

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 10, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Hector Hinojosa, Commissioner  
Edna Lopez, Commissioner

**CITY COMMISSION ABSENT:**

Norma N. Alvarez, Commissioner  
Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

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

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – June 12, 2023

Special Meeting – June 20, 2023

**Regular Meeting – June 26, 2023**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Carola G. Serrato, 501 Billy Evans made the following statement during this public hearing: "As stated last week to the Zoning Commission, there are numerous unanswered questions regarding the Somerset Subdivision for the Phase One project and the preliminary plat of the full 235 lot subdivision, as well as how these agenda items relate to the status of the PID. A year ago, on July 11, 2022, the Council approved having the City Manager enter into an agreement with the developer of the Somerset Subdivision for a PID. Two months later, a public hearing was held on the matter. Many residents living east, west, and south of the proposed subdivision attended the public hearing. Questions were asked about a timeline, master plan, drainage, water service, sewer service, roads, emergency service, buffer zones, green spaces, the need for (at that time) 270 plus lots, and the financial stability of the project which would rely on issuing bonds to make public improvements, which would be paid by a recurring annual fee charged to each lot owner. Despite all those raised issues, the development appears to be moving forward with only two noticeable changes. One of which is in no way in response to our concerns. And the second is not actually a response either. Those are: 1) Phase One consisting of 52 lots is to be built, which apparently is based on a calculation for how many lots the existing sewer service can accommodate. This again raises questions about the financial stability of the entire project. Further, it warrants asking how these 52 lots fit into the PID agreement as well as a timeline for other phases. 2) A "green space" was added. This green space is a 5-acre detention pond, which the engineer of record when questioned on the pond specifics could not say how deep it would be. Additionally, the creation of the detention pond is the reason the number of lots is reduced to 235. It warrants adding when questioned how much impervious surface would be created by the subdivision a clear-cut answer was not available. I would disagree with an engineer or city staff statement that this 5-acre detention pond is somehow an answer to any current drainage problems since we all know converting grassland to impervious rooftops, driveways, sidewalks, and roads is going to increase runoff, regardless of each lot having one plated tree as stated by city staff. Regarding the financial stability of the overall project, during the previous public meeting, we were told 278 was the magic number to make the project viable. Additionally, I spoke personally to Developer Wiley McIlwain. He stated DR Horton, the builder, would be the party providing the financial warranty for the PID. Mr. McIlwain also stated that the success of the PID would hinge on the creation of a TIRZ. How does the elimination of 43 lots affect financial stability? What is the status of the PID? Is the PID no longer necessary for Phase One? Will this continue to be the case for any

future phases? Has a TIRZ been discussed? I will reiterate what I stated to the Zoning Commission last week. This project is being pursued with a piecemeal approach. First by backing into the number of lots for Phase One. And second, by seeking approval for the final subdivision without a master plan and the specifics related to utilities, safety, and finances. In conclusion, the City Manager stated several times that a Christmas 2022 big announcement would be made which would support the need for 270 plus lots. Like the non-existent master plan, this has not come to pass. So, ask yourselves, as the decision makers for the residents of this city, whether the hasty development of this subdivision in a less than methodical manner with all the necessary details will have a lasting adverse impact on the city and therefore all its citizens.”

Mr. Rodolfo Morales, Jr., 614 E Trant Rd, made the following statement during this public hearing: As part of the Planning and Zoning hearing on July 5, 2023, promises were made to make details of the project available to the public for review. We were told that the details were not available and not required at this time since only a preliminary plat was being presented at the time. I accept the logic, but I implore that the city commission expects and requires that the full details be made available, and that ample time is allotted for review once the details and the final plat are available. A request for information was made by Mrs. Carola Serrato through a written document submitted at the meeting, and an email from me was sent to Theresa Cavazos this was acknowledged during the meeting and finally, other neighbors made verbal requests that should have been captured in the meetings. It is my sincere hope and desire that this basic information be made as soon as possible. The community of neighbors and hopefully the City Commission is interested in having the level of transparency that is required to bring the full details to light, without spin by either of the two groups so that the facts can be used by you to make the best decision possible. I am expecting that the concerns that have been raised to be addressed either in the affirmative or the negative. And finally, I would like to understand the tangible rate of return the City of Kingsville is expecting from the proposed tax abatement incentive for the developer. I am just asking that we make this process work for all of us. Working together we should be able to understand the facts to have a better grasp of the concerns each of us have.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **V.**

##### **Consent Agenda**

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

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

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

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

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

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

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

## REGULAR AGENDA

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

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

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

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

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

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

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

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

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

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

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

Mayor Fugate commented that Chandler Acres will have nothing coming in or out of there, not utilities, roads, or emergency roads. Mr. McLaughlin responded no, as there

is no way to get from Chandler Acres to Somerset as the city has removed all of the issues that were during public comment. Staff went back to the property owner and its engineer and ask to make Billy Evans not go through.

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

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

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

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

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

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

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

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

Mrs. Alicia Tijerina, Downtown Manager/Special Events Coordinator stated that this is a new event for the city. It is being asked that this event be approved to be held in the downtown area. Event organizers are still required to comply with all city ordinances and state laws regarding health and safety issues. They are also required to submit a request for a permit for street closures. The total event costs to the city for the 5K Run is \$168.00. One street is being asked to be closed, starting and ending point of the race at Kleberg and PFC Alarcon Street.

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

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

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

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

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

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

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

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

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

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

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

Introduction item.

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

Mr. McLaughlin stated that this is the first step to starting the venue tax process. The city would have to notify the State that we are going to do this via resolution. The venue tax is the idea to be able to incur bonding capability for the Henrietta Memorial Center. There are discussions between the City and King Ranch regarding the process. The King Ranch has master plans, which the city is not at liberty to mention as they have

not made a final decision, but they have alerted the city that this building could potentially become available. The building itself is in good condition although it does need some infrastructure work, which is why the bonding is needed. The city's intention for this building is to make it into an events center and birding and butterfly center along with the city's eco-tourism, which will have interactive stations inside. This entire plan will cost around \$1.5 million to \$2 million. If the memorandum of understanding between the city and King Ranch, the city can then bond it. This would be no different than what we already do with other city properties. As long as the city uses this facility for its intended purpose and complies with whatever future interlocal agreement we have with them, this will meet all the requirements to do that so that the city may have a nice venue in the downtown area.

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

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

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

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

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

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

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

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

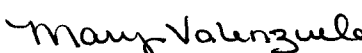
**Motion made by Commissioner Hinojosa to approve the resolution by the City Commission of the City of Kingsville, Texas providing for a community venue project pursuant to Chapter 334, as amended, Texas Local Government Code, seconded by Commissioner Lopez. The motion was passed and approved by the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

## VII. Adjournment.

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

  
Sam R. Fugate, Mayor

### ATTEST:

  
Mary Valenzuela, TRMC, CMC, City Secretary