

SEPTEMBER 11, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 11, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Hector Hinojosa, Commissioner
Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Rudy Mora, Engineer
Bill Donnell, Public Works Director
Diana Gonzales, Human Resources Director
Kwabena Agyekum, Senior Planner/HPO
Emilio Garcia, Health Director
Susan Ivy, Parks & Recreation Director
Deborah Balli, Finance Director
Bradley Lile, Interim Police Chief
Charlie Sosa, Purchasing Manager
Mike Mora, Capital Improvements Manager
J. J. Adame, Fire Chief
Alicia Tijerina, Downtown Manager
Joseph Ramirez, Engineer's Assistant
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – August 14, 2023

Special Meeting – August 21, 2023

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

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

1. Public Hearing for request for a Special Use Permit for a projecting sign in downtown in C3 (Central Business District) at Original Town, Block 41, Lots 30-32, also known as 400 E. Kleberg, Kingsville, Texas. David Thibodeaux, owner/applicant. SUP-projecting sign. (Interim Director of Planning & Development Services).

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

Mr. Kwabena Agyekum, Senior Planner/HPO stated that the applicant would like to install 6 projecting signs above the awnings located at his business. There are four businesses currently on the property at 400 E. Kleberg Ave., but the projecting signs would ensure that each business entity in the building is separately identified at the address.

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

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

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

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

III. Reports from Commission & Staff.²

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

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

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

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

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

IV. Public Comment on Agenda Items.³

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

No public comments were made.

V.

Consent Agenda Notice to the Public

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

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

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

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

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Introduction item.

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

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

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

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

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

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

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

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

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

Introduction item.

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

Introduction item.

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

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

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

Introduction item.

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

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


Introduction item.

VI. Adjournment.

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


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary