

MAY 22, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 22, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Hector Hinojosa, Commissioner
Norma N. Alvarez, Commissioner
Ann Marie Torres, Commissioner

CITY COMMISSION/STAFF ABSENT:

Sam R. Fugate, Mayor
Edna Lopez, Commissioner
Mark McLaughlin, City Manager

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Bill Donnell, Public Works Director
Susan Ivy, Parks Director
Mike Mora, Capital Improvements Manager
Diana Gonzales, Human Resources Director
Ricardo Torres, Chief of Police
Joseph Ramirez, Engineers Assistant
Janine Reyes, Tourism Director
Kwabena Agyekum, Interim Director of Planning & Development Services/Senior Planner/HPO

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Pro Tem Hinojosa opened the meeting at 5:00 P.M. with three Commission members present. Mayor Fugate and Commissioner Lopez 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 May 8, 2023**

Motion made by Commissioner Alvarez to approve the minutes of May 8, 2023, as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres Hinojosa voting “FOR”.

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

1. Public hearing on request for alcohol variance for Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for 1102 E. Yoakum Ave., Kingsville, Texas, also known as Beto's Community Meat Market. (Interim Director of Planning & Development Services).

Mayor Pro Tem Hinojosa read and opened this public hearing at 5:02 P.M.

Mr. Kwabena Agyekum, Interim Director of Planning & Development Services/Senior Planner/HPO, stated that this location has been sold therefore requiring the new owner to apply for an alcohol license. Notices were mailed to those within the 300-foot radius and staff received no feedback from those notified.

Mayor Pro Tem Hinojosa 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 Pro Tem Hinojosa closed this public hearing at 5:04 P.M.

2. Public hearing on request for Special Use Permit for New Cell Tower in C-2 (Retail) at Clyde, Block 4, Lot 6-8, (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, Texas. David Petrakovitz for Vertical Bridge, Applicant/Agent. (Interim Director of Planning & Development Services).

Mayor Pro Tem Hinojosa read and opened this public hearing at 5:04 P.M.

Mr. Agyekum stated that the applicant is requesting the re-plat of an existing property, subdividing it into two lots of which 50 feet by 50 feet will be used for a wireless telecommunication tower. The proposal as presented to the department would involve creating two properties each with their address. Currently, there is a building on the

property, but the replat would ensure each lot has its own defined boundary so that Vertical Bridge can install a cell phone tower on the property to serve the City of Kingsville. This property is currently zone C2-Retail. He further commented that the tower will be silent and will not attract birds around it. The Planning & Zoning Commission has met on this item and has voted unanimously to approve the item.

Commissioner Alvarez asked if Flanagan's was a closed business. Mr. Agyekum responded that it is not closed, but it is a big property. Part of the parcel will be used to place the tower.

Commissioner Torres asked if citizens around this location were notified of such a request. Mr. Agyekum responded that letters went out and staff had not received any feedback from those that received the notification.

Mr. Bev Frances of VB BTS II, LLC gave a presentation on the purposed telecommunication tower. With the average household having multiple devices and over 60% across the nation, households have disconnected landline phone lines. With the use of smart utility meters and wireless home security systems and certain medical devices, wireless connectivity has increased. Over 85% of E911 calls are made by a wireless device as well as receiving reverse E911 alerts. One of the industries that are taking advantage of this massive growth of technology and information is telemedicine. Telemedicine is the epitome of technology-driven healthcare and serves as a literal lifeline for thousands of people who live in rural areas and do not have access to proper medical facilities. The tower is designed to accommodate additional carriers such as AT&T, Verizon, and Dish. The proposed tower will help provide high-speed data to cell phone users in the area of the tower while the city works through its current own high-speed provision program. Mr. Frances further stated that with the growth that Kingsville will have there is a significant demand for wireless service.

Mr. Gustavo Garcia representative for T-Mobile discussed and displayed a map showing coverage areas in Kingsville that are currently covered.

Commissioner Torres asked if this would assist with 5G and 6G. Mr. Garcia responded yes, but 6G is still some time away.

There were some questions regarding the maintenance of the tower and area. Mr. Frances stated that there will be a maintenance program to make sure that the tower and area stay maintained.

Commissioner Alvarez asked if there is something in place to keep kids from climbing the tower. Mr. Frances stated that for someone to reach the steps to climb up, a truck would be needed to reach those steps.

Commissioner Hinojosa asked when construction would begin. Mr. Frances responded that as soon as possible but need certain things to be done first.

Mayor Pro Tem Hinojosa 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 Pro Tem Hinojosa closed this public hearing at 5:30 P.M.

III. Reports from Commission & Staff.²

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

IV. Public Comment on Agenda Items.³

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

Krystal Emery, 1620 S. 11th Street commented that she attended the State of the City on behalf of the President of Texas A&M University-Kingsville and as a Chamber of Commerce member. She thanked Mayor Fugate for giving an update on what is going on around the city. She further commented that she looks forward to the State of the County coming soon.

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)

Commissioner Alvarez asked if certain items could be removed from the consent agenda, can the other items be approved.

Ms. Alvarez responded that this was correct.

Commissioner Torres requested that agenda items 5 and 6 be removed from the consent agenda as she does not recall receiving information on these two items.

Mayor Pro Tem Hinojosa commented that normally, the Commission does not get information on these as they are reappointments.

Commissioner Alvarez asked if these two items could be tabled until all five members of the commission are present.

Ms. Alvarez commented that items 5 and 6, are individuals who are already serving on these boards and are interested in remaining on these boards. If the commission desire to only approve certain items on the consent and pull certain items to the regular portion of the agenda, they may do so.

Commissioner Torres commented that she was confused as there had been some appointments that had been brought forth for approval and weren't sure if these two had been brought to the commission for approval in the past.

Ms. Alvarez explained that if there are new appointments, those appointments are placed in the regular section of the agenda, as the commission would like to know who the individual is and maybe have them present at the meeting. Since these are reappointments, they are usually placed under the consent agenda.

Motion made by Commissioner Torres to approve consent agenda items 1, 2, 3, 4, and 7 only, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for utility easement surveying costs. (City Engineer).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for the increase in All-Risk and Windstorm Property Insurance effective May 2023. (Human Resources Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to reclass donation from General Fund 001 to Park Maintenance Fund 093. (Finance Director).

4. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for first interest payment on the Water Meter Project Certificates of Obligation. (Finance Director).

5. Motion to approve the reappointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia as regular members of the Board of Adjustment for two-year terms. (Interim Director of Planning & Development Services).

Commissioner Alvarez asked if there was a way that they could table this item until all five members of the commission were present. She further asked if it would be best to table the item or just take no discussion or action on the item.

Ms. Alvarez responded that if an item is tabled, as per Roberts Rules of Order, the tabled item must come back at the following meeting, which will be placed on the agenda for June 12, 2023.

Motion made by Commissioner Alvarez to table agenda item #5, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa voting "FOR".

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

Motion made by Commissioner Torres to table agenda item #6 until June 12, 2023, agenda, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

7. Motion to approve a resolution of the City of Kingsville, Texas approving Title VI/Non-Discrimination Policy for the City of Kingsville and authorizing the City Manager to appoint a Title VI/ADA Coordinator and set the role and responsibilities of the assignment. (for grant compliance). (Human Resources Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider accepting the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2021-2022. (Finance Director).

Mrs. Margaret Kelly of John Womack & Company, P.C. went over the city's Annual Comprehensive Financial Report for the year ended September 30, 2022. Overall, the city is doing well in the General and Utility Funds. Total assets for the General Fund are down \$484,000 due to the restricted pooled cash last year the city had tax note series 2020-2021. Total liabilities are down \$28,000 from last year. The deferred inflows resources are up \$69,000; the net effect of that is the fund balance in the general fund is down \$526,000 from last year. Total revenues are up \$1.3 million with total expenditure increasing to \$1.2 million. Other financial sources and uses are down \$1.3 million due to last year the city had the proceeds from the issuance of debt of \$1.3 million. The net change in fund balances shows a decrease of \$526,000, a decrease to the fund balance from the prior year. All other funds are tracking along as expected. The debt service fund is paying out as expected. Proprietary funds, current assets are up \$2.3 million with total assets up \$3 million. Deferred outflows of resources are up \$72,000 and total current liabilities are up by \$452,000. Long-term liabilities are paying off and down \$854,000 making a total decrease of \$500,000 in total liabilities. The unrestricted net position is up \$1.7 million from last year, in the utility fund. Operating revenues are up \$1 million and operating expenses are up \$1.2 million, showing an operating loss of \$200,000. Non-operating revenues and expenses are down \$70,000 from the prior year. Mrs. Kelly further stated that there were no findings or questioned costs in the current year.

Mr. Womack thanked the city staff for all their assistance in the preparation of this report.

Motion made by Commissioner Alvarez to accept the Annual Comprehensive Financial Report of the City of Kingsville for Fiscal Year 2021-2022 as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

9. Consider request for alcohol variance for Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for 1102 E. Yoakum Ave., Kingsville, Texas, also known as Beto's Community Meat Market. (Interim Director of Planning & Development Services).

Motion made by Commissioner Alvarez to approve the request for alcohol variance for Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for 1102 E. Yoakum Ave., Kingsville, Texas, also known as Beto's Community Meat Market, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

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

Ms. Alvarez commented that the Planning and Zoning Commission heard this item during their P&Z meeting and voted unanimously to recommend approval.

Commissioner Alvarez asked if NAS Kingsville has been notified of this. Ms. Alvarez responded yes.

Introduction item.

11. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between Counties and Cities Associated with Operation Lone Star for Law Enforcement Services. (Police Chief).

Motion made by Commissioner Torres to approve the resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between Counties and Cities Associated with Operation Lone Star for Law Enforcement Services, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa voting "FOR".

12. Consider out-of-state travel for Police Department IT Manager to attend Digital Evidence Investigation Course at the National Computer Forensic Institute in Hoover, Alabama May 14th-20th, 2023. (US Secret Service covering cost of travel; course notification received 5/09/22). (Police Chief).

Mr. Ricardo Torres, Police Chief stated that the Kingsville Police Department, to keep up with cyber technology and investigations related to technology, has partnered with the US Secret Service to provide training for its IT Manager. IT Manager, Noe Sosa was able to attend the Forensic Scripting Course at the National Computer Forensic Institute in Alabama in September 2022. Mr. Sosa signed up to attend additional courses and received an email notification on May 9th of a cancellation by an attendee to a training course. The course took place from May 15th through May 19, 2023. All costs related to this training will be covered by the US Secret Service.

Motion made by Commissioner Alvarez to approve out-of-state travel for Police Department IT Manager to attend Digital Evidence Investigation Course at the National Computer Forensic Institute in Hoover, Alabama May 14th-20th, 2023. (US Secret Service covering cost of travel; course notification received 5/09/22), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

13. Consider out-of-state travel for Police Department IT Manager to attend Cyber Investigative Techniques Course at the National Computer Forensic Institute in Hoover, Alabama June 18th-23rd, 2023. (US Secret Service covering cost of travel). (Police Chief).

Chief Torres stated that Mr. Noe Sosa has received notification to attend training at NCFI covering Linux for Cyber Investigative Techniques from Jun 18th through June 23, 2023. All costs related to this training will be covered by the US Secret Service.

Motion made by Commissioner Torres to approve out-of-state travel for Police Department IT Manager to attend Cyber Investigative Techniques Course at the National Computer Forensic Institute in Hoover, Alabama June 18th-23rd, 2023. (US Secret Service covering cost of travel), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa voting "FOR".

14. Consider accepting donation of \$15,000 from Brookshire Foundation for Parks recreational programs and equipment. (Parks Director).

Motion made by Commissioner Torres to accept donation of \$15,000 from Brookshire Foundation for Parks recreational programs and equipment, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa voting "FOR".

15. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expand the donation from the Brookshire Foundation for recreational programs and equipment. (Parks Director).

Introduction item.

16. Consider accepting donation from Cherry Tree Tea Room for ball league expenses. (Parks Director).

Motion made by Commissioner Alvarez to accept donation from Cherry Tree Tea Room for ball league expenses, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

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

Introduction item.

18. Consider reallocation of ARP Funds for Parks from trail project to Brookshire Pool improvements. (Parks Director).

Mrs. Ivy stated that this is a request to reappropriate funds from ARP to replace the diving board and base, repair the line for the sand filter, repair coping at the kiddie pool, and replace the pool pump which went out today. The condition of the diving board has deteriorated quicker than expected this year and needs to be replaced immediately. The lift chair is not working and needs to be replaced as well, as required by law.

Motion made by Commissioner Alvarez to approve the reallocation of ARP Funds for Parks from trail project to Brookshire Pool improvements, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa voting "FOR".

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

Mr. Bill Donnell, Public Works Director stated that the drought contingency plan is updated every five years, which is a requirement of TCEQ. This update brings public awareness of possible actions and restrictions during water shortages to protect public health, safety, and welfare.

Introduction item.

20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Sections 100-103, providing for updated information in the Water Conservation Management Plan. (Public Works Director).

Mr. Donnell stated that the water conservation management plan identifies water conservation goals and plans. This plan is a requirement as part of TCEQ compliance and is required to be updated every five years. This conservation plan updates the water service capacities, water supply sources, and wastewater treatment facilities including goals and long-range plans by the City of Kingsville.

Introduction item.

21. Consider a resolution authorizing the city to submit an application to the Department of Defense's Defense Community Infrastructure Pilot Program for the purpose of requesting grant funding for North Waste Water Treatment Plant Rehabilitation Project. (City Engineer).

Mr. Mike Mora, Capital Improvements Manager stated that this item authorizes the city to apply for a grant as per the DOD DCIP Program's Notice of Funding Opportunity (NOFO) for the City of Kingsville. The DCIP Program is designed to address deficiencies in community infrastructure, and supportive of a military installation, to enhance military value, installation resilience, and military family quality of life. The project being considered for submittal to the DCIP is the North Wastewater Treatment Plant Rehabilitation Project.

Motion made by Commissioner Torres to approve the resolution authorizing the city to submit an application to the Department of Defense's Defense Community Infrastructure Pilot Program for the purpose of requesting grant funding for North Wastewater Treatment Plant Rehabilitation Project, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Alvarez, Hinojosa voting "FOR".

22. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for Legal Professional Services. (City Attorney).

Ms. Alvarez stated that in prior years the professional services line item usually ran at a request and funded by Commission level of \$23,000 to \$25,000. Over the last three years, all departments have been asked to cut a certain percentage of their budget, which is one of the line items that was cut from the department. With not knowing what items may come up that require to be contracted out and with the contract assistant city attorney to handle Municipal Court, it is anticipated to be a shortfall between what we currently have and the bills coming in and not knowing what may happen between now and the end of the fiscal year is the reason for the request of \$5,000.

Commissioner Hinojosa asked if collective bargaining was handled through outside professional services or what it was being done by in-house staff.

Ms. Alvarez responded that it is being done by in-house staff.

Introduction item.

23. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for the City Manager contract increase. (Finance Director).

Mrs. Deborah Balli, Finance Director stated the City Manager received a contract increase to which finance submitted a budget amendment for the difference, she further stated that there was an error made by Finance as to the effective date of the increase which resulted in a budget shortage.

Introduction item.

24. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for cost overruns of the Facilities Division. (Finance Director).

Ms. Balli stated that in reviewing the current expenditures along with the remainder of the year for the facilities division, it has been determined that there will be shortages in several areas due to increases in the cost of materials and third-party service providers along with necessary additional repairs and maintenance. Funding of \$24,344 for these expenditures will come from the general fund's unappropriated fund balance.

Introduction item.

25. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to set up budget revenues and expenditures for 2021 Stonegarden Grant. (Finance Director).

Ms. Balli stated that during the regular budget process, staff never budget for grants that are received, it is only budgeted once staff start spending funds and receiving funds for that grant.

Introduction item.

26. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for General Fund and Utility Fund department cost overruns. (Finance Director).

Introduction item.

27. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for increased costs of equipment awarded by the Lone Star Grant. (Finance Director).

Ms. Balli stated that the grant received from Operation Lone Star, when the equipment was purchased, was \$12.42 short of what was budgeted. The transfer of this amount will cover the expenditure.

Introduction item.

28. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for increased costs of league expenditures due to additional participants. (Parks Director).

Ms. Ivy stated that this budget amendment is to increase line items for minor equipment and professional services for awards, all-star expenses, and remaining games for umpires and scorekeepers. To pay the expenses for the players that are registered in the league through the end of the league games and all-star games, the additional amount requested is needed to finish the season.

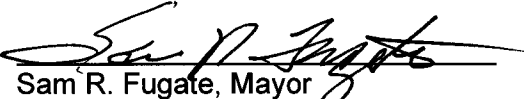
Commissioner Torres asked about the awards given to players and whether each one gets an award.

Ms. Ivy responded that each player would receive an award for their participation.

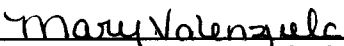
Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:29 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary