

JULY 24, 2023

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 24, 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 - arrived @ 5:14 P.M.  
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  
Rudy Mora, Engineer  
Bradley Lile, Commander  
Charlie Sosa, Purchasing Manager  
Mike Mora, Capital Improvements Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor ProTem Hinojosa opened the meeting at 5:00 P.M. with four commission members present. Mayor Fugate arrived at 5:14 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)**

**Regular Meeting June 12, 2023**

**Motion made by Commissioner Lopez to approve the minutes of June 12, 2023, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote Alvarez, Lopez, Torres voting "FOR". Hinojosa "ABSTAINED".**

**Special Meeting June 20, 2023**

**Motion made by Commissioner Alvarez to approve the minutes of June 20, 2023, as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa voting "FOR". Lopez "ABSTAINED".**

Mayor ProTem requested that the minutes for July 10, 2023, be considered when Mayor Fugate arrives, as there were only two commission members that were present for this meeting, and the vote would need three members.

**Regular Meeting July 10, 2023**

**Motion made by Commissioner Lopez to approve the minutes of July 10, 2023, as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Lopez, Fugate voting "FOR". Alvarez and Torres "ABSTAINED".**

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

None.

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

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

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

Commissioner Alvarez and Commissioner Torres gave a brief update on their attendance at the NALEO Annual Conference in New York.

Mr. Mark McLaughlin, City Manager gave an update on Public Works equipment and streets. He further stated that the rescue groups have been a great assistance in rescuing dogs kenneled at the Health Department. He also reported that city staff will be meeting, via Zoom, on the S&P Bond Insurance this week. New water meters will be installed throughout the city beginning Monday. He further reported that he has received notice that the Appraisal District will be late in submitting numbers to the city, which by law, the numbers should be submitted by July 25<sup>th</sup> of every year. Mr. McLaughlin further commented that ICE Engineering has provided, to the Commission, a four-page update on projects ICE Engineering is working on.

Mr. Charlie Cardenas and Mr. Jesus Jimenez, ICE Engineering gave a brief update on projects ICE Engineering is currently working on for the city.

Mr. Cardenas reported that they have been advertising for the first project, which is an emergency project, which is a line that goes to the 3MGD Plant. Bids for this project should be received by August 15<sup>th</sup> and fourteen days after that, they will give you a notice to proceed. Mr. Cardenas stated that the next project after this project will be the rehab of 76 manholes, which should be on August 29<sup>th</sup>. This is the three-pump lift station by the Pasadena force main going down to Loop 428 and having 14<sup>th</sup> Street slipped-lined which is scheduled for September. Mr. Cardenas stated that some projects may take longer than others, and some projects may take over a year to complete. Lott Street will be under construction as well as a bigger project on 10<sup>th</sup> Street, from Ragland to Santa Gertrudis which is one mile of wastewater improvements. He further stated that other projects will be the rehab of lift stations to make sure they have the ability for backup power, should the city have a power outage. He states that by the end of this project, all lift stations should have the ability to have backup power. Mr. Cardenas stated that by December 2023, the Caesar Street project should begin.

Commissioner Alvarez commented that she thought that this project was going to be the first project.

Mr. Cardenas responded that it is the first project in the stormwater category. He further stated that they are still waiting for the environmental clearance for all the stormwater projects. He further stated that the environmental clearance was received last month for the wastewater projects. Mr. Cardenas stated that there is a project on 6<sup>th</sup> Street towards the park by Chandler Acres which is a stormwater project, the Texas Historical Commission raised a flag stating that this was in a historic archeological area, near the Historic Marker within this area.

Commissioner Hinojosa asked if staff could publish the update on these projects on the city's website.

Mr. Jimenez suggested that between this bid opening and the second bid opening, maybe have a public hearing and invite the entities to give them an update on the upcoming projects around the city.

Ms. Courtney Alvarez, City Attorney reported that the next city commission meeting is scheduled for Monday, August 14<sup>th</sup>. The deadline for staff to submit their agenda items for this meeting is Friday, August 4, 2023. She further reported that budget workshops have been tentatively scheduled for the following days, Monday, August 21<sup>st</sup>, Tuesday, August 22<sup>nd</sup>, and Monday, August 28, 2023.

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

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

No public comments were made.

V.

### Consent Agenda

#### Notice to the Public

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

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

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

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

**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, Alvarez, Lopez, Torres, Fugate voting "FOR".**

### REGULAR AGENDA

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

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

**2. Discuss and consider employee medical health insurance plan and renewal with United Healthcare. (Human Resources Director).**

Mrs. Diana Gonzales, Human Resources Director, and Baleria Ybarra from Carlisle Insurance gave a brief presentation on employee medical health insurance.

Mrs. Gonzales stated that the original increase for the plan was 14.9% overall. After a discussion with United Health Care, it was reduced to 12% overall. The financial impact of the renewal rates is approximately \$511,902 if all budgeted positions were to be filled for the entire fiscal year. The approximate increased cost is subject to change as the city experiences a number of vacancies throughout the year. It is proposed that the increased premiums be absorbed by the City by utilizing the Health Fund balance, which is about \$3 million. It is being proposed that the employee premiums remain at the existing Fiscal Year 2022-2023 rates with the city rates changing to absorb the increased premiums.

Ms. Alvarez commented that the balance that was just mentioned regarding the Health Fund, those funds can only be used for this purpose as they are restricted in their use.

Mr. McLaughlin stated that this is the way it was built for this budget which incorporates these numbers in the budget for the increase, the fund balance that is being used is from the self-insurance fund. The city is giving the employees one more year of no increase or change in what the employee may pay but for the fiscal year 2024-2025, there will be a change to both the employee and employer.

Mrs. Gonzales stated that there is no change to the plan design, all remain the same, but there are certain medications that will be reduced or will cost zero dollars to the employee.

Commissioner Torres asked that with regards to the pharmaceutical medications, are they being changed to different categories. Mrs. Gonzales stated that with regard to the tiers, where the medication falls, and in what tier, United Health Care does make updates to that.

Ms. Ybarra stated that any updates to the Prescription Drug List (PDL), they will get before any changes are implemented. The information will be forwarded to the city so that the city may get that information out to its employees.

**Motion made by Commissioner Alvarez to approve the employee medical health insurance plan and renewal with United Healthcare, seconded by Commissioner Lopez.**

Commissioner Torres asked if the percentage to be approved is 12%. Commissioner Alvarez stated that this is her motion to be at 12%.

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

**3. Consider a resolution authorizing the City Manager to execute an agreement for Tranquitas Creek Bridge Repairs between the City and Mammoth Foundation Repair, LLC. (RFQ #23-07 awarded on 7/10/23). (City Engineer).**

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute an agreement for Tranquitas Creek Bridge Repairs between the City and Mammoth Foundation Repair, LLC. (RFQ #23-07 awarded on 7/10/23), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

**4. Consider awarding RFQ#23-06 for Landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and Permitting Engineering Services as per staff recommendation. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the city to negotiate a contract with Hanson Engineering for Landfill MSW Type I Drainage Improvements, access road alignment, construction, and permitting engineering services for the city. Staff published a request for qualifications 23-06 in the newspaper on June 1, 2023, and June 8, 2023. Responses were accepted until 2:00 p.m. on June 27, 2023. Three responses were received from the following Hanson Engineering, CEC Engineering, and Mendez Engineering. Staff reviewed the responses receive and found the information received to be responsive. The Selection Review Committee scored the three firms based on experience, capacity to perform, and familiarity with landfill drainage projects. The Selection Committee selected Hanson Engineering from Corpus Christi as they were determined to be the most highly qualified firm for the project. There is no financial impact at this time. It is staff's recommendation to award the landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and permitting engineering services RFQ 23-06 to Hanson Engineering and authorizes staff to negotiate a contract with Hanson Engineering of Corpus Christi.

**Motion made by Commissioner Alvarez to approve the award of RFQ#23-06 for Landfill MSW Type I Drainage Improvements, Access Road Alignment, Construction, and Permitting Engineering Services as per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**5. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for sewer main pumping costs on General Cavazos, Corral, and Santa Gertrudis. (Public Works Director).**

Mr. Bill Donnell, Public Works Director commented that this item authorizes additional funding in the Wastewater Collections Division for unforeseen bypass pumping expenses on the 12" sewer main crossing on General Cavazos and the 18" sewer main located between Corral Ave. and Santa Gertrudis. The 12" sewer main repair on General Cavazos required a little over a month of bypass pumping to allow for an emergency pipe bursting repair under General Cavazos. Bypass pumping for this repair was \$7,957.00. Wastewater Collections is currently operating a bypass pump with hoses t maintain flow in the 18" main between Corral Ave and Santa Gertrudis. This line was found to be collapsed near the middle of the field. This project is under design by ICE Engineering and scheduled for replacement next month via General Land Office Mitigation funding. Since this line is planned to be replaced, staff is utilizing bypass pumping to keep the sewer flowing instead of a costly temporary repair. The bypass pumping expense is currently at \$19,764.00 and will continue to increase until the replacement of the broken section is complete. Staff has purchased 500 feet of hose and is requesting funds to purchase another 500 feet of hose to eliminate the hose rental charges. The additional hose purchase would be \$9,688.00 for the total cost of this bypass to be \$29,452.00. This will reduce the unappropriated Fund 051 balance by \$37,409.00 and increase the Utility Plant line item by \$37,409.00.

Introduction item.

**6. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for the emergency repair on 4<sup>th</sup> Street between Santa Gertrudis and Ella. (Public Works Director).**

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

Introduction item.

**7. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for Sanitation and Landfill vehicle maintenance. (Public Works Director).**

Mr. Donnell commented that during the current budget for Sanitation, the vehicle maintenance account is currently over budget by \$24,752.00 due to necessary vehicle maintenance and repairs. The new garbage trucks have lowered the annual repair costs but not to the amount of the approved budget. Staff is requesting an additional \$50,000.00 to cover sanitation repairs and maintenance during this fiscal year. The landfill vehicle maintenance account has a balance of \$816.00. Staff is requesting an additional \$20,000.00 to cover vehicle and equipment maintenance during the remainder of this fiscal year.

Commissioner Torres asked if the new trucks needed repairs. Mr. Donnell responded no.

Introduction item.

**8. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for Golf Course equipment and greens improvements. (Parks Director).**

Mrs. Susan Ivy stated that staff is asking the commission to authorize the allocation of \$13,642.95 from the Golf Course Capital Maintenance funds balance to pay for the purchase of a Verticut mower for \$10,642.95 and sand for \$3,000.00 to maintain the new greens and other repairs and improvements that will be needed before the end of the fiscal year.

Commissioner Hinojosa asked if this was equipment only to be used for the Golf Course.

Mayor Fugate responded that this is a specialized equipment to be used on the greens.

Commissioner Torres asked if staff was considering contracts with the surrounding schools for their golf teams. Mrs. Ivy responded that the Golf Course already has contracts in place with the surrounding schools for their golf teams.

Introduction item.

**9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, Article 3-Departments, Boards, & Commissions, Section 101, providing for revisions to the King Ranch Representative on the Hotel Occupancy Tax Advisory Board. (Tourism Director).**

Ms. Janine Reyes, Tourism Director stated that due to the restructuring of local leadership, roles, and responsibilities at the King Ranch representative role in the ordinance to broaden the scope of the King Ranch representative.

Introduction item.

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

Mr. Emilio Garcia, Health Director explained the mandatory spay/neuter of an animal following impoundment. The ordinance reads that an owner of an impounded animal must, after its release to the owner, have their animal spayed or neutered no later than the fortieth day following the notification of violation. A person commits an offense if the person is required by this section to spay or neuter their animal and shall submit a certification signed by a licensed veterinarian that the procedure was performed no later than the fortieth day following notification. There is an exemption that could be made by the Health Director that would authorize an owner from the requirements of this section if the owner proves that it is a member of a national breed club or was regularly shown during the six-month period immediately preceding impoundment.

Mayor Fugate asked if any surrounding cities have an ordinance in place like this. Mr. Garcia responded yes; the City of Corpus Christi has this in place. He further stated that he has spoken to the representative from the City of Corpus Christi, but the individual did not have any numbers to show how well the ordinance was doing. Mr. Garcia further commented that every case would be different.

Commissioner Lopez asked who would be enforcing this ordinance. Mr. Garcia responded that for dog impoundment, the owner will have 30 days to spay/neuter. Staff

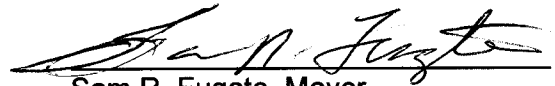
will be tracking this and if the owner does not comply with the ordinance, they will receive a citation.

Commissioner Alvarez asked for the cost of the citation. Mr. Garcia responded that the citation would be set by the Municipal Court Judge. He further commented that he hopes that this will help people be more responsible for their pets.

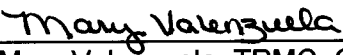
Introduction item.

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:58 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary