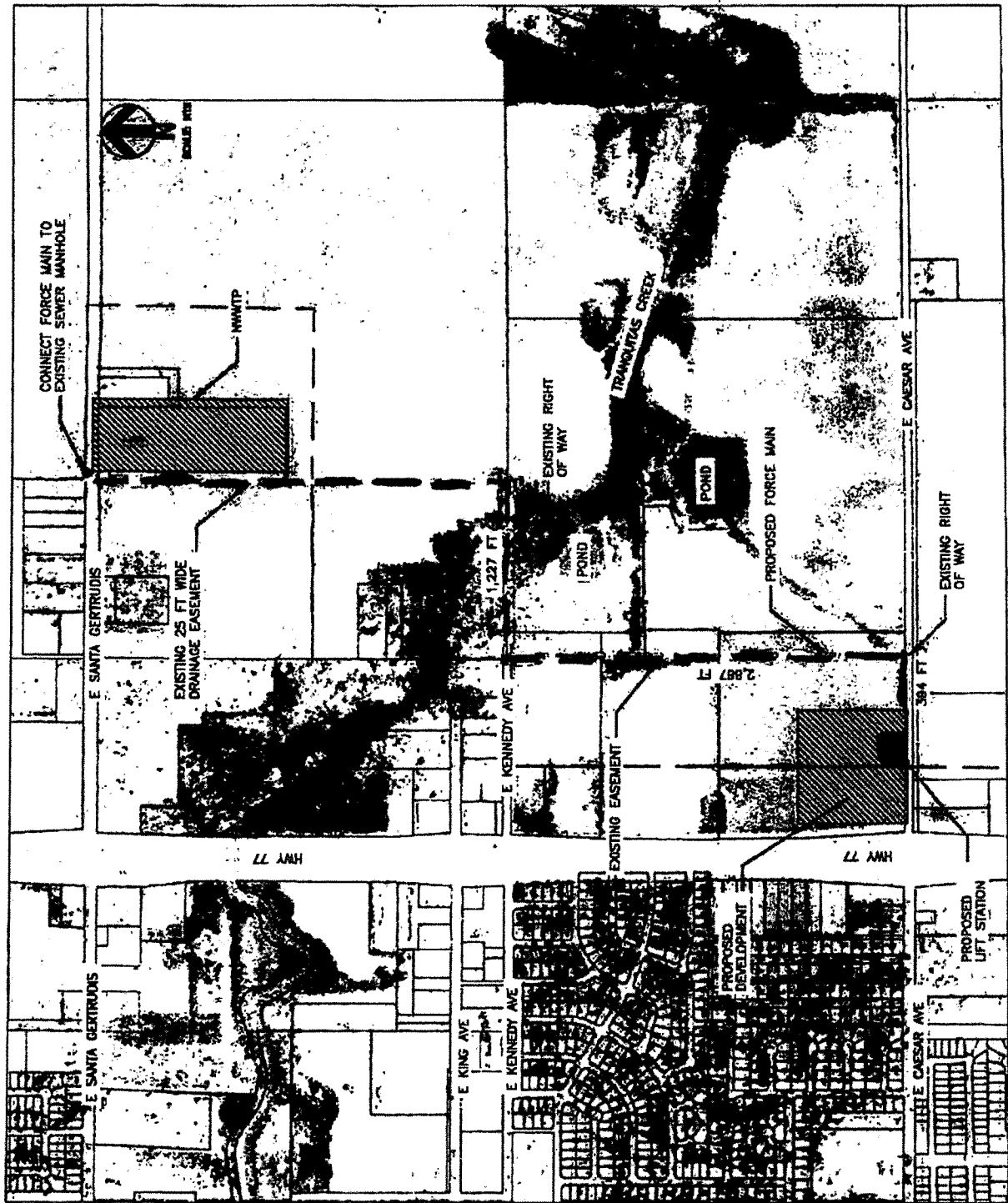
Sincerely,



Ardurra Group, Inc.

By: Sergio Z. Canales, RPLS

Its: Senior Survey Manager



AGENDA ITEM #11

**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: September 25, 2023

SUBJECT: Consider introduction of an ordinance amending the Fiscal Year 2022-2023 budget to cover Amendment No. 1 for Professional Services for Surveying Proposed Utility Easements Within Farm Lots 11 and 14, Section 11, Kleberg Town & Improvement Company (KT&I Co.) Subdivision.

Summary:

The Budget Amendment will be allocated for Amendment No. 1 - Professional Services for Surveying proposed utility easement within Farm Lots 11 and 14, Section 11, KT&I Co. Subd. Project includes three (3) additional Utility Easements for providing wastewater services for future development on the east side of Interstate 69.

Financial Impact:

The unappropriated fund balance of Utility Fund will allocate \$9,500.00 to cover Amendment No.1.

Recommendation:

Staff recommends approval of the Budget Amendment.

Attachments:

Ordinance No. 2023-_____
Amendment No 1



RESOLUTION #2023- 31

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPOSAL FOR SERVICES WITH ARDURRA GROUP, INC. FOR A UTILITY EASEMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") plans to propose a utility easement for the future development of wastewater services on the east side of U.S. Highway 77/Interstate 69 in Kingsville, Texas; and

WHEREAS, in order to propose a utility easement, it is necessary to obtain the services of a professional surveyor to perform the utility easement survey work; and

WHEREAS, the City contacted Ardurra Group, Inc. (formerly LNV, LLC) and received a proposal from their survey division for the proposed utility easement work in an amount not to exceed \$14,250.00 that is to be paid from the Utility Fund; and

WHEREAS, the company's references have been verified and the firm has previously performed work satisfactorily for the City;

WHEREAS, staff has negotiated a contract for a fair and reasonable price and now brings the contract back before City Commission for approval.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute a Proposal for Services with Ardurra Group, Inc. for a Utility Easement in accordance with Exhibit A hereto attached and made a part thereof.

II.

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

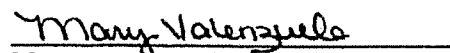
III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
8th day of May, 2023.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney



PROPOSAL FOR SERVICES

April 24, 2023

City of Kingsville
400 W. King Avenue / P.O. Box 1458
Kingsville, TX 78364

Attn: Rutilio "Rudy" P. Mora, Jr, PE, CFM – City Engineer

In response to your request, Ardurra Group, Inc – Survey Division (formerly LNV, LLC) is proposing the following scope of services for the new sanitary forcemain easement to be located between E. Santa Gertrudis and E. Kennedy Avenue just east of Highway 77, in Kingsville, Texas.

SCOPE OF SERVICES

- Ardurra shall perform the boundary work to establish the right-of-way of Kenedy Avenue along with identifying the route of the existing sanitary sewer effluent line between the waste water treatment plant and Kenedy Avenue.
- Ardurra shall also submit a One-Call utility locate ticket for the city and third party utility locators to mark their utilities along the route.
 - To perform this work, Ardurra will need permission from the adjoining land owners south of the waste water treatment plant and east of Tranquitas Creek.
- Ardurra shall prepare a survey exhibit and legal description of said easement and submit to the client for their use.
- Ardurra shall receive a 24 to 48 hour notice for scheduling purposes and coordination for site access to begin survey work.
- Any additional surveying services related to design services, bidding, and/or contract administration shall be performed at our standard hourly rates according to the latest Ardurra standard rate sheet, only upon authorization by Client.
- Optional – In the event utility location is required, Ardurra shall provide the Client with hydro excavation services along the route between the waste water treatment plant and Kenedy Avenue, assuming 4 potholes at locations To Be Determined at a later date.
 - Hydro excavation service includes disposal of old material, new backfill material (assuming non paved areas), and mobilization to and from site.



ESTIMATE OF COST

Ardurra proposes to perform the above listed Scope of Services for a lump sum fee as indicated below;

- **Surveying Services**
 - Fieldwork, Utilities, and CAD file \$5,250
 - New Utility Easement (for new sanitary forcemain) \$3,500
 - Optional – Hydro excavation services \$5,500
 - (includes 4 potholes at locations TBD)

Base Bid = \$8,750 (assuming sales tax exempt)

Base Bid + Option = \$14,250 (assuming sales tax exempt)

Any additional work not listed in the above Scope of Services will be performed in accordance with our current contract rate schedule, only upon authorization by Client.

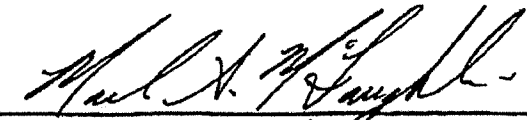
If you are in agreement with our proposal, please provide a Task Order to serve as our authorization to proceed. We appreciate the opportunity to work with you and look forward to providing you with our services. If you have any questions, please feel free to contact me at 361.883.1984 or by email, Scanales@ardurra.com

Sincerely,



Ardurra Group, Inc.

By: Sergio Z. Canales, RPLS
Its: Senior Survey Manager



Mark McLaughlin, City Manager

RESOLUTION #2023-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO.1 FOR SURVEYING SERVICES WITH ARDURRA GROUP, INC. FOR UTILITY EASEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") plans to propose a utility easement for the future development of wastewater services on the east side of U.S. Highway 77/Interstate 69 in Kingsville, Texas; and

WHEREAS, in order to propose a utility easement, it is necessary to obtain the services of a professional surveyor to perform the utility easement survey work; and

WHEREAS, the City contacted Ardurra Group, Inc. (formerly LNV, LLC) and received a proposal from their survey division for the proposed utility easement work, which was previously approved by Commission via Resolution #2023-31 on May 8, 2023; and

WHEREAS, the City now needs three additional utility easements for providing wastewater services for future development on the east side of Interstate 69 and Adurra has proposed Amendment No.1 in an amount not to exceed \$9,500.00 that is to be paid from the Utility Fund; and

WHEREAS, staff has negotiated a contract for a fair and reasonable price and now brings the contract back before City Commission for approval.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute Amendment No.1 for Surveying Services with Ardurra Group, Inc. for a Utility Easement in accordance with Exhibit A hereto attached and made a part thereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
25th day of September, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



AMENDMENT NO. 1

August 16, 2023

City of Kingsville
400 W. King Avenue / P.O. Box 1458
Kingsville, TX 78364

Attn: Rutilio "Rudy" P. Mora, Jr, PE, CFM – City Engineer

In response to your request, Ardurra Group, Inc – Survey Division (formerly LNV, LLC) is proposing the following amendment for the new sanitary forcemain easement to be located between E. Santa Gertrudis and E. Cesar Avenue just east of Highway 77, in Kingsville, Texas.
(Reference Ardurra Job No. 230115.000.2)

SCOPE OF SERVICES

- Original project limits was from E. Santa Gertrudis to E. Kenedy Avenue, and now shall extend south to E. Cesar Avenue as requested by Client.
- Ardurra shall perform the boundary work to establish the best route for the proposed sanitary sewer forcemain, which shall extend from the existing wastewater treatment plant on E. Santa Gertrudis and continue south to E. Cesar Avenue for a proposed site development, by a third-party developer, at the intersection of Highway 77.
- Ardurra shall also submit a One-Call utility locate ticket for the city and third-party utility locators to mark their utilities along the route.
 - To perform this work, Ardurra will need permission from the adjoining land owners along the proposed route which extends south of the waste water treatment plant to E. Cesar Avenue.
- Ardurra shall prepare a survey exhibit and legal description of said easements and submit to the Client for their use. Proposed route assumes 4 easements shall be required.
- Ardurra shall receive a 24 to 48 hour notice for scheduling purposes and coordination for site access to begin survey work.
- Any additional surveying services related to design services, bidding, and/or contract administration shall be performed at our standard hourly rates according to the latest Ardurra standard rate sheet, only upon authorization by Client.
- Optional – In the event utility location is required, Ardurra shall provide the Client with hydro excavation services along the proposed route between the waste water treatment plant and Cesar Avenue. Utility locations To Be Determined at a later date.
 - Hydro excavation service includes disposal of old material, new backfill material (assuming non paved areas), and mobilization to and from site.



ESTIMATE OF COST

Ardurra proposes to perform the above listed Scope of Services for a lump sum fee as indicated below;

- **Surveying Services**

- Original Scope of Services \$14,250
 - Includes Fieldwork, Utilities, and CAD file
 - Includes (1) New Utility Easement
 - Removal of hydro excavation option (see option below)
 - See Attachment (City Resolution #2023-31, approved May 8, 2023)

- **Additional Services**

- Fieldwork, Utilities, and CAD file No Charge
- New Utility Easements (assume 3 easements) \$9,500
- Optional – Hydro excavation services TBD
 - (Service To Be Determined by Client)
 - (Separate Amendment shall be issued for this service, if needed)

Additional Services = \$9,500 (assuming sales tax exempt)

Any additional work not listed in the above Scope of Services will be performed in accordance with our current contract rate schedule, only upon authorization by Client.

If you are in agreement with our proposal, please provide a Task Order to serve as our authorization to proceed. We appreciate the opportunity to work with you and look forward to providing you with our services. If you have any questions, please feel free to contact me at 361.883.1984 or by email, Scanales@ardurra.com

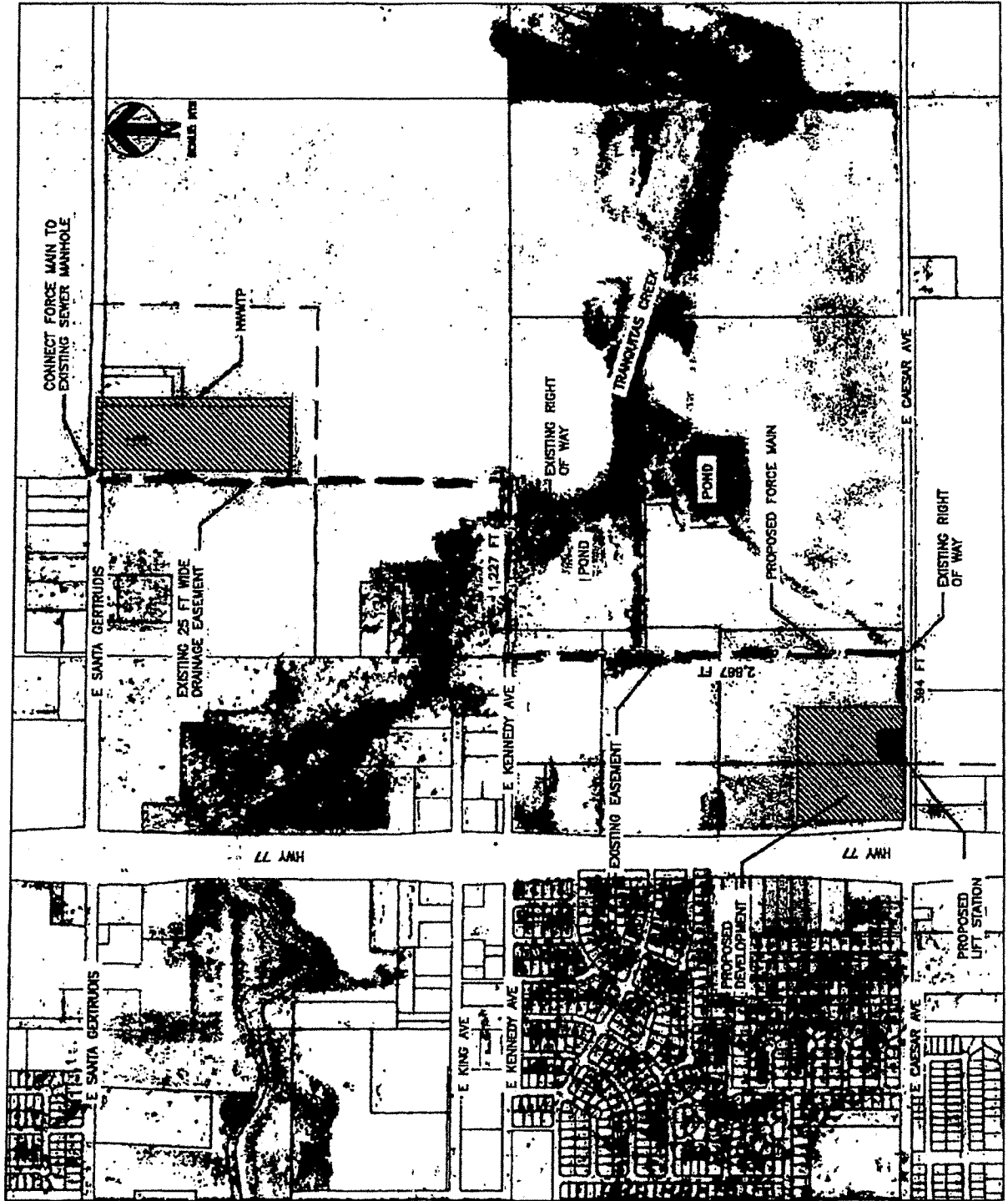
Sincerely,



Ardurra Group, Inc.

By: Sergio Z. Canales, RPLS

Its: Senior Survey Manager



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR SURVEYING COSTS FOR THE PROPOSED UTILITY EASEMENTS WITHIN FARM LOTS 11 AND 14, SECTION 11, KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION.

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#74

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 – Utility Fund					
7001	Waste Water	Professional Services	31400	\$9,500.00	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for surveying costs. Funding of \$9,500.00 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 25th day of September 2023.

PASSED AND APPROVED on this the 9th day of October 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #12