

JUNE 26, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 26, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Hector Hinojosa, Commissioner  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner

**CITY COMMISSION ABSENT:**

Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Janine Reyes, Tourism Director  
Rudy Mora, Engineer  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director  
Joseph Ramirez, Engineers Assistant  
Kwabena Agyekum, Senior Planner/HPO  
Ricardo Torres, Chief of Police

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 P.M. with all five commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

None.

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

**1. Public Hearing on the condemnation of 1315 E. Richard, Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

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

Ms. Belinda Tovar, Building Official reported that this property staff is suggesting demolishing of any accessory structures. The main structure is not sub-standard but is secured.

Mayor Fugate asked if this property was up to date on its property taxes and about water service.

Mr. McLaughlin responded that the taxes are delinquent since 2017 and there is no record of when this property had water service.

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 5:05 P.M.

**2. Public Hearing on the condemnation of 330 W. Ave. A (rear structure), Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

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

Ms. Tovar reported that two notifications were sent out to this address, one on August 2021 and March 2022 as well as sending out a notification regarding today's meeting. The garage apartment is in disrepair with repairs being expensive. The structure is dangerous.

Mayor Fugate asked about the property for this property. Mr. McLaughlin responded that the property taxes are current and further stated that the house on this property looks okay, but the rear two-story garage is in bad disrepair.

Mayor Fugate asked if the property had been notified. Ms. Courtney Alvarez, City Attorney responded that notices have been mailed and a placard has been placed on the property as well as posting notice in the local newspaper.

Ms. Tovar commented that she approached the tenant and left her contact information and asked the tenant if they could forward her information so that the property owner contact city staff. Ms. Tovar further commented that she has not heard from the property owner.

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 5:08 P.M.

**3. Public Hearing on the condemnation of 805 E. Kleberg (rear structure), Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:08 P.M.

Ms. Tovar reported that this is an accessory structure. This is only for the rear structure.

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 5:09 P.M.

**4. Public Hearing on the condemnation of 1244 E. Yoakum, Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:09 P.M.

Ms. Alvarez reported that this structure the overall condition is to be in a severe and hazardous state of disrepair. It is unsecured allowing easy access for animals, vagrants, and criminal activity. This property has been without water services since July 2015 and electricity since May 2016. Property taxes for this location have been delinquent from 2007-2008 then skip to 2010 to present. Proper notices have been mailed, notice was posted on the property and notices have been published in the local newspaper.

Mr. Albert Garcia, 1243 E. Yoakum stated that this is Pato Garcia's house, and his son has taken over the property. The house has been abandoned for several years and the son Zambrano Garcia has passed on. Mr. Garcia stated that he was in the process of purchasing the house before COVID when all foreclosures came to a halt. In May 2023 he purchased the property on the courthouse steps and has spoken with Mary Ann about demolishing the structure. This would be the fifth property he has purchased in Kingsville and is planning on building new homes on these properties in 2024. The arrear taxes have been paid and the reason for him not moving forward on the demolition of the structure is that Linebarger takes about 45 days to get the deeds out. He made contact with them today and was told that they are hoping to get the deed within the next two weeks. He further stated that once he can prove that he owns the property, he will then get with Mary Ann and have the city demolish the structure and then invoice him for the service.

Mr. Luis Moreno, 1620 Shirley Street commented that he was here to speak about the condemnation for 1602 E. Santa Gertrudis, which is one of the condemnations that was pulled from the agenda. He further commented that he will be working with staff on this particular property.

Mayor Fugate commented to Mr. Moreno that at this time, comments are only being heard for this condemnation, 1244 E. Yoakum.

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 5:15 P.M.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel*

*Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water, And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mr. McLaughlin reported on the replacement of the old water meters. Installation of new water meters should begin in July 2023. He further announced activities that will be held during the 4<sup>th</sup> of July holiday. American flags will be placed in the downtown area on Friday, June 30<sup>th</sup>, and will be removed on Wednesday, July 5<sup>th</sup>.

Ms. Alvarez reported that the next commission meeting is scheduled for Monday, July 10<sup>th</sup>. The deadline to submit agenda items is Thursday, June 29<sup>th</sup>. She further reported that city offices will be closed on Tuesday, July 4<sup>th</sup> for the 4<sup>th</sup> of July holiday. Ms. Alvarez commented that city staff has been notified by the city's financial advisor that the dates for the upcoming New York trip have been changed. With travel dates changing, staff would need to bring an amended out-of-state travel item for commission approval.

Commissioner Hinojosa gave a brief update on the legislative wrap-up one-day seminar he attended in Georgetown on June 15<sup>th</sup>.

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

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

#### V.

##### Consent Agenda

##### Notice to the Public

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

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

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

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

**1. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for Water Well #23 Rehab increased costs. (Finance Director).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to commit ARP Funds for the Animal Shelter Rehab Project. (Finance Director).**

**3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget amending the Fiscal Year 2022-2023 Budget to provide additional professional services needed for wastewater testing services. (Finance Director).**

**4. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism ARP funding for wayfinding signs balance. (Tourism Director).**

**5. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Tourism Video Signage. (at Tourism Center). (Tourism Director).**

**6. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate Tourism Fund Balance for marketing services. (Tourism Director).**

**7. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget additional funding for increased cost of police vehicles. (Purchasing Manager).**

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

**REGULAR AGENDA**

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

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

**9. Consider the condemnation of 1315 E. Richard, Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Alvarez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".

**10. Consider the condemnation of 330 W. Ave. A (rear structure), Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".

**11. Consider the condemnation of 805 E. Kleberg (rear structure), Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

**12. Consider the condemnation of 1244 E. Yoakum, Kingsville, Texas. (Building Official/Interim Director of Planning & Development Services).**

Motion made by Commissioner Alvarez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".

**13. Discussion with City's nominee to the Kleberg County Appraisal Board regarding that board, the Appraisal District proposed budget, its work, and other matters related thereto. (City Manager).**

Agenda item #13 was heard before agenda item #9, at the mayor's request. No objections were made by the other commission members.

Mr. Albert Garcia, the city's appointee to the Kleberg County Appraisal District Board, and Mr. Daniel Morales, 1309 Palm, both gave an update to the commission on the appraisal district.

Mayor Fugate stated that the reason for this item is that there were questions regarding the proposed budget for the Appraisal District.

Mr. Morales commented that in no form or fashion is this the final budget for the appraisal district. He stated that the state statute asks that the chief appraiser do this without the board's approval. He further stated that the board has requested for the chief appraiser to cautiously handle that, but she did what she did, and as he can't speak for the other board members, he can say that these numbers are not the actual numbers. He further stated that the final budget is due by September 15<sup>th</sup> and the board will be working through workshops to get final numbers for this budget. He also commented that before September 15<sup>th</sup>, the board will be working together to get the final numbers.

Mr. Garcia commented that the board approved raises last year and will be revisiting that this year which will be based on merit, experience, and education. He further stated that he is aware of issues that other entities are concerned about, which is the timeliness of certain things going out to the taxpayers. He further stated that oil & gas mailouts went out on April 5<sup>th</sup>. Industrial, personal property, and utilities were mailed on April 19<sup>th</sup>, industrial personal property and utilities were mailed out on May 1<sup>st</sup>, and business and personal property were mailed out on June 21<sup>st</sup>. He further commented that he has personally received his in the mail today. He further commented that it is anticipated that in the next two to three weeks, according to the Chief Appraiser, the real property values will be sent out.

Mr. Morales commented that they realized that these may not be the dates they want them to be, as they would like to see them go out earlier.

Commissioner Alvarez asked if there is a deadline for citizens to dispute their property values. She also asked for the deadline date that citizens can file their disputes.

Mr. Morales commented that he believes it's 30 days from the day you receive your values. He further commented that the deadline to file your dispute is July 25<sup>th</sup>.

Commissioner Alvarez commented that with citizens not receiving their property values until three weeks from now, it will not give them enough time to review and file a dispute if needed.

Commissioner Hinojosa asked if the Appraisal District has a compensation plan. Mr. Morales responded no. Commissioner Hinojosa further asked if there was overtime allotted for employees. Mr. Morales responded yes, for hourly employees. The Chief Appraiser is a salaried employee, therefore there is no overtime for that position. Commissioner Hinojosa questioned the \$7,500 added to the appraisal district budget. Mr. Morales responded that this amount is for travel expenses for board members. Commissioner Hinojosa then asked if the appraisal district owned the building, they are housed in. Mr. Morales responded yes.

Commissioner Alvarez asked if there were still some property value disputes that were pending from last year's values. Mr. Morales responded that all disputes from last year should be settled and further commented that he is not aware of any pending disputes from last year.

Mr. Garcia commented that the board is pressing for the Chief Appraiser to send out values within the allotted time, which the Appraiser is working on.

**14. Consider a resolution authorizing participation in Bulletproof Vest Partnership Program FY2023 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for Bulletproof Vests for the Kingsville Police Department; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Mr. Ricardo Torres, Chief of Police explained that the need for additional bulletproof vests is needed due to staff turnarounds. The grant will pay 50% of the cost with the other 50% being paid from the city's general fund. The cost to replace 18 bulletproof vests is \$28,530.00 with the maximum allowable funding from the bulletproof vest program being 50% of the cost or \$14,265.00.

Commissioner Hinojosa asked if federal funds, state seizure funds, could be used to pay the city's 50% portion. Chief Torres responded yes.

**Motion made by Commissioner Lopez to approve the resolution authorizing participation in Bulletproof Vest Partnership Program FY2023 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for Bulletproof Vests for the Kingsville Police Department; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".**

**15. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the Kleberg County COVID Clinic and Immunization Center. (City Manager).**

**Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City**

of Kingsville for the Kleberg County COVID Clinic and Immunization Center, seconded by Commissioner Alvarez.

Mr. McLaughlin stated that the city and county worked together for the mutual benefit of their citizens when able and both support such a facility.

Ms. Alvarez commented that this was discussed last year, and the commission approved funding within the current budget when preparing the budget last year.

Commissioner Hinojosa asked if the City of Kingsville's name could be added to the signage for both locations since the city is assisting in funding the clinic.

Ms. Alvarez responded that city staff would need to speak with county staff, as it is not a city building or contained within the agreement, then the city would need to allocate funds for this request.

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

**16. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the Kleberg County COVID Testing Facility. (City Manager).**

Commissioner Alvarez asked if the city budgeted a certain amount for this testing site. Mr. McLaughlin responded that there was no budget for this site as it was coming from state health services, as they brought in the staff with all materials needed to run this testing site.

Mayor Fugate asked if this was being done to be proactive. Mr. McLaughlin responded yes, as this could flare up again, then the testing site will be available and ready to run.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the Kleberg County COVID Testing Facility, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".**

**17. Consider authorizing use of Tourism ARP Funds for concept plan for potential new department facility. (Tourism Director/ City Manager).**

Ms. Janine Reyes, Tourism Director stated that this is an idea that has been thought of for a while. Within the discussion, there are some potential donors identified and potentially taken to the voters for a venue tax, but in order to do this a conceptual plan would need to be done first. In discussion with the King Ranch and other potential companies that create these designs, there are a couple that have been identified. She further stated that they have another meeting with the King Ranch tomorrow. The amount for these conceptual designs is \$46,390.

Mr. McLaughlin commented that ARP Funds will be used to fund the conceptual plan.

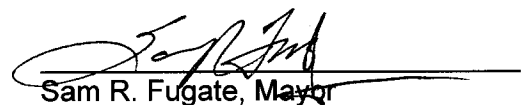
**Motion made by Commissioner Lopez to authorize the use of Tourism ARP Funds for concept plan for potential new department facility, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".**

**18. Consider introduction of an ordinance the Fiscal Year 2022-2023 Budget to appropriate funding for concept design of new Tourism facility. (Tourism Director/City Manager).**

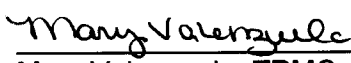
Introduction item.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:45 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary