

City of Kingsville, Texas

AGENDA
CITY COMMISSION
MONDAY, NOVEMBER 27, 2023
REGULAR MEETING
CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
5:00 P.M.

Live Videostream: <https://www.facebook.com/cityofkingsvilletx>

I. Preliminary Proceedings.

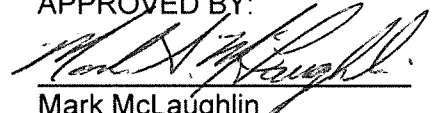
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – November 13, 2023

APPROVED BY:


Mark McLaughlin
City Manager

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

1. Conduct a Public Hearing regarding the advisability of the improvements to be financed by for the Somerset at Kingsville Public Improvement District No. 1.

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 Services - 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."

IV. Public Comment on Agenda Items.³

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)

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase orders rolled forward from the prior fiscal year. (Finance Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the CO Series 2023A bond issue. (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donations from sponsors of the Park Healthy Family Events. (Parks Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional ARP funding for the fire station design fees. (Purchasing Manager).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for a Stonegarden Grant awarded Police Vehicle purchase. (Purchasing Manager).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant funding from Borderstar for Police Department personnel costs. (subset of Local Border Security Program). (Interim Police Chief).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Police Department P25 Phase 2 Radio System Upgrade. (IT Director).
8. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 budget to appropriate funding for a change order for the Wastewater Main Replacement Line (Project #3) included in the D218 GLO Grant. (Change Order#1A). (City Engineer).
9. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance §15-4-3 and §15-4-4 of Chapter XV, Article 4, Flood Damage Prevention, providing for updated map dates and correction. (City Attorney/City Engineer).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

10. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant funding from Lone Star for Police Department personnel, training & travel, computer equipment, vehicle and associated equipment. (Interim Police Chief).

11. Consider a resolution authorizing the City Manager to execute a Construction Contract with Gerke Excavating, Inc. for Project 4 of the Community Development Block Grant-Mitigation Program (CDBG-MIT) General Land Office (GLO) State Contract Number 22-082-016-D218. (City Engineer).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall, City of Kingsville, 400 West King Avenue, Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

November 16, 2023, at 2:45 P.M. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.



Mary Valenzuela, TRMC, City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

NOVEMBER 13, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 13, 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
Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, Director of Information & Technology
Derek Williams, IT
Deborah Balli, Finance Director
Bill Donnell, Public Works Director
Diana Gonzales, Human Resources Director
Kwabena Agyekum, Senior Planner/HPO
Janine Reyes, Tourism Director
Brad Lile, Interim Police Chief
Rudy Mora, Engineer
Mike Mora, Capital Improvements Manager
Susan Ivy, Parks Director
J.J. Adame, Fire Chief
Charlie Sosa, Purchasing Manager
Eric Spitzer, Interim Director of Planning & Development Services
Joe Casillas, Water Production Supervisor
Joseph Ramirez, Engineer's Assistant

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)

Regular Meeting – October 23, 2023

Motion made by Commissioner Lopez to approve the minutes of October 23, 2023, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres voting “FOR”. Fugate “ABSTAINED”.

Special Meeting – November 1, 2023

Motion made by Commissioner Lopez to approve the minutes of November 1, 2023, as presented, seconded by Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting “FOR”.

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

None.

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 Services - 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."

Ms. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for November 27, 2023. The deadline to submit agenda items for this meeting is Wednesday, November 15, 2023, due to a short work week. She further announced that city offices will be closed for the Thanksgiving Holiday on Thursday, November 23rd, and Friday, November 24, 2023. She also announced events that will be occurring this upcoming weekend for the Ranch Hand Festival. Ms. Alvarez further introduced Mr. Eric Spitzer, Interim Director of Planning & Development Services. Ms. Alvarez asked the Human Resources Director, Mrs. Diana Gonzales to give the Commission an update on the three finalists for the position of Police Chief.

Mrs. Diana Gonzales stated that the city contracted with Clera Career Professionals (CCP) to assist with the Police Chief recruitment process. The position was opened on September 8, 2023, and closed on September 29, 2023. According to CCP, a total of 43 candidates applied for the role, reflecting a high level of interest and the attractiveness of Kingsville as a place to serve. CCP advertised for the position and conducted preliminary interviews, background checks, and narrowed the candidate list which has resulted in three finalists being considered for the position of Police Chief. The three finalists are Claudio Trevino of Laredo, TX. Mr. Trevino has over 32 years of law enforcement experience, including 6 years in the armed forces and a decade in police administration. Mr. Trevino rose through the ranks of the Laredo Police Department to the position of Chief of Police, which he held for six years. Mr. Trevino holds a bachelor's degree and a master's degree as well as having attended the FBI National Academy. The second finalist is Mr. Ellwood "Tom" Whitten of El Paso, TX. Mr. Whitten has over 30 years of law enforcement experience in both small and large county and municipal government, including 4 years in the armed forces. He served in various positions during his career including Assistant Chief of Police. He has served as Police Chief at three locations including Harlingen, TX, and has served as Chief Deputy with El Paso County Sheriff's Office. Mr. Whitten holds a bachelor's degree and a master's degree as well as having attended the FBI National Academy. The third finalist is Mr. John Blair of New Lenox, IL. Mr. Blair has over 29 years of law enforcement experience working with Federal, State, County, and Municipal Governments while employed with the Cook County Sheriff's Office, and most recently serving as Deputy Chief of Police within the organization. Mr. Blair holds a bachelor's degree and has attended the FBI National Academy and the Northwestern University School of Police Staff and Command. Mrs. Gonzales further stated that all candidates have extensive law enforcement training and hold a wealth of knowledge. The selection process continues on Wednesday, November 15, 2023, with city staff interviews, and tours of the Kingsville Police Department including a meet and

greet with Police Department staff and a driving tour of the City of Kingsville. She further stated that there will be an official meet and greet on the same day with city staff and some members of the community. Following the meet and greet, the City Manager has scheduled one-on-one meetings with each of the finalists. She also stated that Clear Career Professionals representative Danny Kistner, Ph.D., Associate Vice President of Recruitment for CCP will be on hand to facilitate the process.

Mr. Lucio Ramos, Area Engineer of the Texas Department of Transportation (TxDOT) made a presentation on a new campaign, End the Streak of Daily Deaths on Texas Roadways. The campaign calls for safer drivers on Texas Roadways. He stated that in 2022, 4,406 lives were lost on Texas roadways. There's been a death reported every day on Texas roads for 23 years straight, which is more than 83,000 people. Most fatalities are due to driving at unsafe speeds, impaired driving, distracted driving, or failure to use seat belts, in other words, they're preventable. He further stated that it is important to show support for safer driving in Texas by reminding fellow Texans of our shared responsibility while on Texas roads.

Mayor Fugate read and presented a proclamation to the Santa Gertrudis Academy Lion Band for their advancement to the State Competition.

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-160 through 3-3-170, providing for creation of a Tree Board, duties, prohibitions, recommendations, and education. (Parks Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Water Meter Carry Over Project. (Finance Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase orders rolled forward from the prior Fiscal Year. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the additional expenditures on the Tourism Video Signage Carry-Over Project. (Tourism Director).
5. Motion to approve final passage of an ordinance amending the Fiscal 2023-2024 Budget to appropriate funding for the Police Department technology infrastructure. (network improvements ARP funds). (IT Director).
6. Motion to approve final passage of an ordinance amending the Fiscal 2023-2024 Budget to appropriate funding for the purchase of golf equipment and course improvements. (Parks Director).
7. Motion to approve final passage of an ordinance amending the Fiscal 2023-2024 Budget to appropriate funding for the ARP funded Parks projects roll forward from the prior fiscal year. (Parks Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider a resolution casting the City of Kingsville's votes to candidate Crispin Trevino for election to the Board of Directors of the Kleberg County Appraisal District. (City Attorney).

Motion made by Commissioner Alvarez to approve the resolution casting the City of Kingsville's votes to candidate Crispin Trevino for election to the Board of Directors of the Kleberg County Appraisal District, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

9. Consider a resolution by the City of Kingsville, Texas authorizing and approving membership in the Cities Served By Centerpoint Gas (Cities) for the purpose of protecting the interest of the City and its citizens with respect to Centerpoint matters; further suspending the December 4, 2023 effective date of the Statement of Intent of Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Entex and Centerpoint Energy Texas Gas to change rates in the Texas division; to permit the City time to study the request and to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the Cities Served By Centerpoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).

The purpose of the resolution is to authorize membership of the city into the Cities Served by CenterPoint Gas coalition, to extend the effective date of the Company's proposed rate increase, and to give the city time to review the rate filing package. The resolution suspends the December 4, 2023 date, the effective date of the company's request for the maximum period permitted by law to allow the city to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates. This action has no financial impact on the city.

Motion made by Commissioner Torres to approve the resolution by the City of Kingsville, Texas authorizing and approving membership in the Cities Served By Centerpoint Gas (Cities) for the purpose of protecting the interest of the City and its citizens with respect to Centerpoint matters; further suspending the December 4, 2023 effective date of the Statement of Intent of Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Entex and Centerpoint Energy Texas Gas to change rates in the Texas division; to permit the City time to study the request and to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the Cities Served By Centerpoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase orders rolled forward from the prior fiscal year. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that this budget amendment will roll forward from the prior fiscal year for three projects that were not completed in FY 22-23.

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the CO Series 2023A bond issue. (Finance Director).

Mrs. Balli stated that when the budget for FY 23-24 was adopted, it was unforeseen that there would be a need for funding for these expenditures this fiscal year.

Introduction item.

12. Consider accepting donations for Parks Department Healthy Family Events. (Parks Director).

Motion made by Commissioner Torres to accept donations for Parks Department Healthy Family Healthy Family Events, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

13. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donations from sponsors of the Park Healthy Family Events. (Parks Director).

Introduction item.

14. Consider authorizing the use of ARP Funding for the fire station design fees. (proposed fire station #3). (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes city staff to enter into a contract with Brown Reynolds Watford Architects for architectural services for the design of the new Fire Station #3. The total amount of \$618,800.00 is needed for the services and will be funded by ARP Funds. The amount of \$150,000.00 had originally been allocated and an additional \$468,800.00 of ARP funding is being requested to cover the Architectural Design fee for the new Fire Station #3.

Commissioner Alvarez asked if there were enough funds in the ARP Funding. Mr. Sosa responded yes.

Motion made by Commissioner Lopez to authorize the use of ARP Funding for the fire station design fees. (proposed fire station #3), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

15. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional ARP funding for the fire station design fees. (Purchasing Manager).

Introduction item.

16. Consider a resolution authorizing the City Manager/Mayor to enter into a Standard Form Agreement between Owner (City of Kingsville) and Architect (Brown Reynolds Watford Architects, Inc.) for Fire Station No.3. (Purchasing Manager).

Mr. Sosa stated that this item authorizes the city to enter into a contract with Brown Reynolds Watford Architects for Architectural Services for the design of the new Fire Station No. 3. It is recommended that the City Commission authorize the use of additional ARP Funds for the new fire station and authorize staff to enter into a contract with Brown Reynolds Watford Architects.

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager/Mayor to enter into a Standard Form Agreement between Owner (City of Kingsville) and Architect (Brown Reynolds Watford Architects, Inc.) for Fire Station No.3, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

17. Consider authorizing use of ARP Funds to purchase stock water meters and apparatus for the Utility Billing Department. (Purchasing Manager).

Mr. Sosa stated that this item authorizes city staff to allocate ARP Funding for stock water meters and apparatuses for the Utility Billing Department. The water meters and apparatuses will be used to have in stock and on hand for the department. The stock meters and apparatuses will be for new construction and new services that can be installed by the city technicians. The total amount of ARP Funds requested is \$150,000 for stock water meters and apparatuses. It is recommended that it be approved to allocate \$150,000 of ARP Funds and authorize the purchase of water meters and apparatuses.

Motion made by Commissioner Alvarez to authorize use of ARP Funds to purchase stock water meters and apparatus for the Utility Billing Department, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

18. Consider authorizing purchase of stock water meters and apparatus via DIR purchasing cooperative, as per staff recommendation. (Purchasing Manager).

Motion made by Commissioner Alvarez to authorize the purchase of stock water meters and apparatus via DIR purchasing cooperative, as per staff recommendation, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

19. Consider authorizing purchase of Police Vehicle (F-150 Responder Truck) from Silsbee Ford via TIPS purchasing cooperative, as per staff recommendation. (Stonegarden Grant funds & Ch 59 Funds). (Purchasing Manager).

Mr. Sosa stated that this item authorizes the City Manager to approve the purchase of a new PPV Truck F-150 Responder and outfitting with Silsbee Ford of Silsbee, TX for the Kingsville Police Department.

Motion made by Commissioner Torres to authorize the purchase of Police Vehicle (F-150 Responder Truck) from Silsbee Ford via TIPS purchasing cooperative, as per staff recommendation. (Stonegarden Grant funds & Ch 59 Funds), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

20. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for a Stonegarden Grant awarded Police Vehicle purchase. (Purchasing Manager).

Introduction item.

21. Consider authorizing purchase of Double Drum Steel Wheel Roller for Street Department from Nueces Power Equipment via BuyBoard purchasing cooperative, as per staff recommendation. (CO2023A). (Purchasing Manager).

Mr. Sosa stated that this item authorizes the purchase of a new 2023 HAMM Double Drum Steel Wheel Roller from Nueces Power Equipment. The existing wheeled compactor is approximately 11 years old and is undersized for the Street Department's application for streets. The new double drum wheeled roller is a major component of the street department's daily operation. The purchase of a new double drum steel wheel roller will increase productivity for the street department. It is recommended the city purchase the new 2023 HAMM Double Drum Steel Wheel Loader from Nueces Power Equipment.

Motion made by Commissioner Hinojosa to authorize the purchase of Double Drum Steel Wheel Roller for Street Department from Nueces Power Equipment via BuyBoard purchasing cooperative, as per staff recommendation. (CO2023A), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

22. Consider authorizing purchase of Excavator for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A). (Purchasing Manager).

Motion made by Commissioner Torres to authorize the purchase of Excavator for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

23. Consider authorizing purchase of Waste Handler Dozer for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A). (Purchasing Manager).

Mr. Sosa stated that the existing dozer is approximately 8 years old with over 11,000 hours and has been sent in for repairs frequently and needs an engine rebuilt. The Landfill Department dozer is a major component of the landfill's daily operations. Frequent repairs have caused the Landfill Department to use rental equipment to compact trash, thus increasing maintenance and operation expenses. Funds are available through 151-5-1702-712 on CO 2023A of which \$716,556.78 are available this fiscal year. It is recommended that the city purchase the 2024 John Deere 950K Waste Handler Dozer from Doggett Heavy Machinery Service.

Mayor Fugate asked if the city would get this piece of equipment pretty quick. Mr. Sosa responded yes.

Motion made by Commissioner Hinojosa to authorize the purchase of Waste Handler Dozer for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

24. Consider a resolution authorizing City Manager to execute a Contract for Services with Andale Construction, Inc. for repairs to part of Kleberg Ave. and part of 8th Street. (awarded 10/23/23). (Purchasing Manager).

Mr. Sosa stated that this item authorizes the city to award and approve a contract with Andale Construction from Vally Center Kansas for the resurfacing of Kleberg Avenue from 6th Street to 8th Street curb to curb and 8th Street from Kleberg Avenue to King Avenue. During the 2023 Texas Municipal League Conference, staff visited Oxcon Systems Concrete Surfer and demonstrated the resurfacing process. Staff visited the construction site currently under construction in Dallas. The process includes cleaning the surface to remove all oil, asphalt, and debris, all cracks on concrete are filled with a slurry, then a fiberglass mesh is matted over each crack then a ¼' thick slurry is placed over the entire area to be resurfaced. The outcome of the product resembles a newly resurfaced street offering an environmentally friend, longevity, and strength to the existing concrete pavement that can have traffic flowing the following workday. Funding is available through a budget amendment for line item 092-5-3050-52100, which is Fund 092 Street Fund. The total cost of services is \$605,462.26. Staff recommends that the city commission approve the contract with Andale Construction from Valley Center, Kansas.

Commissioner Hinojosa asked for a start date for this project. Mr. Sosa responded that they are looking at beginning in January 2024.

Motion made by Commissioner Lopez to approve the resolution authorizing City Manager to execute a Contract for Services with Andale Construction, Inc. for repairs to part of Kleberg Ave. and part of 8th Street. (awarded 10/23/23), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

25. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant funding from Borderstar for Police Department personnel costs, fuel and equipment purchases. (subset of Local Border Security Program). (Interim Police Chief).

Mr. Bradley Lile, Interim Chief of Police stated that this grant is only for personnel costs and not fuel and equipment purchases. The amount awarded is \$78,000.

Introduction item.

26. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement Between Kleberg County, Texas and the City of Kingsville, Texas for P25 Phase II Radio System Upgrade Project. (County approved 11/01/23). (City Manager).

Mayor Fugate commented that the city and county met on November 1st during a joint meeting of both entities. He further stated that the county has agreed to participate in P25 Phase II Radio System Upgrade Project.

Ms. Alvarez commented that Kleberg County Commissioners' Court approved this item on behalf of Kleberg County on November 1, 2023.

Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to enter into an Interlocal Agreement Between Kleberg County, Texas and the City of Kingsville, Texas for P25 Phase II Radio System Upgrade Project. (County approved 11/01/23), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

27. Consider awarding bid to Dailey-Wells Communications for equipment and services for P25 Phase II Radio System Upgrades via HGAC purchasing cooperative, as per staff recommendation. (IT Director).

Motion made by Commissioner Torres to award bid to Dailey-Wells Communications for equipment and services for P25 Phase II Radio System Upgrades via HGAC purchasing cooperative, as per staff recommendation, seconded by Commissioner Alvarez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

28. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Police Department P25 Phase 2 Radio System Upgrade. (IT Director).

Introduction item.

29. Consider approving Change Orders #1 (GLO funds) and #1A (City funds) with Gerke Excavating, Inc. for GLO CDBG-MIT Project #3. (18" wastewater main replacement to 3MGD WWTP project). (City Engineer).

Mr. Rudy Mora, City Engineer, stated that approving General Land Office Change Order No. 1 will reduce the scope of work for Project 3. This Change Order reduces the project scope by 800 linear feet, and 1 manhole, and adds 1 day to the contract time. City Change Order No. 1A includes additive alternate bid items for replacing fences and a flagpole but were not included in the construction contract. Change Order No. 1A items are not eligible construction items covered by the GLO Funds and will be paid for by other city funds. The project will be completed in 120 calendar days.

Motion made by Commissioner Lopez to approve Change Orders #1 (GLO funds) and #1A (City funds) with Gerke Excavating, Inc. for GLO CDBG-MIT Project #3. (18" wastewater main replacement to 3MGD WWTP project), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

30. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 budget to appropriate funding for a change order for the Wastewater Main Replacement Line (Project #3) included in the D218 GLO Grant. (Change Order#1A). (City Engineer).

Introduction item.

31. Consider rejecting low bid due to errors and missing documentation and awarding bid for GLO CDBG-MIT Project #4 to second lowest bidder Gerke Excavating, Inc., as per recommendation of outside engineer. (for sanitary sewer improvements in alley between E. Johnston Ave. and E. Fordyce Ave.; Contract D218). (City Engineer).

Mayor Fugate asked if bids are not properly submitted, they don't have to be considered.

Ms. Alvarez's response was that the D&M Underground Construction was the lowest bid but had some mathematical errors noted on the bid with some minor clerical nature such as a mistake in transcribing numbers, misplaced decimal, and typographical errors.

Motion made by Commissioner Torres to rejecting low bid due to errors and missing documentation and awarding bid for GLO CDBG-MIT Project #4 to second lowest bidder Gerke Excavating, Inc., as per recommendation of outside engineer. (for sanitary sewer improvements in alley between E. Johnston Ave. and E. Fordyce Ave.; Contract D218), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

32. Consider awarding bid for GLO CDBG-MIT Project #2 to lowest (lone) bidder Infrastructure Rehabilitation USA Inc. contingent on GLO approval by November 26, 2023, as per recommendation of outside engineer. (for manhole rehabilitation project; Contract D218). (City Engineer).

Motion made by Commissioner Torres to award the bid for GLO CDBG-MIT Project #2 to lowest (lone) bidder Infrastructure Rehabilitation USA Inc. contingent on GLO approval by November 26, 2023, as per recommendation of outside engineer. (for manhole rehabilitation project; Contract D218, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

33. Consider awarding RFP #24-03 for archeological services to Johnson, Mirmiran and Thompson, Inc., as per staff recommendation. (GLO CDBG-MIT #22-085-009-D237- Project 7). (City Engineer).

Motion made by Commissioner Alvarez to award RFP #24-03 for archeological services to Johnson, Mirmiran and Thompson, Inc., as per staff recommendation. (GLO CDBG-MIT #22-085-009-D237- Project 7), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

34. Consider a resolution authorizing the Mayor to execute an Archeological Services Agreement between City of Kingsville, Texas and Johnson, Mirmiran and Thompson, Inc. for the Community Development Block Grant-Mitigation Contract Number 22-085-009-D237. (Project 7). (City Engineer).

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Archeological Services Agreement between City of Kingsville, Texas and Johnson, Mirmiran and Thompson, Inc. for the Community Development Block Grant-Mitigation Contract Number 22-085-009-D237, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

35. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance §15-4-3 and §15-4-4 of Chapter XV, Article 4, Flood Damage Prevention, providing for updated map dates and correction. (City Attorney/City Engineer).

This ordinance is in need of revisions to clarify sections of the model ordinance received from the Texas Water Development Board.

Introduction item.

36. Consider ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Venue Tax conducted on November 7, 2023. (City Secretary).

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the ordinance canvassing the election returns and declaring the results of the City of

Kingsville's Special Election for Venue Tax conducted on November 7, 2023, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

37. Consider ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Charter Amendment conducted on November 7, 2023. (City Secretary).

Motion made by Commissioner Lopez to approve the ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Charter Amendment conducted on November 7, 2023, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

At this time, the City Commission asked for a moment of silence in memory of Mrs. Tanya Colin, Engineering Admin Assistant who passed away on November 5, 2023.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:13 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES

Notice of Public Hearing

NOTICE OF PUBLIC HEARING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE TO CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTIES LOCATED WITHIN THE CITY

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Kingsville, Texas (the "City"), pursuant to Chapter 372.005 Local Government Code, as amended, (the "Act"), will hold a public hearing at 5:00 p.m. on Monday, November 27, 2023, at City Hall, Helen Kleberg Groves Community Room, 400 West King Ave., Kingsville, Texas 78363, for the purpose of considering the establishment of a public improvement district to be located within the City

In accordance with the Act, the City Secretary has received a petition (the "Petition") from a certain property owner within the City (the "Petitioner") that request the establishment of a public improvement district for the Somerset development within the City.

The Petition and the legal description of the properties to be included in the public improvement district is on file and open for public inspection in the office of the City Secretary at the address stated above. The public hearing is being held with respect to the advisability of creating a public improvement district for the Somerset development and the Authorized Improvements (as defined below) to be made therein.

General Nature of the Authorized Improvements: The purpose of the public improvement district is to provide funds for public improvement projects authorized by the Act that are necessary for development of District property, which public improvements will include: onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the "Authorized Improvements"). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

Estimated Cost of the Authorized Improvements: The estimated cost to fund the Authorized Improvements is \$25,000,000.

Boundaries of the Proposed District: The public improvement district would include the Property as depicted in Exhibit A.

Proposed Method of Assessment for the Public Improvement District: The City shall levy assessments on each lot within the public improvement district in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including accrued and unpaid interest), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed in part by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

Proposed Apportionment of Costs between the District and the City for the Public Improvement District: All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the public improvement district and/or from other sources of funds, if any, available to the Petitioner, including lawfully available funds of the City from the sources and in the amounts as directed by the City Commission.

All interested persons are invited to attend such public hearing to express their views with respect to the establishment of a public improvement district for the Somerset development and the Authorized Improvements to be made therein. Questions or requests for additional information may be directed to Courtney Alvarez, City Attorney at calvarez@cityofkingsville.com.

Any interested persons unable to attend the hearing may submit their views in writing to Mary Valenzuela, City Secretary at mvalenzuela@cityofkingsville.com prior to the date scheduled for the hearing.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

GIVEN THIS 23rd day of October, 2023.

CITY OF KINGSVILLE, TEXAS

EXHIBIT A

Boundaries

Approximately 58 acres located in the City of Kingsville, bound by General Cavazos Blvd., Brahma Blvd., and E. Trant Rd. A full description of the boundaries of the proposed Somerset at Kingsville Public Improvement District Number 1 is available at City Hall, Helen Kleberg Groves Community Room, 400 West King Ave., Kingsville, Texas 78363.

Exhibit A

4874-2919-4378v.1 41364-1 10/30/2023

PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES

NOTICE OF APPLICATION FOR OIL AND GAS WASTE DISPOSAL WELL PERMIT
Headington Energy Partners, LLC located at 500 North Shoreline Blvd., Ste 902, Corpus Christi, Texas 78401 is applying to the Railroad Commission of Texas for a permit to dispose of produced salt water or other oil and gas waste by well injection into a porous formation not productive of oil or gas. The applicant proposes to dispose of oil and gas waste into the Ash (Frio) Formation, of the King Ranch Visnaga Lease, Well #245W. The proposed disposal well is located 15.3 miles Southeast of Kingsville in the El Infernillo (I-87) Field, in Kleberg County. The waste water will be injected into strata in the subsurface depth interval from 6430 to 6500 feet.
LEGAL AUTHORITY: Chapter 27 of the Texas Water Code, as amended, Title 3 of the Texas Natural Resources Code, as amended, and the Statewide Rules of the Oil and Gas Division of the Railroad Commission of Texas. Requests for a public hearing from persons who can show they are adversely affected or requests for further information concerning any aspect of the application should be submitted in writing, within fifteen days of publication, to Technical Permitting, Oil and Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711 (Telephone 512/463-6792).

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CONSENT AGENDA

AGENDA ITEM #1



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: October 20, 2023

SUBJECT: BA #08 - Request to roll end of year purchase orders for items ordered in FY 22-23 that are expected to be received in FY 23-24.

Summary:

At the end of each fiscal year, there are outstanding purchase orders that have been created and sent to vendors and due to various reasons, they remain outstanding.

Background:

All purchase orders that remain outstanding at the end of the fiscal year are reviewed to determine if the products are on order but have not been received or if the project has been started but not yet completed. If there are purchase orders in that state, the purchase order and the associated budget must both be rolled to the next fiscal year to cover the expenditure. During the budget process, it is not always known if items or projects are going to be received or completed by September 30, 2023. If allowances have not been made for this expenditure in the following fiscal year budget, a budget amendment must be submitted to cover the expenditure.

Financial Impact:

Rolled purchase orders will decrease the unappropriated fund balance of the corresponding fund by the following amounts:

- PO #232105 - Fund 055 – Tranquitas Creek Bridge Repair - \$27,090
- PO #230346 - Fund 121 – Tutoring Hours – Time & Attendance Software - \$1,800
- PO #231640 - Fund 128 – TWDB Master Plan-Location 8 Projects - \$377,000
- Total - \$405,890

Failure to roll forward the budgets for the rolled purchase orders will require current FY 23-24 budget appropriations to cover these costs and may result in shortages in current needs. The prior fiscal year's appropriations included these amounts and dropped to fund balance at the end of FY 22-23.

Recommendation:

Staff recommends the approval of the budget amendment for the rolled purchase orders.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE PURCHASE ORDERS ROLLED FORWARD FROM THE PRIOR FISCAL YEAR.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#08

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 055 – Storm Water Drainage Capital Improvements					
<u>Expenditures - 5</u>					
3050	Street	Drainage	53100	\$27,090.00	
Fund 121 – GF ARP					
1030	City Special	Professional Services	31400	\$1,800.00	
Fund 028 – TWDB Master Plan-Location 8					
8600	Storm Water	Drainage-Loan	71600	\$377,000.00	
		Total		\$405,890.00	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the purchase orders rolled forward from the prior fiscal year. Funding will come from the unappropriated fund balances of the associated funds.]

Below is a list of the purchase orders that were rolled forward:

PO #232105 – Tranquitas Creek Bridge Repair - \$27,090

PO #230346 – Tutoring Hours – Time & Attendance Software - \$1,800

PO #231640 – TWDB Master Plan-Location 8 Projects - \$377,000

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: November 03, 2023

SUBJECT: Budget Amendment #9 – CO Series 2023A Bond Issue

Summary:

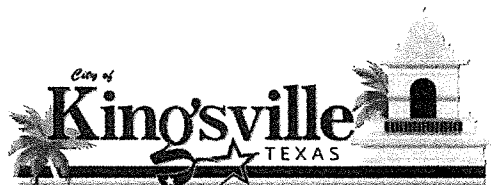
The City issued CO Series 2023A bonds for the purchase of equipment for Street, Landfill and Sanitation. The City received \$4,748,289.71 from the sale of bonds. The sale was completed after the budget was adopted and now that the sale is final, the CO Series 2023A funds needs to be appropriated and installed in the FY23-24 budget.

Financial Impact:

All purchases of equipment will be paid for by the proceeds from the sale of the CO Series 2023A. Purchasing is still waiting on the final quotes on all the equipment, but the budget needs to be installed based on the proceeds received.

Recommendation:

Staff recommends the approval of this budget amendment.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE CO SERIES 2023A BOND ISSUE.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#09

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 151 – CO Series 2023A					
<u>Revenues - 4</u>					
0000	Non-Dept	Bond Proceeds	99550	\$4,625,000.00	
0000	Non-Dept	Bond Premium	99600	\$240,110.18	
		Total		\$4,865,110.18	
<u>Expenditures – 5</u>					
5100	Debt Svc	Bond Issuance Costs	31404	\$116,320.47	
5100	Debt Svc	Paying Agent Fees	63100	\$500.00	
3050	Street	Machinery & Equipment	71200	\$1,108,364.71	
1702	Sanitation	Vehicles	71100	\$2,252,925.00	
1703	Landfill	Machinery & Equipment	71200	\$1,387,000.00	
		Total		\$4,865,110.18	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the CO Series 2023A Bond Issue. Funding will come from the net bond sale proceeds.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of

competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



Manager: [unclear] - donations
For Information on events and facilities
www.cityofkingsville.com/department/parks
Email:
sivy@cityofkingsville.com
or follow us on Facebook
Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Parks Director

Date: October 26, 2023

Re: City Commission Agenda Request Receipt of Donations from Healthy Family Sponsors

Summary – We are requesting Commission approve the receipt of donations for Parks Department Healthy Family Events.

History – Parks Department started this initiative in 2015 to supplement the need for additional funds in our recreation programming budget due to increased involvement in festivals and special events and the need to offer more programming to our community that focuses on drug/alcohol/bully free and active lifestyles.

Our partners this year are: Kleberg County Attorney's Specialized Crimes and Narcotics Task force \$2,500

Christus Spohn Hospital Kleberg \$2,500

Walmart Kingsville - \$2,500

L'Aiglon Foundation \$2,500

Sparklight Communications \$2,500

Driscoll Health Plan \$2,500

District Attorney John Hubert \$1,500

King Ranch - \$1,500

Communities in Schools Coastal Bend \$1,500

Ultra Screen Printing \$1,500.00

Tejas Nursery \$100

Southern Horizon Nursery \$100

Project Community Care \$100

Zimmerman Law Firm \$100

Diva Association of Kingsville \$100

Brookshire Foundation is a named sponsor money will come in later

Total Donations are \$21,500.00.

Financial Impact – These Healthy Family donations will increase our recreational programming budget by \$21,500. We ask that \$9,000 be coded to special events 001-5-4513-31441 and \$12,500 be coded to recreational programs 001-5-4513-31499.

Recommendation - We ask that you approve the receipt of these donations and authorize the expenditure of these funds for the purpose for which they were donated and approve the associated budget amendment.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ACCEPT AND EXPEND DONATIONS FROM SPONSORS OF THE PARK HEALTHY FAMILY EVENTS.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#11

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues - 4</u>					
4513	Recreation	Donations	58003	\$21,500.00	
<u>Expenditures - 5</u>					
4513	Recreation	Special Events	31441	\$9,000.00	
4513	Recreation	Recreational Programs	31499	\$12,500.00	

[To amend the City of Kingsville FY 23-24 budget to accept and expend donations from sponsors of the Park's Healthy Family Events. Funding will come from the donations for the stated purpose of the donors.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Charlie Sosa, Purchasing Manager

DATE: August 15, 2023

SUBJECT: RFQ 23-05 Architectural Services for Proposed Fire Station #3

Summary:

This item authorizes the city staff to enter into a contract with BRW; Brown Reynolds Watford Architects, for Architectural Services for the design of the New Fire Station #3 for the City of Kingsville.

Background:

We published a Request for Qualifications #23-06 in the newspaper on April 13, 2023, and April 27, 2023. Responses were accepted until 2:00 PM on May 16, 2023. Eight responses were received from: Solka Navo Turno, LLC; BRW: Brown Reynolds Watford Architects; Turner Ramirez & Associates; Komatsu Architects; ICE Engineering; Sam Garcia Architect; CG5 Architect LLC; and Fresch, Freeman, Schroder Architect. Staff reviewed the responses received and found the information received to be responsive. The Selection Review Committee interviewed the top two firms based on Experience, Capacity to Perform, and familiarity with Fire Station Design Projects. The Selection Committee selected Brown Reynolds Watford Architects, 175 Century Square Drive Suite 350, College Station, Texas, 77840, as they were determined to be the most highly qualified firm for the project. The Selection Committee consisted of JJ Adame, Fire Chief; Red Sandoval, Fire Captain; and Charlie Sosa, Purchasing Manager. The committee recommended and the City Commission awarded the RFQ to BRW on August 28, 2023. At that time, staff was instructed to negotiate a contract to bring to Commission. The parties have met and negotiated a contract for the architectural services.

Financial Impact:

The total amount of \$618,800.00 is needed for the services and will be funded with ARP Funds. The amount of \$150,000.00 had originally been allocated and an additional \$468,800.00 of ARP funding is being requested to cover the Architectural Design fee for the new Fire Station #3.

Recommendation:

It is recommended that the City Commission: 1) authorize the use of additional ARP funds for the Fire Station #3 Design Architectural Services RFQ #23-05 to Brown Reynolds Watford Architects, and 2) authorizes staff to enter into a contract with Brown Reynolds Watford Architects, 175 Century Square Drive Suite 350, College Station, Texas, 77840 in the amount of \$618,800.00.



**BROWN REYNOLDS WATFORD
ARCHITECTS**



175 CENTURY SQUARE DRIVE
SUITE 350
COLLEGE STATION, TEXAS 77840
979-694-1791
WWW.BRWARCH.COM

~~September 15, 2023~~ – October 16, 2023

Professional Services Proposal

City of Kingsville, Texas
ATTN: Charles Sosa, Purchasing Manager
400 W. King Avenue
Kingsville, TX 78363
csosa@cityofkingsville.com

RE: Kingsville Fire Station 3

BRW Architects is pleased to submit this proposal for architectural services to design Fire Station No. 3 for the City of Kingsville.

The project scope, scope of services, project schedule, and compensation are described below:

1. INITIAL INFORMATION

Scope - The following professional architectural services described in this proposal are for the design and construction of a new single-story Fire Station 3 on a 1.38-acre site at the Northeast Corner of W. General Cavazos Blvd. and S 6th Street. The new central station will meet current firefighting operations and standards that will allow for faster turnout times and cleaner work environments for the safety of firefighters. The new station will include three (2) drive-through apparatus bays, a fully functional kitchen, a day room that will accommodate 8 firefighters, administration offices for EOC and Fire Admin, a conference room, a decontamination room accessible from the bays, a compressor room, a bunker gear room, a utility room, individual bedrooms, restrooms with showers, locker room, cascade room, training spaces, vehicle and equipment maintenance, and storage rooms. The new station will be approximately 13,000 SF. with a Construction Budget of approximately \$6.8 Million (\$525 per SF).

2. ARCHITECT'S RESPONSIBILITIES

A. The Architect shall provide the professional services as set forth in this agreement.

B. Architectural

- A more detailed description of the basic services are listed below under section 6. Scope of Services by Project Phases for the Kingsville Fire Station 3 Facility.
- Preparation or assistance of Solicitation and Contract Document Procedures

C. Landscape Architecture

- Landscape design to meet zoning ordinance requirements as applicable using drought-tolerant / Native vegetation goals
- Fencing as required around rear of station

D. Landscape Irrigation

- Irrigation system design and documentation plans and specifications

E. Civil Engineering

- Drainage, grading and paving design
- Grading spot elevation adequate for TAS compliance
- On-site water, gas, and sewer utilities
- On-site electrical
- Surveying for meets and bounds, easements, setbacks, topo, existing utilities, existing vegetation.

- Geo-Tech Engineering
- Storm Water Pollutant Prevention Plan (SWPPP to be provided by Contractor)
- Building and site review submittal
- Pre-emption light Coordination with 2 conduits form light to fire station

F. Structural Engineering

- Structural foundation
- Structural framing
- Windstorm Design

G. Mechanical, Plumbing and Electrical Engineering

- Mechanical systems, including temperature controls systems and written sequence of operations
- Fire Protection (sprinkler system)
- Electrical power, lighting, and fire alarm systems
- Coordination with utility companies for electrical power, telephone, fiber, cable TV, service entrances, etc.
- Emergency generator
- Station radio, and alerting systems.
- Audio / Visual Equipment
- Building Security door access and cameras Equipment
- Lightning and surge protection
- Per the City of Kingsville specifications, Telecommunications and computer equipment and wiring, including voice data, cable TV, fiber optic cabling, data drops, IT cabinets, racks, wire management systems and terminations.

3. EXCLUSIONS FROM BASIC SERVICES

- A. The services shown below are not anticipated at this time; however, project requirements identified during design may require them to be added.

B. Architectural

- LEED Design / LEED Certification
- Full-time on-site construction observation
- Environmental or hazardous materials conditions / issues
- Preparation or assistance of additional bid packages after the initial bid

C. Demolition

- Demolition of buildings and other structures.

D. Civil Engineering

- Zoning modifications, including street abandonments, easements
- Environmental II or hazardous materials conditions / issues
- Platting
- Communication Tower
- Geotech Engineering
- Construction material Testing
- Traffic Study.
- Detention Pond design and review process
- Pre-emption light

E. Mechanical, Electrical and Plumbing Engineering

- Building utility bill estimates
- Acoustical Design and Documentation
- Radio tower
- Direct capture exhaust in the truck bays

4. OWNER PROVIDED SERVICES AND SYSTEMS

- A. The Owner shall furnish services those listed below as applicable:
- Laboratory materials testing / inspections (during construction)
 - Test and Balance.

5. SCOPE OF SERVICES BY PROJECT PHASE

Phase I - Programming and Schematic Design

- A. Kick Off Meeting
- Review scope of work and project schedule with project team. Identify contact information as well as chain of command for distributing information.
- B. Programming
- BRW, working with Kingsville Fire Department and city staff, will establish the program of spaces for the New Station No. 3. The Programming shall include two (2) working design meetings with the Owner.
- C. Code Research
- Research all applicable building code requirements, zoning restrictions, and city ordinances related to the new Fire Station No. 3, including: the International Building Code, International Electric Code, International Energy Conservation Code, International Fire Prevention Code, International Building Mechanical Code, International Plumbing Code as well as site, floodplain, and TAS requirements.
- D. Schematic Design
- Schematic Design documents shall include a site plan, building floor plans, sections, elevations, and renderings. Preliminary selections of major building systems and construction materials shall be noted on the drawings or described in writing. The Schematic Design phase shall include two (2) working design meetings with the Owner.
 - BRW will provide a statement of probable cost at the completion of Schematic Design, which will be a general estimate developed from several cost data bases including our own to determine the anticipated cost per square foot.

Phase II - Preliminary Design

- E. Design Development
- BRW will develop the Schematic Design to greater detail. The Architect shall provide Design Development Documents based on the approved Schematic Design Documents and probable cost of the Work. The Design Development Documents shall illustrate and describe the refinement of the design establishing the scope, relationships, forms, size, and appearance of the project by means of plans, sections and elevations, typical construction details, and outline specifications. The Design Development Documents shall include in general the quality levels for major materials and project systems.
 - During the design process, the Architect shall work with the Owner and user group to coordinate the scope of the project. At the completion of Design Development, the Architect shall update the probable cost of the Work and the project schedule. The Architect shall advise the Owner of any changes from previous cost projections due to adjustments in the project scope, refinement of the probable cost of the work, or general market conditions. If at any time the Architect's estimate of the Cost of the Work exceeds the Owner's budget, the Architect shall make appropriate recommendations to the Owner to adjust the project's size, quality or budget, and the Owner shall cooperate with the Architect in making such adjustments.
 - BRW will provide preliminary Civil, Structural, Mechanical, Electrical, and Plumbing engineering. Design and coordination with the Owner's IT department will be implemented at this phase. During this phase interior elevations will be developed and BRW will review finish materials, lighting, and furniture. BRW will review with the Owner, equipment and furniture that are owner supplied vs.

items supplied by the contractor during construction. Door hardware will be outlined and reviewed. BRW will prepare an outline for materials and products used for specifications.

- Our civil engineer will evaluate our site conditions along with parking, drainage, landscaping, and irrigation requirements.
- Meetings and Deliverables. The Design Development phase shall include two (2) working design meetings with the Owner. At the end of the Design Development phase, the City of Kingsville will be provided with two (2) hard-copy tabloid (11" x 17") sets and two (2) 8.5" x 11" project manuals (front ends).
- BRW will provide a statement of probable cost at the completion of Design Development, which will be a general estimate developed from several cost data bases including our own to determine the cost per square foot and general costs of selected materials and methods. BRW will submit the estimate in PDF/electronic format.

Phase III – Final Design

F. Construction Documents

- The Architect shall provide Construction Documents based on the approved Design Development Documents and updated probable cost of the Work. The Construction Documents shall set forth in detail the requirements for construction of the Project. The Construction Documents shall include Drawings and Specifications that establish in detail the quality levels of materials and project systems required for construction.
- The Architect shall update the estimate of the Cost of the Work and project schedule at 30%, 60% and 90% completion of Construction Documents. The statement of Probable Cost shall be an estimate to include materials, equipment, component systems and construction types for construction costs. The Statement of Probable Cost will also include project costs consisting of alternates to the bid, owner provided furniture and equipment, an allowance for construction testing, along with the contingency. The contingency includes Owner Generated Changes, Architectural and Engineering Design Contingency, and Unforeseen Construction Conditions. It is recognized that neither the Architect nor the Owner has control over the cost of labor, materials or equipment, over the Contractor's methods of determining bid prices, over competitive bidding, or market conditions. Accordingly, the Architect acknowledges that the bids may vary from the Owner's budget or the Architect's cost estimate.
- During the development of the Construction Documents, the City of Kingsville shall prepare a Project Manual including (front end documents) bidding and procurement information which describes the time, place and conditions of bidding.
- Final design and coordination of the mechanical, electrical, and plumbing will be completed. Mechanical engineering will include sizing of equipment, ducts, diffusers, dampers, and appropriate calculations. Plumbing engineer will include design of wastewater system tied into the existing system, supply water, and gas system. Electrical engineer will provide lighting, speaker system, phone, cable, and data wiring. Civil engineering work will be reviewed and coordinated, and final details will be drawn and specified.
- Upon receiving a letter of notice to proceed, BRW will update the building project schedule.
- Prepare complete Construction Documents, Specifications, Architect's Cost Estimate and Schedule and submit for Permit. Submit plans to Developmental Services Department for their review.
- BRW will be responsible for submitting construction documents to Development Services (DS) for plan review. BRW will be responsible for addressing any DS code comments and providing a permit ready set of construction documents.
- Submit plans and coordinate with Texas Department of Licensing and Regulation (TDLR) or

Registered Accessibility Specialist (RAS) for accessibility review and city permitting. Obtain EAB Number and Plan Review Report and approval for permit.

- Coordination of all architectural drawings will be detailed and finalized. Specifications will be coordinated with drawings and completed. BRW shall assist in the solicitation for inclusion in the specifications.
- The Construction Documentation Phase shall consist of five (5) meetings. Construction Documents phase deliverables shall include PDF documents as well as two (2) Tabloid (11" x 17") sets of documents at 30% completion, 60% completion, and 90% completion for the Owner's review and comment. Final deliverables at 100% completion will include the Contract Documents and Specifications and will be coordinated and submitted per standard process with engineering services: submittals at 30/60/90/100.

G. Bidding includes the following:

- The Owner intends to utilize Competitive Sealed Proposal delivery method for the project. The term "competitive bidding" and "competitive sealed proposals" as used in this agreement shall mean the same method of construction procurement ultimately selected by the Owner. BRW will provide drawings and specifications to the Owner for posting.
- The Architect shall prepare responses to questions from proposers and provide clarifications and interpretations of the Contract Documents in the form of Addenda.
- The Architect shall consider requests for substitutions during the pricing period, as permitted by the Contract Documents, and shall prepare Addenda including approved substitutions.
- The Architect will participate in a pre-proposal conference for prospective bidders.
- The Bidding phase shall include one (1) working design meetings with the Owner.
- BRW will assist the City during the bidding phase.

H. Construction Administration

- Participate in Pre-Construction Meeting.
- Attend and chair construction progress meetings based roughly on one (1) meeting per week.
- The Architect shall not have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction as selected by the Contractor, or for the safety precautions and programs incident to the work of the Contractor, or for the failure of the Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to the Contractor furnishing and performing the work.
- The Architect shall review and approve or take other appropriate action upon Contractor's submittals such as shop drawings, product data, samples, and mock-ups for general conformance with information given and the design concept expressed in the Contract Documents. Review is not conducted for the purpose of determining the accuracy, completeness, or quantities, or for substantiating instructions for installation or performance of equipment or systems.
- The Architect shall visit the site to become generally familiar with the progress of the quality of the work completed (assuming work is ongoing). The Architect's representative shall attend pre-arranged progress meetings and prepare field reports described the status of the work and any deviations observed from the Construction Documents.
- Through the construction administration activities with monthly progress meetings, submittal approvals, RFI's, change orders, construction schedule approval, and project close-out, BRW will serve as the representative of the Owner during construction to observe the construction effort and the general conformance by the construction contractor with the construction drawings and specifications.

- Architect shall perform final closeout procedures as defined in the Contract Documents, including preparation and verification of Punch Lists for the Contractor's use and transfer red-lined drawings into a set of as-builts. BRW will provide the City of Kingsville as-builts in digital format.
- One (1) year warranty walk through after Final completion.
- Construction Administration services beyond the following limits shall be an Additional Service:
 - Evaluation of Contractor's substitution requests after thirty (30) days following the execution of the contract.
 - Owner requested project scope changes resulting in changes to the Construction Documents.
 - Evaluation of claims submitted by the Contractor in connection with the work.
- Construction Administration services provided more than sixty (60) days after the date of the Substantial Completion, originally established in the construction contract shall be Additional Services, with the exception of final completion and project closeout, and warranty walk. The monthly lump-sum fee for extended Construction Administration (CA) services shall be the CA portion of the fee divided by the number of months for construction originally established in the construction contract.

6. COMPENSATION

- A. Payment for Architectural services is not to exceed an amount of **\$618,800** to be invoiced monthly based on the percentage of the hourly not to exceed amount projected.
- B. Where compensation for Basic Services is based on a stipulated sum or percentage of the Cost of the Work, the compensation for each phase of services shall be as stated below.

C. COST BREAKDOWN BY PHASES

Schematic Design (20%)	\$123,760
Design Development (15%)	\$92,820
Construction Documents (40%)	\$247,520
Bid Phase (5%)	\$30,940
Construction Admin Phase (20%)	<u>\$123,760</u>
Total	\$618,800

D. COST BREAKDOWN BY DESIGN DISCIPLINE

Architectural	\$393,692
Structural	\$49,946
MEP	\$91,078
Civil	\$52,884
Landscape & Irrigation	\$16,200
Geo-Tech Engineering	\$7,200
Topographic Surveying	<u>\$7,800</u>
TOTAL BASIC SERVICES	\$618,800

E. COST OF THE WORK

In preparing estimates of the Cost of Work, the Architect shall be permitted to include contingencies for design, bidding, and price escalation; to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents. The Architect's estimate of the Cost of the Work shall be based on current area, volume, or similar conceptual estimating techniques.

F. BILLING RATES

The hourly billing rates for services of the Architect and the Architect's consultants, if any, are set forth below. The rates shall be adjusted in accordance with the Architect's and Architect's consultants' normal review practices.

- Site Principal / Engineer \$240.00/hour
- Sr. Project Manager / Engineer \$185.00/hour

▪ Project Manager / Engineer	\$170.00/hour
▪ Project Architect / Engineer	\$150.00/hour
▪ Architect / Engineer	\$125.00/hour
▪ Intern Architect I / Engineer	\$105.00/hour
▪ Intern Architect II / Engineer	\$85.00/hour
▪ Admin	\$70.00/hour

G. Additional Services

- Additional Services may be provided after execution of this Agreement, without invalidating the Agreement. Except for services required due to the fault of the Architect, any Additional Services shall entitle the Architect to compensation and an appropriate adjustment in the Architect's schedule. Additional Services will be negotiated on a lump sum basis.
- Upon recognizing the need to perform Additional Services, the Architect shall notify the Owner with reasonable promptness and explain the facts and circumstances giving rise to the need. The Architect shall not proceed to provide the following services until the Architect receives the Owner's written authorization.

- H. BRW does not anticipate compensation for reimbursable expenses. Travel and other related expenses are figured into the overall fee.

7. PROJECT SCHEDULE

We anticipate the following time periods for the project phases:

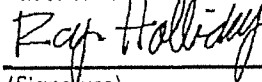
PROJECT PHASE	COMPLETED
▪ Programming/ Schematic Design	8 weeks
▪ Design Development	4 weeks
▪ Construction Documents	12 weeks
▪ City review	4 weeks
▪ Bidding	8 weeks
▪ City Council Approval	4 weeks
▪ Building Construction	12 months

9. SCOPE AGREEMENT

Agreement represents the entire and integrated agreement between Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral.

This Agreement entered as of the day and year first written above.

ARCHITECT



(Signature)

Ray W. Holliday, AIA, ASLA, ASID, APA, LI
Principal

Brown Reynolds Watford Architects, Inc.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE ADDITIONAL ARP FUNDING FOR THE FIRE STATION DESIGN FEES.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#10

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 121 – GF ARP Fund					
<u>Revenues – 4</u>					
0000	Transfer In	Transfer From Fund 125	75125	\$468,800	
<u>Expenditures - 5</u>					
2200	Fire	Professional Services	31400	\$468,800	
Fund 125 - UF ARP					
<u>Expenditures – 5</u>					
6900	Transfers	Transfer To Fund 121	80121	\$468,800	

[To amend the City of Kingsville FY 23-24 budget to appropriate additional funding for the Fire Station design fees for proposed fire station #3. Funding will come from the unappropriated fund balance of the UF ARP fund 125.]

I.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause,

phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin
FROM: Charlie Sosa Purchasing Manager
DATE: October 27, 2023
SUBJECT: Purchase of New PPV Truck F-150 Responder for Police Department

Summary:

This item authorizes the City Manager to approve the purchase of a new PPV Truck F-150 Responder and outfitting with Silsbee Ford of Silsbee, Texas, through TIPS Purchasing Cooperative Contract # 210907 for the City of Kingsville Police Department.

Background:

The new PPV F-150 Responder Truck will be purchased through a Stonegarden Grant and with Chapter 59 Forfeiture Funds. TIPS is a member of the Purchasing Cooperative which meets Local Government Code Chapter 271 Subchapter F that allows for the use of a cooperative purchasing program. Specifically, 271.102 (c), states, "A local government that purchases goods and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through GL Fund 016-5-2100-71119 in the amount of \$65,452.00 with a Budget Amendment, and the remaining amount of \$29,119.15 is available through GL Fund 005-5-2100-71100. The amount of the new police vehicle will be \$94,571.15.

Recommendation:

It is recommended the City Manager be authorized to approve the purchase of the new PPV Truck F-150 Responder with Silsbee Ford of Silsbee, Texas, Texas, through TIPS Purchasing Cooperative Contract # 210907 for the City of Kingsville Police Department, as per staff recommendation.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR A STONEGARDEN GRANT AWARDED POLICE VEHICLE PURCHASE.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#13

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 005-PD Seizure Fund					
<u>Expenditures - 5</u>					
2100	Police	Vehicle	71100	\$28,639.87	
Fund 016 – PD Stonegarden					
<u>Expenditures – 5</u>					
2100	Police	Vehicle	71116	\$65,452.00	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for a Stonegarden grant awarded police vehicle purchase. Funding for the vehicle will come from the Stonegarden Grant Fund 016 and the outfitting will come from the unappropriated fund balance of the PD Seizure Fund 005.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Bradley Lile, Interim Chief of Police

DATE: October 23, 2023

SUBJECT: 2024 Local Border Security Program (LBSP)

Summary:

The Kingsville Police Department was invited to participate in the 2024 Local Border Security Program (LBSP). The grant period is from 09/01/2023 to 08/31/2024. The Department recently received notice that it had been awarded grant funding in the amount of \$78,000.00.

Background:

The Public Safety Office (PSO) is soliciting grant applications under the Local Border Security Program (LBSP) for projects that support Operation Border Star during state fiscal year 2024. Operation Border Star centers on the use of intelligence to increase the effectiveness of federal, state, and local law enforcement assets. The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

- Increase the effectiveness and impact of Steady State and Surge Operations.
- Reduce border-related criminal activity in Texas.
- Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
- Decrease the supply of drugs smuggled into and through Texas from Mexico.
- Disrupt and deter operations of gang and cartel criminal organizations.
- Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
- Decrease use of specific areas for crime as targeted in directed action missions.
- Increase the effectiveness of air operations mission planning and prioritization.



**City of Kingsville
Police Department**

- Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.
- Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
- Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
- Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.
- Aid in the humane retrieval and processing of the remains of undocumented migrants.

Financial Impact:

The grant for "Operation Border Star" is a reimbursement type but does not require any cash match. We are requesting funds to cover personnel costs, fuel, and equipment. As the grant has been awarded, a budget amendment is needed to reflect the award.

Recommendation:

We would request a budget amendment for the awarded grant funds. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Texas Grant Management Standards (TxGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Grant Number:	2994109	Award Amount:	\$78,000.00
Date Awarded:	9/26/2023	Grantee Cash Match:	\$0.00
Grant Period:	09/01/2023 - 08/31/2024	Grantee In Kind Match:	\$0.00
Liquidation Date:	11/29/2024	Grantee GPI:	\$0.00
Program Fund:	BL-Local Border Security Program (LBSP)	Total Project Cost:	\$78,000.00
Grantee Name:	Kingsville, City of		
Project Title:	Local Border Security Program		
Grant Manager:	Lynne Crow		
Unique Entity Identifier (UEI):	MYHPJ4MJZCL4		

CFDA:	N/A
Federal Awarding Agency:	N/A - State Funds
Federal Award Date:	N/A - State Funds
Federal/State Award ID Number:	2024-BL-ST-0016
Total Federal Award/State Funds Appropriated:	\$5,100,000.00
Pass Thru Entity Name:	Texas Office of the Governor – Homeland Security Grants Division (HSGD)
Is the Award R&D:	No
Federal/State Award Description:	Grants for local law enforcement agencies to support Operation Border Star. The grant funds may also support the humane processing of remains of undocumented migrants, when specifically awarded for that purpose.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ACCEPT AND EXPEND GRANT FUNDING FROM BORDERSTAR FOR POLICE DEPARTMENT PERSONNEL COSTS.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#15

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 017 – Local Border Star					
<u>Revenues -4</u>					
2100	Police	State Grants	72010	\$78,000.00	
<u>Expenditures - 5</u>					
2100	Police	Overtime	11201	\$78,000.00	

[To amend the City of Kingsville FY 23-24 budget to accept and expend funding from Borderstar for Police Department Personnel Costs. Funding will come from the grant funding.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Kyle Benson, Director of Information Technology
DATE: October 31, 2023
SUBJECT: P25 Phase 2 Radio System Upgrades

Summary:

This item authorizes approval of the upgrade of all radios and core radio infrastructure for the City of Kingsville Police and Fire Departments. This includes the installation of new radio equipment, dedicated server, and all associated licensing required to upgrade the current P25 Phase 1 system to Phase 2. This upgrade will allow interoperability across most surrounding counties as well as those located along the US 77/37 Corridor to Bexar County.

Background:

In early 2011 the initial P25 compliant radio equipment was purchased by KPD to address limitations discovered when working with other agencies as part of Operation Border Star and begin future-proofing the system in place at that time. With changes in technology and normal obsolescence a need for newer equipment arose and the existing 800MHz radio system was approved for purchase by City Commission in November 2016. At that time the stated objective was to modernize the radio system and allow for the P25 standard to be adopted across all City of Kingsville public safety operations to align with industry standards. In August 2017 Hurricane Harvey illustrated a need for greater communications interoperability across multiple agencies in our region. In the months following Hurricane Harvey the concept of a regional radio system was introduced and a plan developed for a regional partnership structured around the P25 standard. The goal of this partnership was for all agencies to reach Phase 2 compliance to allow for the most efficient use of available frequency and bandwidth. The City of Kingsville agreed to participate in this partnership and, with surrounding communities achieving Phase 2 compliance, is now able to fully recognize the benefits of the upgrade.

Vendor for the P25 Phase II Project is Dailey-Wells of San Antonio and the items are available through the HGAC Purchasing Cooperative (HGAC Contract # H-GAC RA05-21), thereby satisfying State purchasing law requirements.



City of Kingsville
Finance Department

Total cost of the upgrade is \$249,408.45, which is to be equally split between the City and Kleberg County over three years through an Interlocal Agreement for that purpose. The 3 annual installments of \$83,136.15 would be made as follows:

Year 1 (Dec. 2023)-City pays \$83,136.15.

Year 2 (Oct. 2024)-City and County each pay half the \$83,136.15, which is \$41,568.084 each.

Year 3 (Oct. 2025)-County pays \$83,136.15.

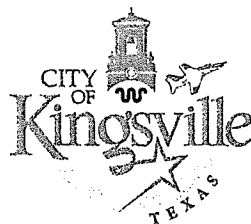
Financial Impact:

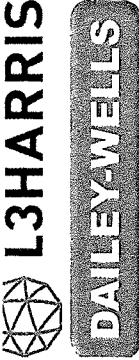
As noted above, the total cost of the upgrade is \$249,408.45, which is to be equally split with Kleberg County. The City's payment for year one of \$83,136.15 for this project is available through Fund 005, Chapter 59 funds.

Recommendation:

It is recommended the City Commission approve:

- 1) the MOU with Kleberg County for Phase II of the P25 Project,
- 2) authorization to purchase the equipment/services for the upgrade of the radio system to the P25 Phase 2 standard, and
- 3) the budget amendment to cover the City's payment of year one of the three-year payment plan for this project, which is due in December 2023.





To: Bradley Lile, Police Chief
For: City of Kingsville
Phone: 361-675-0677
Date: August 21, 2023
email bradley.lile@kingsvillepd.us
HGAC ACCOUNT

From: Edward Martinez
Major Accounts Representative
Dailey-Wells Communications
361-548-5660 Cell
210.893.6702 Fax
emartinez@dwcomm.com

H-GAC RA05-21

System Upgrade, Symphony Console Upgrade

Item	Part #	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	MASV-NSG9K	Feature,Software,P25 Phase 2	5	\$9,500.00	26%	\$ 7,030.00	\$ 35,150.00
2	NS-SH1J	LICENSE,P25 SITE TALKPATH,CONNECT	5	\$1,000.00	26%	\$ 740.00	\$ 3,700.00
3	NS-PNSW	SERVER, DELL R640, CONNECT	1	\$ 24,000.00	5%	\$ 22,800.00	\$ 22,800.00
4	NS-SN5K	SERVICE,SYBASE LICENSE	2	\$ 2,677.00	26%	\$ 1,980.98	\$ 3,961.96
5	NS-VM2L	SOFTWARE,CONNECT CORE,VM	1	\$ 30,000.00	26%	\$ 22,200.00	\$ 22,200.00
6	NS-CA5G	CABINET,NSS,42 RU,120V	1	\$ 6,450.00	5%	\$ 6,127.50	\$ 6,127.50
7	NS-ZM2F	POWER KIT,SR10A.4,VIDA CONNECT,110VAC	1	\$ 45.00	5%	\$ 42.75	\$ 42.75
8	NS-DW1U	DRAWINGS,VIDA CONNECT/ESSENTIALS	1	\$ 1.00	100%	\$ -	\$ -
9	VSV502	VIDA Security, NSC	1	\$ 1,095.57	5%	\$ 1,040.79	\$ 1,040.79
10	CM-027501-100102	License,Quest Authentication, Server	5	\$ 455.00	5%	\$ 432.25	\$ 2,161.25
11	VS-CR2D	ROUTER,ISR,C1111-8P,APP	1	\$ 3,250.00	5%	\$ 3,087.50	\$ 3,087.50
12	VS-MN3X	KIT, C1111 ROUTER SITE MTG	1	\$ 156.00	5%	\$ 148.20	\$ 148.20
13	MANM-NSG9C	License,Quad Mode Vocoder	1	\$ 35.00	26%	\$ 25.90	\$ 25.90
14	NS-SH1F	LICENSE,CONSOLE,CONNECT	10	\$ 1,000.00	26%	\$ 740.00	\$ 7,400.00
15	NS-SH1G	LICENSE,CONSOLE TALKPATH,CONNECT	60	\$ 250.00	26%	\$ 185.00	\$ 11,100.00
16	NS-SH1H	LICENSE,P25 SITE,CONNECT	1	\$ 10,000.00	26%	\$ 7,400.00	\$ 7,400.00
17	NS-SG2Y	LICENSE,VIDA CONNECT	1	\$ 15,000.00	26%	\$ 11,100.00	\$ 11,100.00
18	NS-SH1D	LICENSE,P25 APPLICATION,CONNECT	1	\$ 10,000.00	26%	\$ 7,400.00	\$ 7,400.00
19	UD-SW1N	SW,SYMPHONY PC APP	5	\$ 200.00	26%	\$ 148.00	\$ 740.00
20	14031-0004-11	WIN 10, 64BIT, LTSC	7	\$ 195.00	26%	\$ 144.30	\$ 1,010.10
21	DWC-LABOR	DWC-LABOR	1	\$ 40,000.00	0%	\$ 40,000.00	\$ 40,000.00
Extended Total						\$ 186,595.95	\$ 186,595.95

Radio Feature Upgrades

Item	Part #	Description	Qty.	Unit List	Disc. %	Unit Sale	Ext Sale
1	XL-PL4F	FEATURE, P25 PHASE 2, TDMA	750	\$250.00	66.50%	\$ 83.75	\$ 62,812.50
Note: does not include labor for feature installation P.O						Sub Total	\$ 62,812.50
						Extended Total	\$ 249,408.45

Bill to: City of Kingsville
PO Box 1458
Kingsville, TX 78364

Ship to: Kingsville Police Department
1700 E King
Kingsville, TX 78363

Terms: Net 30 Days
Shipping: Pre-Pay and add to the invoice.
Price valid until November 30, 2023

Payment Schedule for Three Payments		
Payment 1	\$83,136.15	December 12, 2023
Payment 2	\$83,136.15	October 12, 2024
Payment 3	\$83,136.15	October 12, 2025

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE POLICE DEPARTMENT P25 PHASE 2 RADIO SYSTEM UPGRADE.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#04

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 005 – PD Seizure Fund					
<u>Expenditures - 5</u>					
2100	Police	Professional Services	31400	\$83,136.15	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the Police Department P25 Phase 2 Radio System Upgrades. Funding will come from the unappropriated fund balance of the PD Seizure Fund 005.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November, 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

Budget Amend.
- GLO: Proj 3

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: November 13, 2023

SUBJECT: Consider Approving Change Order No.1 for Bid 23-08 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 3 – 18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plant

Purpose:

Approving General Land Office Change Order No. 1 will reduce the scope of work for Project 3. This Change Order reduces the project scope by 800 linear feet, 1 manhole, and adds 1 day to the contract time. City Change Order No. 1A includes additive alternate bid items for replacing fences and a flagpole but were not included in the construction contract. Change Order No. 1A items are not eligible construction items covered by the GLO Funds and will be paid for by other City Funds. The project will be completed in 120 calendar days.

Summary:

GLO Change Order No. 1

Item	Description	Unit	Quantity	Unit Cost	Total
A3	SWPP (Sediment Control Fence)	LF	-80	\$3.62	(\$289.60)
A4	Remove 18" Sanitary Sewer Line	LF	-800	\$24.18	(\$19,344.00)
A5	Remove Bollard / Guard Rail	EA	-3	\$244.27	(\$732.81.00)
A6	Remove Existing Sanitary Sewer Manholes	Ea	-2	\$1,094.32	(\$2,188.64)
A13	Trench Excavation	LF	-800	\$2.80	(\$2,240.00)
A14	Trench Safety	LF	-800	\$6.98	(\$5,584.00)
A15	24" Dia. Sanitary Sewer Line PVC SDR-26	LF	-800	\$244.00	(\$195,200.00)
A16	6' Dia. Fiberglass Sanitary Sewer Manhole	EA	-1	\$27,421.58	(\$27,421.58)
A17	6" Dia. Steel Bollards	EA	-4	\$934.96	(\$3,739.84)

GLO Change Order No. 1 Total

(\$256,740.47)



**City of Kingsville
Engineering Dept.**

City Change Order No. 1A

Item	Description	Unit	Quantity	Unit Cost	Total
A24	Replace Brick Fence Columns	EA	+10	\$1,881.60	\$18,816.00
A25	Replace Flag Pole	EA	+1	\$1,411.20	\$1,411.20
A26	Replace Cable Fence	LF	+10	\$235.20	\$2,352.00

Change Order No. 1A Total **+\$22,579.20**

Background:

Sealed bids were received on August 15, 2023. This project was advertised in the local newspaper, Historically Underutilized Business (HUB), Minority and Women-Owned Business Enterprises (MWBE) and on the City's website. Bids were opened, read aloud and the apparent low bidder was identified. Three (3) bids were received which included Gerke Excavating Inc.; from Tomah, WI, Clark Pipeline Services LLC.; from Corpus Christi, TX., and Jhabores Construction Co. Inc.; from Corpus Christi, TX. The base bids ranged from \$1,498,733.34 to \$3,392,942.00 and additive alternate bids ranged from \$15,595.00 to \$22,579.20. Additive alternate bids were not awarded as part of this initial project. Gerke's bid was the lowest bid and there were some errors noted on the bids and of a minor clerical nature, such as a mistake in transcribing numbers, misplaced decimal, and/or typographical errors. The error added \$11.70 to Gerke's base bid. Staff recommended accepting and enforcing the bid with the noted error as it would not cause substantial hardship to the bidder because the total bid price and terms are not materially affected. Commission awarded this bid on September 11, 2023.

Financial Impact:

The financial impact of GLO Change Order No. 1 would be to reduce the awarded amount for Project 3 of \$1,498,733.34 by (\$256,740.47) or 17.13% and allow funding for the other 6 pending projects that will be funded by Fund 113 Citywide Wastewater Collection System Improvements. City Change Order No. 1A would add \$22,579.20 or 0.018% and be funded by 051-5-7001-55100 Sewer Line.

Recommendation:

Staff recommends approving Change Orders No.1 and 1A for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 3 – 18" Wastewater Main Replacement to 3MGD WWTP in the amounts CO1 (\$256,740.47) and CO1A +\$22,579.20.

Attachments:

GLO Change Order No. 1
City Change Order No. 1A





COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

NOTE: Texas Local Government Code Sec. 262.031 "CHANGES IN PLANS AND SPECIFICATIONS" regulations apply. Generally, a cumulative increase in the contract price in excess of 25% or a cumulative decrease in excess of 18% are disallowed.

Subrecipient: City of Kingsville	GLO Contract Number: 22-082-016-D218	Date: 10/31/2023
Engineer Name Address & Phone	Subrecipient Name, Address, & Phone Number:	Contractor Name, Address & Phone Number:
International Consulting Engineers 261 Saratoga Blvd. Corpus Christi, TX 78417 361-826-5805	City of Kingsville 400 W. King Ave. Kingsville, TX 78363 361-595-8040	Gerke Excavating, Inc. 15341 State Highway 131 Tomah, Wisconsin 54660 608-372-4203
Project #: 3	Bid Package #: 1	Change Order #: 1
Contract Origination Date: 9/25/2023		Project Description: Sewer line replacement

You are hereby requested to comply with the following changes from the contract plans and specifications.

Item No.	Description of Changes: Quantities, Units, Unit Prices, Change in Completion Schedule etc.	Decrease in Contract Price	Increase in Contract Price
A3	SWPP (SEDIMENT CONTROL FENCE), -80 LF	289.6	
A4	REMOVE 18" DIAM. SANITARY SEWER LINE, -800 LF	19344	
A5	REMOVE BOLLARDS / GUARD RAIL, -3 EA	732.81	
A6	REMOVE EXISTING SANITARY SEWER MANHOLES, -2 EA	2188.64	
A13	TRENCH EXCAVATION, -800 LF	2240	
A14	TRENCH SAFETY, -800 LF	5584	
A15	24" DIAM. SANITARY SEWER LINE PVC SDR-26 (GREEN COLOR), -800 LF	195200	
A16	6" DIAM. CONCRETE SANITARY SEWER MANHOLE, -1 EA	27421.58	
A17	6" DIAM. STEEL BOLLARDS, -4 EA	3739.84	

See sheet 2 to add additional entries

Change in Construction Contract Price		Change in Contract Time (Calendar Days)	
Original Contract Price:	1498733.34	Original Contract Time in Days:	120
Cumulative Previous Change Order(s) Total:	0	Net Change from Previous Change Order(s) in Days:	0
Contract Price Prior to this Change Order:	1498733.34	Contract Time Prior to this Change Order in Days:	120
Net Increase/Decrease of this Change Order:	-256740.47	Net Increase/Decrease of this Change Order in Days:	1



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

Contract Price with All Approved Change Orders:	1241992.87	Contract Time with All Approved Change Orders in Days:	121
Cumulative Percent Change in Contract Price (+/-)	-17.13%	Subrecipient Contract End Date:	1/31/2025
Construction Contract Start Date:	10/12/2023	Construction Contract End Date:	2/9/2024

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements

Subrecipient Signature		Contractor Signature
Subrecipient Name and Title (Printed)	JUAN CARLOS CARDENAS, P.E. SENIOR ENGINEER	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

Justification for Change Order

1. Will this change order increase or decrease the number of beneficiaries? ☐ Increase ☐ Decrease ☒ No Change

If there is a change, how many beneficiaries will be affected

Total LMI

2. Effect of this change on the scope of work: ☐ Increase ☒ Decrease ☐ No Change

3. Effect on operation and maintenance costs: ☐ Increase ☐ Decrease ☒ No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid? ☒ Yes ☐ No

If "no", explain:

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? ☐ Yes ☒ No

If "yes", is an environmental assessment required?



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Construction Change Order Request

-
- | | | |
|--|---|-----------------------------|
| 6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Is the CCN permit still valid? (sewer projects only) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Are the disability access requirements/approval still valid (if applicable)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Are other Disaster Recovery contractual special condition clearances still valid? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If "no", explain:

***Disclaimer:** The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

CHANGE ORDER NO. 1A

**GLO SS PROJECT 3 (REMOVE AND REPLACE 18" LINE FROM E. CORRAL AVE. TO
E. SANTA GERTRUDIS AVE.) SANITARY SEWER IMPROVEMENTS (CDBG-MIT GLO
CONTRACT NO. 22-082-016-D218))**



ADDITIVE ALTERNATE AMOUNT

WORK ACTIVITIES	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
Replace Brick Fence Columns	10	EA	\$ 1,881.60	\$ 18,816.00
Replace Flag Pole	1	EA	\$ 1,411.20	\$ 1,411.20
Replace Cable Fence	10	LF	\$ 235.20	\$ 2,352.00
Total				\$ 22,579.20

ORIGINAL CONTRACT	\$ 1,498,733.34
GLO NO. 1 (CHANGE ORDER)	\$ (256,740.47)
CITY CHANGE ORDER NO. 1A	\$ 22,579.20
REVISED CONTRACT AMOUNT	\$ 1,264,572.07

Contractor's Authorization

Contractor's Signature

11/2/2023

Date

Engineer's Recommendation

Engineer's Signature

Date

City Commission Approval

Mayor's Signature

Date

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR A CHANGE ORDER FOR THE WASTEWATER MAIN REPLACEMENT LINE (PROJECT #3) INCLUDED IN THE D218 GLO GRANT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#14

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 – Utility Fund					
<u>Expenditures - 5</u>					
7001	Wastewater	Sewer Line	55100	\$22,579.20	
7001	Wastewater	Budget Amendment Res	86000		\$22,579.20

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for a change order for the Wastewater main replacement line included in the D218 GLO grant. Funding will come from the Budget Amendment Reserve line item in Division 7001 of the Utility Fund 051.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community: _____ C.I.D.: _____ State: Texas

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
<input checked="" type="checkbox"/> Start of Construction <input checked="" type="checkbox"/> Structure <input checked="" type="checkbox"/> Substantial Damage <input checked="" type="checkbox"/> Substantial Improvement <input checked="" type="checkbox"/> Violation						Chapter 15-4-3
14. Adopt or reference correct Map and date. [60.3(b)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)						Article 3, Sec. B Map date incorrect, current map date is: March 17, 2014
15. Adopt or reference correct Flood Insurance Study and date. [60.3(c), (d), and/or (e)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)						Article 3, Sec. B Flood Insurance Study date incorrect: should be March 17, 2014
16. Require permits for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain. [60.3(a)(1)]						N/A
17. Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]				x		Article 3, Sec. C Article 4, Sec. C(1)
18. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]				x		Article 4, Sec. B(4)
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure. [60.3(a)(3)(i)]				x		Article 4, Sec. B(2) Article 5, Sec. A(1)
(b) Use of flood-resistant materials. [60.3(a)(3)(ii)]				x		Article 5, Sec. A(3)
(c) Construction methods and practices that minimize flood damage. [60.3(a)(3)(iii)]				x		Article 5, Sec. A(2)
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry to accumulation. [60.3(a)(3)(iv)]				x		Article 5, Sec. A(4)

9/19/2023

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community: _____ C.I.D.: _____ State: Texas

Reviewed by: _____ Date of Review: _____

Item Description (Section reference to the NFIP Regulations follows)	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
35. ³ Until a regulatory floodway is designated, no encroachment may increase the Base Flood level more than 1 foot. [60.3(c)(10)]				x		Article 4, Sec. B(9) 'shall' is repeated in second line.
36. ⁴ In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]				x		Article 5, Sec. D(4)
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is to or above the Base Flood Elevation and be securely anchored: (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]				x		Article 5, Sec. B(4b)
38. In A1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(c)(12)]				x		Article 5, Sec. B(4c)
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]				x		Article 5, Sec. B(5)
40. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot. [60.3(d)(2)]				x		Article 4, Sec. B(9,10)

check 15-1

³ Item 35 is not required if all streams have floodways designated.

⁴ Item 36 is not required if the community has no AO or AH Zones.

9/19/2023

ORDINANCE NO. 2023-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES §15-4-3 AND §15-4-4 OF CHAPTER XV, ARTICLE 4, FLOOD DAMAGE PREVENTION, PROVIDING FOR UPDATED MAP DATES AND CORRECTION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

WHEREAS, this ordinance is in need of revision to clarify sections of the model ordinance received from the Texas Water Development Board;

WHEREAS, the Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Commission of the City of Kingsville, Texas, does ordain as follows below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

THAT Section 15-4-4 through 15-4-5 of Article 4: Flood Damage Prevention of Chapter XV, Land Usage Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

§ 15-4-3 APPLICABILITY, COMPLIANCE, INTERPRETATION, AND THE LIKE.

...

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for the City of Kingsville, dated March 17, 2014 ~~August 17, 1981~~, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) Community Number 48042, dated March 17, 2014 ~~August 17, 1981~~, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

...

§ 15-4-4 ADMINISTRATION.

...

(B) Duties and responsibilities of the Floodplain Administrator.

Duties and responsibilities of the *Floodplain Administrator* shall include, but not be limited to, the following:

...

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

...

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 13th day of November, 2023.

PASSED AND APPROVED on this the 27th day of November, 2023.

Effective Date: _____ /

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #10

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Bradley Lile, Interim Chief of Police
DATE: August 15, 2023

SUBJECT: FY2023-2024 Operation Lone Star Grant Program (OLS) → Awarded Nov. 9, 2023

Summary:

The Kingsville Police Department is requesting a resolution to apply for and if awarded to accept and expend FY2023-2024 Operation Lone Star Grant Program (OLS) funds.

Background:

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates. Program participants shall assist in the execution of coordinated border security operations in an effort to:

Law Enforcement

1. Increase the effectiveness and impact of Operation Lone Star.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
9. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
10. Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations

Financial Impact:



City of Kingsville Police Department

Funding may be used to provide additional personnel, equipment, supplies, contractual support, travel, and training in support of Operation Lone Star activities, including for any one or more of the following activities.

Operation Lone Star - Law Enforcement. Activities related to law enforcement operations in support of OLS:

- **LAW ENFORCEMENT PERSONNEL - OVERTIME**

- o Overtime for increased patrol, search and rescue, recovery operations, and/or investigative capacity for certified peace officers.
- o Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in Operation Lone Star, such as Communications Officer/Dispatcher overtime necessary to maintain a safe Officer to Dispatcher ratio.
- o Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- o Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the nonborder county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**

- o Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during Operation Lone Star.
- o Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
- o Part-time to Full-Time: Personnel costs for part-time law enforcement personnel in order to bring them to temporary full-time status.
- o Regular time for administrative personnel supporting OLS law enforcement activities.
- o Hiring or contracting temporary staff to support OLS law enforcement activities.
- o Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the nonborder county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT - EQUIPMENT & TECHNOLOGY**

- o Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.

- **LAW ENFORCEMENT - SUPPLIES and DIRECT OPERATING EXPENSE**

- o General office supplies and program supplies related to OLS law enforcement activities.



City of Kingsville Police Department

Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services preapproved by the PSO that are critical to success of the program. Examples include:

- ♣ The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, aircraft, boats, generators, and similar equipment used during the hours in which grant-funded staff are working.
- ♣ Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
- ♣ Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.

- **LAW ENFORCEMENT – TRAVEL & TRAINING**

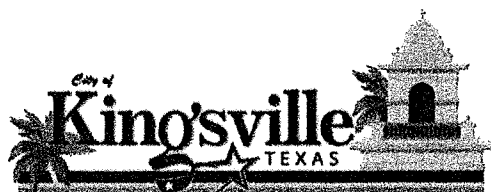
- o Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

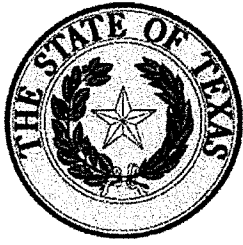
The grant for “Operation Lone Star” is a reimbursement type has a minimum funding level of \$5,000 with no maximum and does not require any cash match.

Recommendation:

The City of Kingsville Commission approve the resolution for our application and administration and award of this grant.

Please place this on the next available agenda. Thank you for your assistance regarding this matter.





Office of the Governor, Public Safety Office
Homeland Security Grants Division
Funding Announcement: ***FY2024 Operation Lone
Star Grant Program (OLS)***

Purpose

The Public Safety Office (PSO) is soliciting grant applications for local projects that support Operation Lone Star.

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain inmates. Program participants shall assist in the execution of coordinated border security operations to:

Law Enforcement

1. Increase the effectiveness and impact of Operation Lone Star.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
9. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
10. Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations.

Jail Operations

11. Increase capacity for detention operations and other supporting functions associated with increased criminal activity due to surges in illegal migration.

Human Remains Processing

12. Support county medical examiner offices in the humane processing of the remains of undocumented migrants.

Court Administration

13. Increase capacity and expediency in the case preparation, magistration, pre/post-adjudication proceedings, and criminal trials of OLS defendants.

Fire/EMS Operations

14. Increase capacity for fire/EMS operations in direct support of OLS.

Available Funding

State funds for these projects are authorized under the Texas General Appropriations Act, Article I, for Trusted Programs within the Office of the Governor. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Eligible Organizations

1. Units of local government; and
2. Federally Recognized Native American tribes.
3. Eligible applicants must be a county or a municipality located in a county that has issued a disaster declaration relating to border security.
4. Preference will be given to eligible applicants within or providing support services to a County that is:
 - a) adjacent to or a portion of which are located within 20 miles of an international border;
 - b) adjacent to two counties located on an international border with a population of more than 5,000 and less than 7,500 according to the most recent federal decennial census; or
 - c) adjacent to the Gulf Intracoastal Waterway, as defined by Section 51.002, Transportation Code;
5. Jurisdictions not physically located within a county described in item 4. above (border county), but applying to provide support services to a jurisdiction that is physically located within a border county must submit a letter of support, memorandum of understanding or other similar documentation from the border county(ies) requesting their supportive services.

Application Process

Applicants must access the Office of the Governor's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. Additional requirements are included within the online application.

Note for All Applicants: Applicants must upload the required Texas Direct Deposit Authorization Form, Texas Application for Payee Identification Number Form, and the IRS W9 Form for each application prior to submission. The eGrants system will not allow an application to be submitted until these forms are attached to the application. These forms are available for download from eGrants at

<https://egrants.gov.texas.gov/updates.aspx> under the Financial Management section of “Forms and Guides” or from the “Forms” link on the Profile/Grant.Vendor tab within the grant application.

Key Dates

Action	Date
Funding Announcement Release	06/09/2023
Online System Opening Date	06/09/2023
Final Date to Submit and Certify an Application	08/11/2023 at 5:00pm CST
Earliest Project Start Date	09/01/2023

Project Period

Projects must begin on or after 09/01/2023 and may not exceed 08/31/2024.

Funding Levels

Minimum: \$5,000

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities & Costs

Funding may be used to provide additional personnel, equipment, supplies, contractual support, travel, and training in support of **Operation Lone Star** activities, including for any one or more of the following activities.

Operation Lone Star - Law Enforcement. Activities related to law enforcement operations in support of OLS:

- **LAW ENFORCEMENT PERSONNEL - OVERTIME**
 - Overtime for increased patrol, search and rescue, recovery operations, and/or investigative capacity for certified peace officers.
 - Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in

Operation Lone Star, such as Communications Officer/Dispatcher overtime necessary to maintain a safe Officer to Dispatcher ratio.

- Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**

- Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during Operation Lone Star.
- Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
- Part-time to Full-Time: Personnel costs for part-time law enforcement personnel to bring them to temporary full-time status.
- Regular time for administrative personnel supporting OLS law enforcement activities.
- Hiring or contracting temporary staff to support OLS law enforcement activities.
- Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide law enforcement personnel.

- **LAW ENFORCEMENT - EQUIPMENT & TECHNOLOGY**

- Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.

- **LAW ENFORCEMENT - SUPPLIES and DIRECT OPERATING EXPENSE**

- General office supplies and program supplies related to OLS law enforcement activities. Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the PSO that are critical to success of the program. Examples include:
 - The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, and similar equipment used during the hours in which grant-funded staff are working.
 - Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
 - Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.

- **LAW ENFORCEMENT – TRAVEL & TRAINING**

- Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

Operation Lone Star - Human Remains Processing. Activities related to the humane processing of the remains of undocumented migrants:

- **MEDICAL EXAMINER PERSONNEL – OVERTIME**
 - Overtime for OLS death investigations conducted by a medical examiner, deputy examiner, trained technician, or a forensic pathologist as authorized under Article 49.25 of the Code of Criminal Procedure.
 - Overtime for non-exempt administrative personnel supporting a County Medical Examiner's Office.
- **MEDICAL EXAMINER PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Regular time for county medical examiner personnel conducting OLS death investigations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time county medical examiner personnel to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting a County Medical Examiner's Office.
 - Hiring or contracting temporary staff to assist or conduct OLS death investigations.
- **MEDICAL EXAMINER - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment related to the processing of OLS death investigations, temporary morgues, and/or additional body storage capacity.
- **MEDICAL EXAMINER - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for supplies and direct operating expenses related to conducting OLS death investigations.
- **MEDICAL EXAMINER – CONTRACTUAL**
 - Costs associated with the outsourcing of OLS death investigations, temporary body storage, and other contractual costs incurred by a county medical examiner's office related to the humane processing of the remains of undocumented migrants.

Operation Lone Star – Jail Operations. Activities related to the intake, processing, and holding of OLS inmates in local detention facilities.

- **JAIL OPERATIONS PERSONNEL – OVERTIME**
 - Overtime for jailers and support staff related to the intake, processing, and holding of OLS inmates.
 - Overtime for non-exempt administrative personnel supporting a local detention facility.

- Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide jailers.
- **JAIL OPERATIONS PERSONNEL - REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Augmentees: Personnel costs for jailers who are not regular employees of a funded agency, but are brought on as needed to specifically assist in the intake, processing, and holding of OLS inmates.
 - Regular time for jailers. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time jailers to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting OLS corrections activities.
 - Hiring or contracting temporary jail staff to support OLS corrections activities.
 - Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide jailers.
- **JAIL OPERATIONS - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment related to the intake, processing, and holding of OLS inmates.
- **JAIL OPERATIONS - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for office supplies, program supplies, and other direct operating expenses related to the intake, processing, and holding of OLS inmates; including inmate transportation to court proceedings or state custody.
- **JAIL OPERATIONS – CONTRACTUAL**
 - Costs associated with outsourcing OLS inmates to other county jail facilities and/or other contractual costs incurred by a county jail facility related to the intake, processing, and holding of OLS inmates.
- **JAIL OPERATIONS – CONSTRUCTION**
 - Cost associated with constructing, renovating, or repairing a permanent or temporary jail facility to increase bed capacity to hold OLS inmates.

Note: Construction, renovation, and repair costs may only be funded to the extent that State-supported OLS inmate capacity is unavailable.
- **JAIL OPERATIONS – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with jail personnel, augmentees, or contractors engaged in OLS corrections activities.

Operation Lone Star – Court Administration. Activities related to the case preparation, magistration, pre/post-adjudication proceedings, and criminal trials of OLS defendants.

- **COURT ADMINISTRATION PERSONNEL – OVERTIME**

- Overtime for courtroom staff, court coordinators, and clerks supporting court operations, including but not limited to, case preparation, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION PERSONNEL - REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Regular time for courtroom staff, court coordinators, and clerks. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time courtroom staff, court coordinators, and clerks to bring them to temporary full-time status.
 - Hiring or contracting temporary courtroom staff, court coordinators, and clerks to support OLS courts activities.
- **COURT ADMINISTRATION - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment and technology to support court operations, including but not limited to, case preparation, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for office supplies, program supplies, and other direct operating expenses to support court operations, including but not limited to, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION – CONTRACTUAL**
 - Costs associated with contractual costs incurred to support court operations, including but not limited to, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.

Operation Lone Star – Fire/EMS Operations. Activities related to emergency response efforts provided by locally operated Fire/EMS agencies.

- **FIRE/EMS OPERATIONS (RESCUE) – OVERTIME**
 - Overtime for increased rescue call volume, search and rescue, and/or recovery operations.
 - Overtime for rescue support personnel. These costs may include overtime for personnel necessary to support rescue personnel that are operating on incident scenes and participating in Operation Lone Star, such as telecommunications professional overtime necessary to maintain a safe responder to dispatcher ratio.
 - Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- **FIRE/EMS OPERATIONS (RESCUE) – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Part-time to Full-time: Personnel costs for part-time rescue personnel to bring them to temporary full-time status.
 - Hiring or contracting temporary staff to support OLS rescue activities.

- **FIRE/EMS OPERATIONS - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.
- **FIRE/EMS OPERATIONS (RESCUE) – SUPPLIES and DIRECT OPERATING EXPENSE**
 - General office supplies and program supplies related to OLS rescue activities. Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the PSO that are critical to success of the program. Examples include:
 - Costs associated with fuel, lubricants, and minor emergency repairs or maintenance for vehicles, and similar equipment used during the hours in which grant-funded staff are working.
 - Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
 - Maintenance costs must be prorated to show the usage of vehicles or equipment for regular rescue duties as compared to usage while first responders are working grant-funded rescue operations.
- **FIRE/EMS OPERATIONS – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

Program-Specific Requirements

1. Eligible applicants, as applicable, assure to continue and/or renew a local disaster declaration relating to border security for the entirety of the project period. The expiration or dissolution of a local disaster declaration may result in the early termination of the grant agreement.
2. Eligible applicants in a border county, as described in the Eligible Organizations section, must upload a letter from the county attorney expressing their office's active participation in prosecuting misdemeanor offenses, as appropriate, in support of Operation Lone Star.
3. Eligible applicants performing law enforcement functions must agree to perform the following activities:
 - a) Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (DPS) Joint Operations and Intelligence Centers (JOICs).
 - b) Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
 - c) Report significant border-related events that occur during each 24-hour period.
 - d) Conduct enhanced law enforcement patrolling activities if funded for those activities through this grant.
 - e) Submit information on incidents using the Border Incident Assessment Report (BIAR).

The grantee shall report all border-related incidents to the appropriate JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND

events that occur during Steady State activities. Enhanced (Surge) Operations originate out of the use of Lone Star funds when the local agency chooses to increase the hours of patrol or investigations. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall Lone Star mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking.

The BIAR is the primary incident and information-reporting tool for the grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC.

4. Coordinate planning and execution of border security and supporting operations with the DPS South Texas or West Texas, if requested by those regions.
5. Applicants performing overtime activities must provide a copy of the local overtime policy as approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must:
 - i. Clearly describe how overtime will be calculated;
 - ii. Be consistent with the agency's local overtime policy;
 - iii. Treat overtime for grant-paid personnel the same as non-grant paid personnel.
6. Project Overtime (OT) shall be reimbursed following the grantee's overtime policy and the requirements as stated below:
 - i. OT is time actually worked that exceeds the required number of hours during an employee's designated work period, as per grantee's policies and procedures.
 - ii. OT must be worked to support border security operations.
 - iii. The project OT rate shall be no more than one-and-one-half (1.5) times the employee's regular pay rate.
 - iv. Exempt salaried employees working border security operations may be reimbursed for overtime only if the grantee's overtime policy specifically allows for this.
 - v. PSO will only reimburse the grantee for OT that does not exceed a total of 16 hours worked (regular plus OT) during any 24-hour period.

Eligibility Requirements

1. Local units of government, including counties, municipalities, special districts, school districts, junior college districts, or other political subdivisions of the state, must submit a written certification of the local government's compliance with the cybersecurity training required by Section 2054.5191 of the Texas Government Code. A determination of non-compliance with the cybersecurity training requirements will result in a refund of the original grant award as well as ineligibility of future grant awards until the second anniversary of the date the local government is determined ineligible.

2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.
4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the CEO/Law Enforcement Certifications and Assurances Form certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2024 or the end of the grant period, whichever is later.

5. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may **not** be used to support the unallowable costs listed in the Guide to Grants or any of the following unallowable costs:

1. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
2. Lobbying;
3. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
4. Vehicles or equipment for government agencies that are for general agency use;
5. Weapons, ammunition, tasers, or explosives;
6. Admission fees or tickets to any amusement park, recreational activity, or sporting event;
7. Promotional gifts;
8. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel;
9. Membership dues for individuals;
10. Any expense or service that is readily available at no cost to the grant project;
11. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
12. Fundraising;
13. General Salary Stipends;
14. Aircraft (including sUAS, drones, unmanned aerial aircraft);
15. Fire Engines;
16. Ambulances (types 1, 2, & 3); and
17. Any other prohibition imposed by federal, state, or local law.

Selection Process

Application Screening: PSO will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: Applications will be reviewed by PSO staff in consultation with subject matter experts appointed by the PSO Executive Director. Funding decisions will be based on eligibility and operational content, which includes, but is not limited to, the following:

1. Compliance - Past compliance with grant requirements, reporting, and information sharing.
2. Performance – Impact and effectiveness of the Applicant’s participation in previous border security operations or activities, and effectiveness in using grant funds awarded for border security.
3. Risk – The Applicant’s need as indicated by data available on border-related criminal activity, population, and other factors.

4. Other Funding – The Applicant’s history of applying for, receiving, and/or effectively utilizing other sources of funding available to support border security activities (e.g. Operation Stonegarden).

Final Decisions: The Office of the Governor will consider rankings along with other factors and make all final funding decisions. Other factors may include reasonableness, cost effectiveness, overall funds availability, geographic distribution, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

RESOLUTION #2023- 49

A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, HOMELAND SECURITY GRANTS DIVISION'S FY2024 OPERATION LONE STAR GRANT PROGRAM (OLS); AUTHORIZING THE CHIEF OF POLICE, OR INTERIM CHIEF, TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept and administer the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Grant Program, which provides funding to deter and interdict criminal activity and detain non-citizen inmates and to assist in the execution of coordinated border security operations as described in the grant information; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project as required by the grant application, if any, though no match is expected as this is a reimbursement type grant that has a minimum funding level of \$5,000; and

WHEREAS, to support the safety of officers and citizens, the City would like to use grant funds as allowed by the grant (ie, categories such as overtime, personnel costs, equipment & technology, supplies & direct operating expenses, travel & training); and

WHEREAS, the City agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

WHEREAS, the City of Kingsville has previously applied for similar grants that assist with improved officer and citizen safety; and

WHEREAS, the City Commission of the City of Kingsville designates the Kingsville Chief of Police, or Interim Chief, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Grant Program.

II.

THAT the Chief of Police, or Interim Chief, is hereby authorized and directed to act on the City's behalf in all matters pertaining to the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2024 Operation Lone Star Grant Program, including but not limited to any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

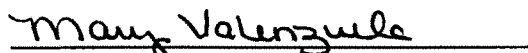
III.

THAT this Resolution shall be and become effective on or after adoption.

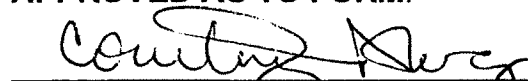
PASSED AND APPROVED by a majority vote of the City Commission on the 21st day of August, 2023.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

Courtney Alvarez

From: Bradley Lile <bradley.lile@kingsvillepd.us>
Sent: Thursday, November 9, 2023 1:35 PM
To: Mark McLaughlin
Cc: Courtney Alvarez
Subject: Operation Lone Star Award
Attachments: doc03670320231109125842.pdf

This sender is trusted.

Mr. McLaughlin:

I am happy to announce that KPD has received an awards letter for the Operation Lone Star grant #4385702, in the amount of \$336,106.10, for grant FY 2024. The grant is broken down into the following sections:

\$158,001 in officer pay for officers to be assigned to the border-related missions (highway interdiction, narcotics investigations).

\$20,000 in overtime for dispatchers who are dispatching for the OLS grant.

\$20,000 in fuel, mileage and incidentals expenses for OLS border-related trainings.

\$138,105.10 for Equipment (desktop computers, laptop computers, specialized software, one police vehicle (\$70,000), a police radio, one license plate reader).

Since it is too late for Monday's city commission meeting, this information will be in the following commission meeting.

This grant request was completely written by Michael Chavana, with assistance from Javier Aleman and Jorge Flores.

This grant enhances our ability to increase our role in border crime enforcement and provides the salary for 1.5 officers for one year. A great job by these officers.

--Bradley Lile
Interim Chief

Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Texas Grant Management Standards (TxGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Grant Number:	4385702	Award Amount:	\$336,106.10
Date Awarded:	11/9/2023	Grantee Cash Match:	\$0.00
Grant Period:	09/01/2023 - 08/31/2024	Grantee In Kind Match:	\$0.00
Liquidation Date:	11/29/2024	Grantee GPI:	\$0.00
Program Fund:	BD-Operation Lone Star Grant Program	Total Project Cost:	\$336,106.10
Grantee Name:	Kingsville, City of		
Project Title:	Operation Lone Star Grant FY2024		
Grant Manager:	James Ziehl		
Unique Entity Identifier (UEI):	MYHPJ4MJZCL4		

CFDA:	N/A
Federal Awarding Agency:	N/A - State Funds
Federal Award Date:	N/A - State Funds
Federal/State Award ID Number:	2024-BD-ST-0001
Total Federal Award/State Funds Appropriated:	\$101,302,104.79
Pass Thru Entity Name:	Texas Office of the Governor – Homeland Security Grants Division (HSGD)
Is the Award R&D:	No
Federal/State Award Description:	The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ACCEPT AND EXPEND GRANT FUNDING FROM LONE STAR FOR POLICE DEPARTMENT PERSONNEL, TRAINING & TRAVEL, COMPUTER EQUIPMENT, VEHICLE AND ASSOCIATED EQUIPMENT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#16

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 208 – Lone Star Grant 4385702					
<u>Revenues -4</u>					
2100	Police	State Grants	72010	\$336,106.10	
<u>Expenditures - 5</u>					
2100	Police	Salaries	11100	\$135,343.00	
2100	Police	Overtime	11200	\$20,000.00	
2100	Police	Retirement	11400	\$12,303.00	
2100	Police	FICA	11500	\$10,354.00	
2100	Police	Training & Travel	31600	\$20,000.00	
2100	Police	Computers & Assoc Eq	22600	\$17,000.00	
2100	Police	Vehicle	71100	\$95,000.00	
2100	Police	Machinery & Equipment	71200	\$26,106.10	
		Total:		\$336,106.10	

[To amend the City of Kingsville FY 23-24 budget to accept and expend funding from Lone Star for Police Department Personnel, Training & Travel, Computers & Associated Equipment, Vehicle and Machinery & Equipment. Funding will come from the grant funding.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 27th day of November 2023.

PASSED AND APPROVED on this the 11th day of December, 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: November 13, 2023

SUBJECT: Consider Approving Construction Contract to Gerke Excavating, Inc. for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 4 – Alley Between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements.

Purpose:

The bid (Bid No. 24-01) was awarded to Gerke Construction, Inc. at the last City Commission meeting on 11/13/23. We are requesting the Construction Contract be approved in the amount of \$200,214.16. This contract is for our second GLO CDBG-MIT Flood Mitigation Project 4—Alley Between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements. The Project includes replacing 966 linear feet of existing 8" clay pipe with 8" PVC pipe, 2 manholes and other related appurtenances. The project will be completed in 180 calendar days.

Summary:

Sealed bids were received on October 24, 2023. This project was advertised in the local newspaper, Historically Underutilized Business (HUB), Minority- and Women-Owned Business Enterprises (MWBE) and on the City's website. Bids were opened, read aloud and the apparent low bidder was identified. Three (3) bids were received which included D&M Underground Construction from Corpus Christi, Texas; Gerke Excavating Inc. from Tomah, WI; and, Mammoth Foundation Repair LLC from Corpus Christi, TX. The base bids ranged from \$176,564.18 to \$230,757.02 and additive alternate bids ranged from \$43,559.82 to \$87,653.00. Additive alternate bids will not be awarded as part of this project until an environmental clearance and a contract amendment is approved by the General Land Office (GLO). Once GLO approves the additive alternate can be approved by a change order for \$65,508.07 for a total project cost of \$265,722.23.

D&M Underground Construction was the lowest bid but there were some mathematical errors noted on the bids, with some of a minor clerical nature, such as a mistake in



**City of Kingsville
Engineering Dept.**

transcribing numbers, misplaced decimal, and/or typographical errors. One base bid error reduced item A13 by \$1,000.00, but the overall base bid was incorrectly totaled to be \$165,960.18. The correct total was \$176,564.18 for an increased difference of \$10,604.00 to D&M Underground's base bid. The additive alternate bid was also incorrectly totaled to be \$56,163.82. The correct total was \$43,559.82 for a decreased difference of \$12,604.00.

In addition to the mathematical errors previously noted in D&M Underground's bid:

- Certification of bidder Regarding Civil Rights Laws and Regulations form is missing the vendor name and address
- Contractor's Local Opportunity Plan is missing the 2nd page with signature, date, title
- Certification for business Concerns (Section 3) form is missing the City's name, GLO contract No. and date at the top
- Not specific to D&M packet: Same as with Project 3, we will need the bid packet cover page version that is signed and sealed by ICE

At the City Commission meeting on 11/13/23, staff and the outside engineer recommended rejecting this lowest bid and awarding to second lowest bidder Gerke Excavating, Inc. which was an increased difference of \$23,649.98. No errors were noted on the second lowest bid.

Background:

The General Land Office(GLO) Awarded \$7,293,111.00 to the City of Kingsville for Citywide Wastewater Improvements on March 11, 2021. Texas Land Commissioner George P. Bush announced the Texas General Land Office approved \$135,462,438 in flood mitigation projects to 21 grantees in the second round of grant funding for the GLO's \$2.3 billion regional mitigation competitions.

"Texas continues to experience tremendous economic and population growth across our state, and the GLO is working with local leaders to protect our communities against natural disasters such as flooding," said Commissioner Bush. "The GLO was provided with historic funding to help communities fortify critical infrastructure in preparation for flooding events. This \$135 million in vital mitigation funds awarded by the GLO will provide essential protection for residents, businesses, and local government infrastructure."

The GLO received a historic \$4.3 billion allocation in Community Development Block Grant Mitigation (CDBG-MIT) funds from the U.S. Department of Housing and Urban



**City of Kingsville
Engineering Dept.**

Development (HUD) to mitigate against future damage from hurricanes, flooding, and other natural disasters in repetitively damaged areas. Within the \$2.3 billion set aside for regional mitigation awards, \$147,680,760 was allocated to the 2016 Floods State Mitigation Competition, with 50% going to the HUD- and state-designated Most Impacted and Distressed (MID) areas. HUD requires at least 50% of the total \$4.3 billion must be spent on activities benefiting low- to moderate-income (LMI) populations. Of the 504,428 residents benefiting from the announced grants, 284,196 – or more than 56% – are low- to moderate-income.

For the 2016 Floods Competition, the GLO received 35 applications representing a total request of \$244,674,464 for \$147,680,760 in available funding. The grantees announced represent the highest scoring applications meeting program eligibility requirements based on the 2016 Floods State Mitigation Competition Applicant Scoring and Eligibility Competition Criteria and the CDBG-MIT Action Plan.

Financial Impact:

Project 4 will be funded by Fund 113 Citywide Wastewater Collection System Improvements in the amount of \$200,214.16.

Recommendation:

Staff recommends approving the Construction Contract with Gerke Construction, Inc. for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 4 – Alley Between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements in the amount \$200,214.16.

Attachments:

Bid Memo

Bid Tabulation



Construction Advertisement and Invitation for Bids

The City of Kingsville will receive bids for (GLO SS PROJECT 4 (ALLEY BETWEEN E. JOHNSTON AVE. AND E. FORDYCE AVE.) SANITARY SEWER IMPROVEMENTS (CDBG-MIT GLO CONTRACT NO. 22-082-016-D218)) until (2:00 p.m.) on (Tuesday, October 24, 2023) at (400 W. King Ave, Kingsville, Tx 78363). Bids must be addressed to: (Rutilio "Rudy" Mora, Jr., P.E.). The bids will be publicly opened and read aloud at (2:00 p.m.) on (Tuesday, October 24, 2023) at (400 W. King Ave, Kingsville, Tx 78363).

A pre-bid site meeting is scheduled for Monday, October 16, 2023 at (10:00 a.m.) at the City of Kingsville, 400 W. King Ave, Kingsville, TX 78363.

Bids are invited for several items and quantities of work as follows:

1. Base Bid

ITEM	DESCRIPTION	UNIT	QTY.	UNIT COST	TOTAL
A1	Mobilization / Bonds / Insurance	LS	1	\$35,738. ⁰⁰	\$35,738. ⁰⁰
A2	Traffic Control	LS	1	\$4,725. ⁰⁰	\$4,725. ⁰⁰
A3	SWPP (Sediment Control Fence)	LF	200	\$3. ¹⁰	\$620. ⁰⁰
A4	SWPP (Erosion Control Log)	LF	48	\$4. ⁷⁹	\$229. ⁹²
A5	Remove Existing 8" Sanitary Sewer Line	LF	966	\$15. ⁰⁵	\$14,538. ³⁰
A6	Remove Existing H.M.A.C. Pavement	SY	16	\$49. ²⁸	\$788. ⁴⁸
A7	Remove Existing Curb and Gutter	LF	30	\$56. ⁶⁷	\$1,700. ¹⁰
A8	Trench Safety	LF	970	\$2. ⁸⁵	\$2,764. ⁵⁰
A9	4'Ø Fiberglass Sanitary Sewer Manhole	EA	2	\$4,951. ⁰⁰	\$9,902. ⁰⁰
A10	8"Ø Sanitary Sewer Line PVC DR-18 C900 (Non-Blue)	LF	967	\$123. ⁰⁰	\$118,941. ⁰⁰
A11	8"Ø PVC Tie-In Connection to Existing Sanitary Sewer Manhole	EA	1	\$1,488. ⁹⁸	\$1,488. ⁹⁸
A12	H.M.A.C. Pavement Repair	SY	16	\$256. ²³	\$4,099. ⁶⁸
A13	6" Curb & Gutter Repair	LF	30	\$153. ⁴⁴	\$4,603. ³⁰

TOTAL BID \$ 200,214.¹⁶

2. Additive Alternate Bid

ITEM	DESCRIPTION	UNIT	QTY.	UNIT COST	TOTAL
B1	SWPP (Sediment Control Fence)	LF	350	\$3. ⁰⁹	\$1,081. ⁵⁰
B2	Abandon, Cut, Plug and Fill Exist. 8"Ø SS Pipe with Flowable Fill	LF	147	\$147. ⁷⁷	\$21,722. ¹⁵
B3	Remove Existing H.M.A.C. Pavement	SY	22	\$35. ⁸⁴	\$788. ⁴⁸
B4	Remove Existing Curb and Gutter	LF	10	\$57. ⁵⁰	\$575. ⁰⁰
B5	Trench Safety	LF	178	\$2. ⁸⁶	\$509. ⁰⁸
B6	4'Ø Fiberglass Sanitary Sewer Manhole	EA	2	\$6,465. ⁸³	\$12,931. ⁶⁶
B7	8"Ø Sanitary Sewer Line PVC DR-18 C900 (Non-Blue)	LF	177	\$119. ²⁴	\$21,105. ⁷⁸
B8	H.M.A.C. Pavement Repair	SY	22	\$67. ⁷⁹	\$1,491. ³⁸
B9	6" Curb & Gutter Repair	LF	10	\$310. ³³	\$3,103. ³⁰

TOTAL BID \$ 65,508.⁰⁷

Bid Bond



AIA Document A310™ – 2010

CONTRACTOR:

(Name, legal status and address)

GERKE EXCAVATING, INC.

15341 State Hwy 131

Tomah, WI 54660

Bid Bond No. OI00583

SURETY:

(Name, legal status and principal place of business)

Old Republic Insurance Company

P.O. Box 789

Greensburg, PA 15601-0789

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

City of Kingsville

400 W King Ave

Kingsville, TX 78363

BOND AMOUNT: Five Percent of the Bid Amount (5.00% of Bid Amount)

PROJECT:

(Name, location or address, and Project number, if any)

GLO SS Project 4 Sanitary Sewer CDBG-MIT-GLO Contract; Project No. 22-082-016-D218

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 13th day of October, 2023.

(Witness) Janya Scott

(Witness) Karla K. Heffron

GERKE EXCAVATING, INC.
(Principal)

(Title) Jay J. Gerke, Secretary
Old Republic Insurance Company

(Surety)

(Title) Connie Smith, Attorney-in-fact

(Seal)

(Seal)

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061110



OLD REPUBLIC INSURANCE COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania stock insurance corporation, does make, constitute and appoint:

MICHAEL J. DOUGLAS, CHRIS M. STEINAGEL, CHRISTOPHER MATHER KEMP, ROBERT S. DOWNEY, CONNIE SMITH, KORY C. MORTEL,

ELIOT MOTU, SAMUEL DUCHOW of HUDSON, WI

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC INSURANCE COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a meeting held on December 10, 2019. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC INSURANCE COMPANY on December 10, 2019.

RESOLVED FURTHER, that the chairman, president or any vice president of the Company's surety division, in conjunction with the secretary or any assistant secretary of the Company, be and hereby are authorized and directed to execute and deliver, to such persons as such officers of the Company may deem appropriate, Powers of Attorney in the form presented to and attached to the minutes of this meeting, authorizing such persons to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds, other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and not guaranty bonds. The said officers may revoke any Power of Attorney previously granted to any such person.

RESOLVED FURTHER that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by chairmen, president or any vice president of the Company's surety division and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by a duly authorized Attorney-in-Fact and sealed with the seal of the Company (if a seal be required).

RESOLVED FURTHER, that the signature of any officer designated above, and the seal of the Company, may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC INSURANCE COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 22nd day of September, 2022.

Karen J. Haffner
Assistant Secretary



OLD REPUBLIC INSURANCE COMPANY

Alan Pavlic
Vice President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 22nd day of September, 2022, personally came before me, Alan Pavlic and Karen J. Haffner, to me known to be the individuals and officers of the OLD REPUBLIC INSURANCE COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said organization.



Kathryn R. Pearson
Notary Public

My Commission Expires: September 28, 2026

CERTIFICATE

(Expiration of notary's commission does not invalidate this instrument)

I, the undersigned, assistant secretary of the OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.



24-5172

ORSC 11008 (6-93)

J. RYAN BONDING, INC.

Signed and sealed at the City of Brookfield, WI this 13th day of October, 2023.

Karen J. Haffner
Assistant Secretary

CERTIFICATION REGARDING LOBBYING
COMPLIANT WITH APPENDIX A TO 24 C.F.R. PART 87*

(To be submitted with each bid or offer exceeding \$100,000)

Certification for Contracts, Grants, Loans, and Cooperative Agreements:

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

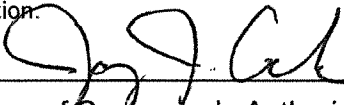
(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance:

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the duly authorized representative of the Contractor, I hereby certify that the applicant will comply with the above applicable certification.



Signature of Contractor's Authorized Official

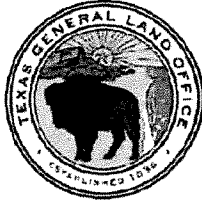
Jay J Gerke, Secretary

Printed Name and Title of Contractor's Authorized Official

10/10/2023

Date

*24 C.F.R. 87 App. A, available at <https://www.gpo.gov/fdsys/granule/CFR-2011-title24-vol1/CFR-2011-title24-vol1-part87-appA>. Published Apr. 1, 2011. Accessed Aug. 1, 2018.



Texas General Land Office
Community Development Block Grant (CDBG)
Disaster Recovery Program

CERTIFICATION FOR BUSINESS CONCERNS
Seeking Section 3 Preference in Contracting and
Demonstration of Capability

Economic Opportunities for Low and Very Low-Income Persons

Grantee/Subrecipient:	Contract Number:	Date:
City of Kingsville	22-082-016-D218	10/10/2023

CONTRACTOR INFORMATION

Name of Business Gerke Excavating Inc

Address of Business 15341 State Hwy 131 Tomah WI 54660

Type of Business: ☒ Corporation ☐ Partnership ☐ Non-Profit
☐ Sole Proprietorship ☐ Joint Venture ☐ Consortium

Attach the following documentation as evidence of Section 3 eligible status:
(Definition of "Section 3 Business Concern" in 24 CFR 135 describes the three alternative qualifications.)

For Business claiming status as a Section 3 resident-owned enterprise:

- | | |
|---|---|
| <input type="checkbox"/> Copy of resident lease | <input type="checkbox"/> Copy of receipt of public assistance |
| <input type="checkbox"/> Copy of evidence of participation in a public assistance program | <input type="checkbox"/> Other evidence |

For business entity as applicable:

- | | |
|---|---|
| <input type="checkbox"/> Copy of Articles of Incorporation | <input type="checkbox"/> Certificate of Good Standing |
| <input type="checkbox"/> Assumed Business Name Certificate | <input type="checkbox"/> Partnership Agreement |
| <input type="checkbox"/> List of owners/stockholders and % ownership of each appointed officers | <input type="checkbox"/> Corporation Annual Report |
| <input type="checkbox"/> Organization chart with names and titles and brief function statement | <input type="checkbox"/> Latest Board minutes |
| | <input type="checkbox"/> Additional documentation |

For business entity claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business(es):

- ☐ List of subcontracted Section 3 business(es) and subcontract amount

For business claiming Section 3 status, by claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

- | | |
|--|---|
| <input type="checkbox"/> List of all current full-time employees | <input type="checkbox"/> List of employees claiming Section 3 status |
| <input type="checkbox"/> PHA/IHA Residential lease less than 3 years from date of employment | <input type="checkbox"/> Other evidence of Section 3 status less than 3 years from date of employment |

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- | | |
|---|--|
| <input type="checkbox"/> Current financial statement | <input type="checkbox"/> Statement of ability to comply with public policy |
| <input type="checkbox"/> List of owned equipment | |
| <input type="checkbox"/> List of all contracts for the past two years | |

Authorized Name and Signature: Richard A. Gerke Date: 10/10/2023

Attested By: Jay J. Gerke (Corporate Seal)
Jay J. Gerke Secretary

CONTRACTOR CERTIFICATIONS

U.S. Department of Housing and Urban Development

CERTIFICATION OF BIDDER REGARDING CIVIL RIGHTS LAWS AND REGULATIONS

INSTRUCTIONS

CERTIFICATION OF BIDDER REGARDING Executive Order 11246 and Federal Laws Requiring Federal Contractor to adopt and abide by equal employment opportunity and affirmative action in their hiring, firing, and promotion practices. This includes practices related to race, color, gender, religion, national origin, disability, and veterans' rights.

NAME AND ADDRESS OF BIDDER (include ZIP Code)

Gerke Excavating Inc
15341 State Hwy 131
Tomah WI 54660

CERTIFICATION BY BIDDER

Bidder has participated in a previous contract or subcontract subject to Civil Rights Laws and Regulations.

☒ Yes

☐ No

The undersigned hereby certifies that:

- ☒ The Provision of Local Training, Employment, and Business Opportunities clause (Section 3 provision) is included in the Contract. A written Section 3 plan (Local Opportunity Plan) was prepared and submitted as part of the bid proceedings (if bid equals or exceeds \$100,000).
- ☒ The Equal Opportunity clause is included in the Contract (if bid equals or exceeds \$10,000).

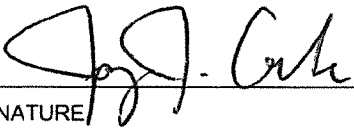
Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?

☐ Yes

☒ No

NAME AND TITLE OF SIGNER (Please type)

Jay J Gerke, Secretary



10/10/2023

SIGNATURE

DATE

PROPOSED CONTRACTS BREAKDOWN

Type of Contracts	No. of Contracts	Approx. Total Dollar Amount	Estimated No. to local Business	Estimated \$ Amount Local Business
Concrete Paving	1	\$8,500,000	100%	100%

ESTIMATED PROJECT WORKFORCE BREAKDOWN

Work Classifications	Total Estimated Positions	No. of Positions Currently Filled	No. of Positions not Filled	No. of Positions to fill with LMI Residents (Section 3)
Labors	2	2	0	0
Truck Drivers	2	2	0	0
Operators	2	2	0	0
Totals	6	6	0	0

CONFLICT OF INTEREST QUESTIONNAIRE**FORM CIQ**

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Gerke Excavating Inc

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

NA

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes☒ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

NA

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 Jay J Gerke, Secretary

Signature of vendor doing business with the governmental entity

10/10/2023

Date

CONTRACTOR'S CERTIFICATION of RECOVERED MATERIAL

ACKNOWLEDGEMENT

I, Jay J Gerke, Secretary (Principal's Name) of Gerke Excavating Inc (Company Name), (hereinafter called "Contractor"), acknowledge the recovered material bidding requirements found in 2 CFR 200.322 that requires the Contractor to procure those items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

I also acknowledge that this requirement shall apply to items purchased (1) where the Contractor purchases in excess of \$10,000 of the item under this contract; or (2) where during the preceding fiscal year, the value of the quantity acquired was in excess of \$10,000.

Finally, I acknowledge the attached list of recovered materials included in the bid documents.

(For up-to-date listing, please go to <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#directory>)

Jay J Gerke, Secretary

Printed Name and Title

Signature

10/10/2023

Date _____

USE OF RECOVERED MATERIAL

Please check one:

- ☐ Recovered materials are included in this bid:

Materials included

- ☒ Recovered materials are not reasonably available in a reasonable period of time.
- ☐ Recovered materials fail to meet reasonable performance standards, which are determined on the basis of the guidelines of the National Institute of Standards and Technology, if applicable.
- ☐ Recovered materials are only available at an unreasonable price.

Jay J Gerke, Secretary

Printed Name and Title

Signature

10/10/2023

Date _____

NONCOLLUSION AFFIDAVIT OF PRIME BIDDER

State of ~~Texas~~ Wisconsin)

County of Monroe)

Jay J Gerke, being first duly sworn, deposes and says that:

(1) He/She is Secretary of Gerke Excavating Inc, the Bidder that has submitted the attached Bid;

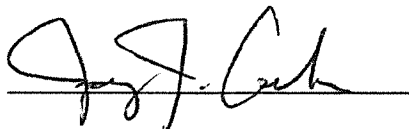
(2) He/She is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with another Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix an overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Kingsville (Local Public Agency) or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed)

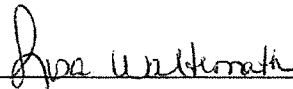


Jay J Gerke, Secretary

Title

Subscribed and sworn to me this 10th day of October, 2023.

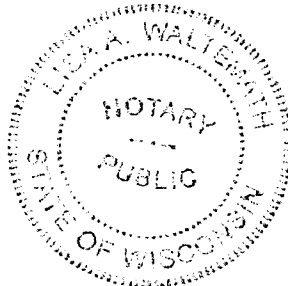
By:



Notary Public

My commission expires

10/20/25

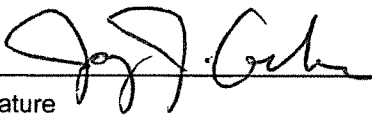


CONTRACTOR'S LOCAL OPPORTUNITY PLAN

Gerke Excavating Inc (Name of Company) agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and businesses within the (City) of Kingsville.

- A. To ascertain from the City CDBG program official the exact boundaries of the project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the city the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within and servicing the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this plan in all bid documents and to require all bidders on subcontracts to submit an affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- E. To ensure that subcontracts (greater than \$10,000), which are typically let on a negotiated rather than a bid basis in areas other than the covered project area, are also let on a negotiated basis, whenever feasible, in a covered project area.
- F. To formally contact unions, subcontractors, and trade associations to secure their cooperation in this effort.
- G. To ensure that all appropriate project area business concerns are notified of pending sub-contractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this plan.
- J. To maintain records concerning the amount and number of contracts, subcontracts, and purchases which contribute to objectives.
- K. To maintain records of all projected work force needs for all phases of the project by occupation, trade, skill level, and number of positions and to update these projections based on the extent to which hiring meets these Local Opportunity objectives.

As officers and representatives of Gerke Excavating Inc (Name of Company), we the undersigned have read and fully agree to this Plan and the City Section 3 Plan, and become a party to the full implementation of the program and its provisions.


Signature

Jay J Gerke
Printed Name

Secretary
Title

10/10/2023
Date

Disclosure of Lobbying Activities

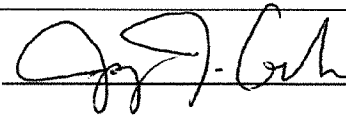
Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract <u>a</u> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application <u>a</u> b. initial award c. post-award	3. Report Type: a. initial filing <u>a</u> b. material change For material change only: Year _____ quarter _____ Date of last report _____
4. Name and Address of Reporting Entity: <u>X</u> Prime _____ Sub awardee Tier _____, if Known: Gerke Excavating Inc 15341 State Hwy 131 Tomah WI 54660 Congressional District, if known:		5. If Reporting Entity in No. 4 is Sub awardee, Enter Name and Address of Prime: Congressional District, if known:
6. Federal Department/Agency: General Land Office (GLO)	7. Federal Program Name/Description: CDBG-MIT CFDA Number, if applicable: _____	
8. Federal Action Number, if known: 22-082-016-D218	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): NA	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): NA	

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____



Print Name: Jay J Gerke

Title: Secretary

Telephone No.: 608.372.4203 Date: 10/10/2023

Federal Use Only

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Standard Form - LLL (Rev. 7-97)

STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. **This statement must be notarized.** If necessary, questions may be answered on separate attached sheets. The Bidder may submit any additional information it desires.

Date: 10/10/2023

Bidder (Legal Name of Firm): Gerke Excavating, Inc.

Date Organized: 11/19/1999

Name of Owner(s): Richard A Gerke and Paul W and Diana M Gerke Family Trust

Address: 15341 State Hwy 131
Tomah, WI 54660

Date Incorporated 11/19/1999

Federal ID Number: 39-1979071

Number of Years in contracting business under present name 24

List all other names under which your business has operated in the last 10 years:

NA

Work Presently Under Contract:

Contract	Amount \$	Completion Date
*Attached		

Type of work performed by your company: *Attached

Total Staff employed by Firm (Break down by Managers and Trades on separate sheet):

*Attached

Have you ever failed to complete any work awarded to you? ☐ Yes ☒ No

(If yes, please attach summary of details on a separate sheet. Include brief explanation of cause and resolution)

Have you ever defaulted on a contract? ☐ Yes ☒ No

(If yes, please attach summary of details on a separate sheet.)

Has your organization had any disbarments or suspensions that have been imposed in the past five years or that was still in effect during the five-year period or is still in effect? ☐ Yes ☒ No

(If yes, list and explain; such list must include disbarments and suspensions of officers, principals, partners, members, and employees of your organization.)

List the projects most recently completed by your firm (include project of similar importance):

Project	Amount \$	Mo/Yr Completed
*Attached		

Major equipment available for this contract: *Attached

Are you in compliance with all applicable EEO requirements? ☒ Yes ☐ No

(If no, please attach summary of details on a separate sheet.))

(Optional) Minority Business Reporting Information:

Owner's Race: _____

Owner's Ethnicity: _____

Owner's Gender: _____

Are you a Section 3 business? (see below) ☐ Yes ☒ No

Section 3 Business Concerns:

- a) Businesses that are 51 percent or more owned by Section 3 residents;
- b) Businesses whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents;
- c) Businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above; or
- d) Businesses located within the City jurisdiction that identifies themselves as Section 3 Business Concerns because they provide economic opportunities for low- and very low-income persons.

Bank References Bank First

Address: 110 W Veterans St (PO Box 880)

Contact Name: Brad Rahmlow

City & State: Tomah, WI Zip: 54660

Phone Number: 715.602.7060

Credit available: \$ 6,000,000.00

Has the firm or predecessor firm been involved in a bankruptcy or reorganization? ☐ Yes ☒ No

(If yes, please attach summary of details on a separate sheet.)

List on a sheet attached hereto all judgements, claims, arbitration proceedings, or suits pending or outstanding against bidder over the last five (5) years with amount of claim and brief description. NA

List on a sheet attached hereto all lawsuits or requested arbitration with regard to construction contracts which bidder has initiated within the last five (5) years and brief explanation of claim and outcome. NA

Attach resume(s) for the principal member(s) of your organization, including the officers as well as the proposed superintendent for the project.

Signed this 10th day of October, 2023.

Jay J. Gerke
Signature

Jay J Gerke, Secretary

Printed Name and Title

Gerke Excavating, Inc.

Company Name

Notary Statement:

Jay J Gerke being duly sworn, says that he/she is the Secretary Position/Title of Gerke Excavating, Inc. (Firm Name), and hereby swears that the answers to the foregoing questions and all statements therein contained are true and correct. He/she hereby authorizes and requests any person, firm, or corporation to furnish any information requested by City of Kingsville in verification of the recitals comprising this Statement of Bidder's Qualifications.

Subscribed and sworn before me this 10 day of October, 2023.

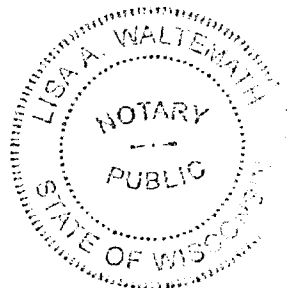
Notary Public

Lisa A. Waltemath
Signature

Lisa Waltemath
Printed Name

My Commission Expires: 10/20/25

The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.



Work in Progress

Project Name	Bid As	Estimator:104	Project Manager	Contract Amount w/CO's	Forecast Total Gerke \$ to Complete	Proj End Date
35th St. Tn of Clearfield	Lump Sum	Kyle G	Kyle G	\$27,028.80	\$3.36	
Lone Tree Access Rd, US Fish & Wildlife	Lump Sum	Kyle G	Kyle G	\$34,384.80	\$67.76	
Cypress, Tn of Strongs Prairie	Lump Sum	Kyle G	Kyle G	\$29,106.00	\$91.72	
March DOT 51 - La Crosse - Sunnyside Drive	Unitary	Dennis	Scott V	\$2,383,283.05	\$89.95	11/30/2022
2023 Strum Street and Utility Improvements	Unitary	Eric	Dean	\$568,554.00	\$508.00	10/1/2023
Oncore 5 Barr Ranch	Hourly - T&M	Chad	Wayne	\$28,000.00	\$510.00	??
Fleming Ave Reconditioning, Tn of Greenfield	Lump Sum	Kyle G	Kyle G	\$50,677.43	\$846.67	
Stripping for Norand Proppant Services	Hourly - T&M	Chad	Wayne	\$200,000.00	\$887.39	??
Tomah Winnebago Park Phase 1	Unitary	Kurt	Scott V	\$867,373.58	\$1,000.00	6/1/2023
Bangor Commercial Street	Unitary	Dennis	Thad	\$4,917,242.11	\$2,000.00	8/1/2022
Onalaska Grandview Estates	Unitary	Kurt	Kyle W	\$2,123,130.00	\$2,000.00	11/1/2022
Tomah VA Building 400	Unitary	Eric	Adam	\$102,000.00	\$2,500.00	12/1/2023
Avalon Express Mauston	Unitary	Tom	Adam	\$1,068,548.00	\$2,500.00	10/30/2023
Demo Old Schreiner Studios Building - Tomah	Lump Sum	Kurt	Kurt	\$88,717.00	\$2,988.00	6/14/2023
Fort McCoy Playground Improvement	Hourly - T&M	Tyler	Tyler	\$53,392.11	\$4,527.90	???
Camp Williams Improve Wash Bay Utilities - Haul Away Concrete Demo	Unitary	Kurt	Kurt	\$4,625.00	\$4,625.00	???
St Pauls Lutheran Onalaska, JF Ahern Plumbing	Hourly - T&M	Tom	Ethan	\$7,613.00	\$4,710.20	
Mauston School Addition - Budget for Miron	Lump Sum	Kurt	Tanner	\$2,851,897.50	\$8,000.00	11/18/2022
Dale Martin 2022 Sime Ave Projects - August 2022 Site Plan	Lump Sum	Kurt	Tyler	\$278,638.00	\$8,657.00	4/30/2023
DOT April No 41 STH 173 Babcock - Nekooza	Unitary	Adam	Adam	\$124,643.25	\$8,368.13	Fall 2023
Village of Norwalk Replace piping in well house	Lump Sum	Thad	Thad	\$8,500.00	\$8,500.00	6/15/2023
BJ Rice Subdivision	Lump Sum	Eric	Scott V	\$296,302.21	\$9,493.38	9/1/2023
LaCrosse Myrick Park Playground Phase 2	Lump Sum	Tom	Kyle W	\$105,050.00	\$10,000.00	July
Onalaska Luther High School Addition	Unitary	Tom	Kyle W	\$66,250.00	\$10,000.00	Summer
Fort McCoy Fire Protection BLDG 2825 & 2829	Lump Sum	Tyler	Tyler	\$16,400.00	\$10,000.00	???
Todd Sparks Concrete Aprons	Lump Sum	Tom	Brennon	\$11,370.00	\$11,370.00	???
Tomah Gerke Field Batting Cage	Lump Sum	Brennon	Brennon	\$14,670.00	\$14,670.00	???
Bahla Bay Outfall and Bulhead Improvements	Unitary	Scott L	Scott L	\$876,813.37	\$15,000.00	11/7/2002
Eroy Main Street and Alley	Unitary	Eric	Ethan	\$568,139.50	\$15,078.75	10/1/2023
Barraboo - Lake Street Townhomes for Americon	Lump Sum	Kurt	Kurt	\$161,020.50	\$15,603.50	??
Gundersen Clinic Eroy	Unitary	Eric	Ethan	\$189,800.00	\$15,810.48	8/1/2023
2022 Street and Utility Improv City of Tomah	Unitary	Eric	Tanner	\$2,242,741.58	\$20,000.00	11/30/2022
VA BLDG 23 Remodel - Bahr Electric	Lump Sum	Eric	Adam	\$30,750.00	\$20,802.50	6/1/2023
Oncore Miscellaneous Extras	Hourly - T&M	Wayne	Wayne	\$45,000.00	\$21,474.40	
DOT Jan No 11 - Village of Oakdale - STH 21, East Fork Lemonweir River Br	Unitary	Tanner	Tanner	\$49,078.21	\$22,283.29	
Fort McCoy Repair Storm Water Drainage B2000	Lump Sum	Kurt	Tyler	\$400,800.85	\$24,106.57	6/16/2023
DOT Feb No 44 - La Crosse - Trempealeau La Crosse Tremp Co Ln to 10th S	Unitary	Tanner	Ethan	\$134,488.13	\$26,401.32	9/1/2023
Onalaska WI DOT DMV District 3 Driveway Replacement	Lump Sum	Kurt	Kyle W	\$66,430.00	\$28,000.00	October
DOT Jan No 2 - Tomah - Portage, Camp Douglas to Seven Miles Creek	Unitary	Tanner	Ethan	\$206,705.30	\$32,456.18	7/1/2023
Dutton Lot 7 Twindo Septic	Lump Sum	Dan	Dean	\$34,124.00	\$34,124.00	???
Dutton Lot 8	Lump Sum	Dan	Dean	\$34,124.00	\$34,124.00	6/1/2023
Little Rock AFB 188 Unit Dorm	Lump Sum	Kurt	Scott L	\$1,069,313.75	\$38,054.58	6/1/2023
New Lisbon Correctional Entrance Sidewalk Replacement	Lump Sum	Kurt	Brennon	\$42,555.00	\$42,555.00	???
Tomah Peterbilt Shop Addition	Lump Sum	Kurt	Brennon	\$50,816.00	\$50,816.00	???
Mayo La Crosse - Darcy Geothermal	Lump Sum	Dean	Dean	\$53,418.00	\$53,418.00	
Oncore 3 Orla	Unitary	Chad	Wayne	\$1,800,000.00	\$56,662.56	??
La Crosse Market & Gohres Street	Unitary	Dennis	Dean	\$820,399.00	\$89,102.00	8/15/2023
Tomah Storage Facility for Don Brenengen - 2023 Fall Work	Budgetary	Kurt	Brennon	\$61,929.00	\$61,929.00	???
Cashion Elementary Track	Unitary	Dean	Dean	\$65,065.00	\$65,065.00	
Long Cove Easport Road Construction	Unitary	Scott L	Scott L	\$1,602,876.09	\$85,000.00	2/14/2023
La Crosse Veterans Memorial Park Pond	Unitary	Dennis	Kyle W	\$112,985.00	\$90,000.00	NOV
City of Ingleside 4th St	Unitary	Scott L	Scott L	\$5,450,789.79	\$100,000.00	8/1/2023
Town of Albion - Cloverdale Rd 2023 Rebid	Unitary	Kurt	Kyle W	\$399,568.00	\$100,000.00	august maybe
DOT Feb No 7 - Ontario - Tomah; STH 71 to CTH A/B-41-21,136,137	Unitary	Tanner	Tanner	\$142,830.43	\$103,483.28	???
Sparta Free Library	Lump Sum	Tom	Ethan	\$124,567.70	\$107,781.78	10/1/2023
Monroe County Leachate Haul 2023	Unitary	Kurt	Jay	\$109,750.00	\$109,750.00	8/31/2028
Bangor Apartments R5 Lot, Justin Bird	Lump Sum	Jay	Jay	\$357,824.66	\$114,743.38	
Mayo Bed Tower	Lump Sum	Kurt	Dean	\$2,802,078.00	\$123,449.67	10/1/2024
Fort McCoy Transient Training Brigade HQ	Lump Sum	Kurt	Tyler	\$300,201.00	\$125,633.65	10/1/2023
Riverstone Apartment Site & Utility, Phase 1, New Lisbon	Hourly - T&M	Tom	Jay	\$196,617.22	\$128,706.50	
Royall School District	Budgetary	Tom	Ethan	\$347,755.38	\$138,192.40	6/1/2024
Q23430 Bangor BP01 Elementary School	Lump Sum	Kurt	Ethan	\$320,457.00	\$140,849.45	
Tomah Area Schools Concrete	Lump Sum	Brennon	Brennon	\$191,383.39	\$148,850.77	10/30/2023
VA BLDG 23 Remodel	Unitary	Eric	Adam	\$260,000.00	\$191,836.65	11/1/2023
Adams County Fairgrounds South Parking Lot Reconstruction	Lump Sum	Kurt	Adam	\$192,288.00	\$192,288.00	???
Town of Campbell 2023 Sewer Rehab	Unitary	Dennis	Kyle W	\$635,512.00	\$200,000.00	10/30/2023
St Paul's Lutheran Onalaska	Lump Sum	Tom	Ethan	\$266,703.93	\$206,853.42	4/1/2024
DOT March No 10 - T of Tomah - T of La Grange Flare Avenue To STH 21	Unitary	Tanner	Tanner	\$541,503.15	\$215,238.73	???
Fort McCoy Concrete and Gravel paving IDIQ FY 2023 - FY 2026	Budgetary	Kurt	Tyler	\$937,070.70	\$218,208.67	???
Tomah Justin Bird Veterans Apartments 2023 Phase 1	Budgetary	Kurt	Scott V	\$329,210.00	\$224,619.38	???

Gundersen Tri County Hospital	Lump Sum	Dean	Dean	\$1,282,882.00	\$243,104.00	11/15/2023
La Crosse 21st St Curb & Gutter w/ Utilities	Unitary	Dennis	Dean	\$253,158.00	\$253,158.00	10/27/2023
Hi Crush Valley Jct - 2023 WIP - Phase 2	Lump Sum	Kurt	Brennon	\$281,315.67	\$281,315.67	???
North Kinney Coulee Apartments	Unitary	Kurt	Scott V	\$1,039,895.07	\$307,002.17	???
DOT Feb No 42 - STH 13 - La Crosse - Galesville South County Line to Harris	Unitary	Kyle W	Ethan	\$319,832.26	\$319,832.26	10/15/2023
City of Onealeska 2023 Utilities	Unitary	Dennis	Kyle W	\$887,863.00	\$350,000.00	9/29/2023
DOT March No 3 - C La Crosse South Avenue Green Bay St to Easter	Unitary	Dennis	Scott V	\$597,446.45	\$355,578.78	???
Oncore 5 Barr Ranch	Unitary	Chad	Wayne	\$1,500,000.00	\$384,509.52	??
Park Lawn Estates Watermain	Unitary	Dean	Dean	\$433,735.00	\$433,735.00	10/1/2023
Oncore 1 Laredo	Unitary	Chad	Wayne	\$1,500,000.00	\$452,277.93	???
Sparta New Addl Store on Alpine Drive	Lump Sum	Kurt	Ethan	\$602,120.00	\$487,367.05	1/8/2024
City of Lacrosse 2023 Curb & Gutter	Unitary	Dennis	Kyle W	\$784,741.00	\$500,000.00	9/30/2023
La Crosse LRIP Cliffwood Lane, 28th St to Seiler Lane	Unitary	Dennis	Kyle W	\$683,221.00	\$500,000.00	10/27/2023
Amtrak Tomah	Lump Sum	Tom	Brennon	\$612,936.66	\$523,755.71	6/1/2024
Stripping for Nomad Proppant Services	Unitary	Chad	Wayne	\$2,700,000.00	\$524,769.27	Open-Ended
Oncore 2 Ron White	Unitary	Chad	Wayne	\$1,500,000.00	\$369,350.80	??
La Crosse Eastwood Lane to Ohlsun Court Street & Utility Replacement	Unitary	Dennis	Dean	\$591,004.00	\$591,004.00	10/27/2023
Wisconsin Dells 2023 Oak and Elm Street North Parking Lot Reconstruction	Unitary	Eric	Tanner	\$605,311.87	\$605,311.87	???
Hi Crush Valley Junction	Unitary	Chad	Wayne	\$7,200,000.00	\$738,415.12	??
LaCrosse County Multi- Use Trail	Unitary	Dennis	Kyle W	\$1,018,866.00	\$740,000.00	9/29/2023
Fort McCoy Transit Training Barracks FY23	Budgetary	Kurt	Tyler	\$775,000.00	\$775,000.00	10/2/2025
DOT March No 5 - Hillsboro - Reedsburg V Woneawoc S Limits To Main Street	Unitary	Adam	Ethan	\$1,603,830.74	\$810,806.84	9/30/2023
Orla-Chevron, Oncore 7	Unitary	Chad	Wayne	\$1,872,000.00	\$1,080,856.48	??
DOT Feb No 53 - Tomah - Camp Douglas Eb USH 12 to CTH C	Unitary	Tanner	Tanner	\$3,098,103.08	\$1,289,654.35	???
Fort McCoy Construct Fire Training Site	Lump Sum	Kurt	Tyler	\$1,298,303.00	\$1,298,303.00	???
La Crosse River Point Phase 2	Unitary	Dennis	Scott V	\$6,727,105.72	\$1,348,235.10	11/31/2023
Justin Blvd West Ridge Addition	Unitary	Dennis	Scott V	\$3,154,939.46	\$1,496,304.00	12/1/2023
Village of Pardeeville LaFollette St	Unitary	Eric	Adam	\$3,662,583.00	\$1,518,140.80	5/15/2024
Fort McCoy Range 29 - Scout Recca Gunnery Complex	Lump Sum	Kurt	Tyler	\$2,837,748.76	\$1,930,737.49	3/1/2024
Green Lake Drainage Improvements	Unitary	Scott L	Scott L	\$9,916,695.81	\$2,051,423.75	6/30/2023
DOT Aug 13 LaCrosse Greenbay St to Ward Ave	Unitary	Kurt/Dennis	Scott V	\$5,152,874.99	\$2,102,799.53	11/31/2023
Tomah Athletic Field Complex - Phase 2	Unitary	Kurt	Tanner	\$2,212,048.66	\$2,212,048.66	???
East Unden Street	Unitary	Scott L	Scott L	\$2,265,183.19	\$2,265,183.19	???
Marshall Co. Driscoll Ranch	Unitary	Scott L	Scott L	\$3,505,891.90	\$2,907,113.97	???

Type of work performed by your company:

Gerke Excavating Inc is an excavating, gravel crushing and trucking firm. Gerke Excavating is a family owned and operated business specializing in government, residential and commercial work. Work consists of large and small building sites, landfill construction, road construction, new home sites, demolition projects, water and sewer projects, and excavation of all types.

Total Staff employed by Firm:

Average during the past two years-290

Estimators	4
Project Managers	10
Foreman	31
Operators	129
Laborers	31
Quad Axle Truck Drivers	55
Office Staff	23
Mechanics	8

List the projects not recently completed by your firm (include project of similar importance):

1. Cheniere 8B Laydown Yard \$2,354,245.80 completed 8/8/2023
2. Bahia Bay Outfall & Bulkhead Improvements \$770,985.95 completed 6/5/2023
3. 4th Street & Alley Improvements, C Ingleside \$5,450,789.79 completed 10/31/2022
4. 12th Street Improvements, C Ingleside \$2,285,061.22 completed 10/29/2022
5. Deberry, Saunders & Greenwood Drainage Project, C Aransas Pass \$2,285,061.22 completed 5/18/2022

Major equipment available for this contract:

Major Equipment	Quantity
Tri/Quad Axle Dump Trucks	47
Dozers	23
Excavators	46
Front End Loaders	37
Posi Tracks/Skidsteers	21
Graders	3
Compactors	10
Articulated Haul Trucks	15

We often rent water trucks, excavators, dozers and graders from multiple companies to help complete projects. Major vendors for equipment rentals include:

Holt Cat
Warren Cat
Fabick Rents

Chad Gerke, Project Supervisor

1993-1994

On the job training, during summers, in family business (Gerke Excavating, Inc.)

1994 -1999

Laborer, Operator, Grade Foreman for Gerke Excavating, Inc.

1999 – Present

Project Supervisor, Gerke Excavating, Inc. (Responsible for Daily Scheduling of 100 to 300 personnel, Site Supervision and Client Contact).

Jay Gerke, Project Supervisor/Board of Directors

1990-1994

Studied Business Management, University of Wisconsin, La Crosse

1994-1995

Technical Degree as a Civil Engineering Technician, Chippewa Valley Technical Institute, Eau Claire, Wisconsin

1990-1994

On the job training, during summers, in family business (Gerke Excavating, Inc.)

1994 -1999

Laborer, Operator, Grade Foreman for Gerke Excavating, Inc.

1999 – Present

Project Supervisor, Gerke Excavating, Inc. (Responsible for Daily Scheduling of 100 to 300 personnel, Site Supervision and Client Contact).

Kim Voigt, Office Manager

1997-2000

Studied International Business/International Relations at Mankato State University, MN.

2003-2005

Studied Respiratory Therapy at Western Technical College, La Crosse Campus

2003-2009

Mail processor, print press prep at La Crosse Mail and Print Solutions.

2009-2010

Receptionist, purchase orders at Gerke Excavating, Inc.

2010-2011

Accounts Payable at Gerke Excavating.

2011-2014

Payroll at Gerke Excavating.

2014-2021

Project Coordinator, Payroll Supervisor at Gerke Excavating, Inc.

Jan. 2017-2020

Director for Tomah Area Chamber of Commerce

Jan. 2020-Present

Office Manager, Director of Administration, Contract Supervisor

Rhonda Culpitt

Gerke Excavating Inc.
Allan Gerke & Sons Inc.
Central State Construction LLC.
rrc@gerkeexcavating.com

A servant leader with experience in directing effective teams whose operational excellence, organizational, administrative and people management strengths has brought a positive team motivational atmosphere that creates a cultural and organization effectiveness. Over 20 years of logistics management experience in handling, distribution, sales, financial management, purchasing, P&L responsibility, safety, and human resources. Ten years of training, coaching, and implementing Lean methodologies to operational and logistical areas with the transportation and distribution environment as well as within the heavy construction and mining operations.

Area of Expertise

Material Management	Succession Planning	Project Management	Inventory Control
Fulfillment & Procurement	Change Management	Workforce Planning	Coaching and Mentoring
Customer Satisfaction	Distribution & Shipping	Cross-Functionally Leader	Financial Acumen
P&L Ownership	Optimization Expert	Employee Engagement	Risk Management

Accomplishments:

- Successfully managed a \$11.5M operating budget
- Handle over 60M lbs. of freight annually through the local center and 630M lbs. through the FAC
- Reduced operating cost by approximately 2% under budget
- Reduced planned maintenance cost by almost 5% under budget
- Increased customer service levels by 85% on time to 93% on time
- Improved safety performance by 50%
- Received Quality Leadership Awards
- Nominated and Received ESGR Patriot Award from the Wisconsin Army National Guard

Additional Training

Extensive Leadership and Supervisory Training
HazMat and Hazardous Waste Training
Lean Certification Training
OSHA 10 Certified
CPR & First Aid Certified
Level 1 Antiterrorism Awareness Training
OPSEC Awareness for Military Members
Trenching and Excavation Competent Person
Confined Space Entry Certified
Reasonable Suspicion Certified

RANDY L. DUNST

PO Box 159 • Bangor, WI 54614 • (712) 579-4053 • beancntr87@gmail.com

CAREER SUMMARY

Finance professional with 30 plus years experience accounting management and leadership roles in industrial organizations. Excellent technical skills and in-depth knowledge of business systems. Detail oriented with the ability to manage people, processes and projects. Demonstrated skills and expertise:

- Plant/Division/Corporate Controllershops
- Sarbanes-Oxley
- Supervision / Management / Development
- Project Management / Process Improvement
- Accounting Functional Leadership
- Six Sigma / LEAN Principles
- System Implementations
- SAP / JD Edwards / Fourth Shift

PROFESSIONAL EXPERIENCE

GERKE EXCAVATING, INC, Tomah, WI

2022 to Present

Gerke Excavation, Inc serves Western Wisconsin with comprehensive excavating services for building sites of any size. From residential to commercial, they provide excavation, grading, landfill construction services and more. The company is actually made up of 4 companies (Gerke Excavating, Inc., Allan Gerke & Sons, Inc., Permian Excavating, Inc., and Central State Construction, LLC.).

CFO

- Responsible for all treasury, banking and investment functions for all companies.
- Responsible for all accounting services functions including A/R, A/P, Invoicing, payroll processing, budgeting & forecasting, cost accounting, and financial analytics which includes the supervision of the accounting staff of 8.
- Responsible for all business insurance policies.
- Responsible for developing and implementing policies and procedures of the corporation.
- Responsible for managing the tax and audit functions with Clifton, Larson, Allen LLP.

KINZE MANUFACTURING, Williamsburg, IA

2014 to 2022

Kinze is the technology leader and innovator of farm equipment including row crop planters, grain auger carts and high speed tillage equipment.

Sr. Director of Finance/CFO, Williamsburg, IA (July 2017 to present)

- Responsible for all treasury, banking and investment functions for all Kinze.
- Responsible for all accounting services functions including A/R, A/P, Invoicing, hourly and salary payroll processing, budgeting & forecasting, cost accounting, transfer pricing and financial analytics which includes the supervision of the accounting staff (7 fulltime and 1 part-time).
- Responsible for all business insurance policies.
- Responsible for overseeing the accounting functions of the Lithuanian operation performed by the Accounting Manager and E&Y.
- Responsible for developing and implementing policies and procedures of the corporation. The most recent changes include a Travel and Entertainment Policy, Corporate Purchasing Card Policy and a Dealer Payment Terms and Credit programs.
- Responsible for the integration of the Lithuanian operation into the US policies, procedures and financial statements.
- Core member of the export team whose goal is to ensure compliance with all US and Lithuanian Laws.

- Core member of the Kinze pricing strategy team implemented to create a program to sell slow moving inventory held in Kinze and Dealer inventory's in the US and abroad.
- Responsible for managing Cost Reduction and Business Improvement Initiatives.
- Implemented Departmental, Business Unit and Global forecasting and budgeting processes to measure our financial progress against on a monthly, quarterly, annual and fiscal year basis.
- Responsible for managing the company audits in the US and Lithuania and coordinates the activities of the two CPA firms.
- Core member of the IT Infrastructure team to identify and implement projects to improve operations.
- Responsible for leading, managing and developing the Accounting and Finance Team throughout Kinze.
- Instilling an atmosphere of accountability within the accounting and finance functions.

Corporate Controller, Williamsburg, IA (March 2014 to July 2017)

MAHLE ENGINE COMPONENTS

2008 to 2014

MAHLE is a leading manufacturer of components and systems for combustion engines and is among the top three systems suppliers worldwide for piston systems, cylinder components, valve train systems, air management systems, and liquid management systems and is headquartered in Stuttgart, Germany.

Plant Controller, Atlantic, IA (December 2008 to March 2014)

Interim Plant Manager (June 2011 to October 2011)

Responsible for all facets of plant accounting as well as working with the management team to control spending and inventories. Report to the Atlantic Plant Manager as well as the North American Regional Controller.

- Responsible for onsite management of the implementation of the cost accounting, purchasing, inventory, maintenance and quality modules of SAP and a Shop Floor Data Collection program.
- Responsible for identifying cost reduction projects totaling \$753K in 2010 and \$1.4M in 2011, including leading the effort to reduce operating supplies expense, worked towards implementing a centralized store room system and reducing the raw materials inventory up to \$2.3M.
- Coordinated the Six Sigma programs for the plant.
- Preparation of all facets of the annual Economic Plan and Strategic Plans and two calendar Forecasts including the analysis and eventual presentation of the sales provided information, calculation of material requirements, development of the manufacturing and labor plans, and coordinating departmental spending budgets and the preparation of all financial statements and analytics.
- Development of a monthly Gross Margin by Customer and by part number report.
- Development of a Monthly Dash Board Report and a Daily Key Indicators Report tracking 20+ metrics that are reviewed by all levels of employees and management within the plant and company.
- Coached the Management Team to better understand the financial statements and to manage their areas based on financial goals as well as productivity metrics.
- Working closely with the management staff to turn the plant operations into a profitable facility.
- Led cross functional teams to improve inter-departmental communications and mapped current state and future state processes to implement more efficient business processes. Areas covered included the inventory cycle counting process, credit returns and holds, purchase requisition processing, shop floor labor tracking, variance analysis and budgeting and forecasting.
- Certified as a RABQSA-Certified ISO 9001:2008 Internal Auditor with an ISO/TS 16949 Automotive Emphasis.

VEYANCE TECHNOLOGIES, INC.

2005 to 2008

Formerly Engineered Products Division of the Goodyear Corporation, a global organization headquartered in Akron, OH.

Plant Controller, Norfolk, NE

Responsible for all facets of plant accounting as well as the purchasing and inventory control functions. Reported to the North American Regional Controller located at Corporate Headquarters as well as to the Norfolk Plant Manager.

- Supervised revamping of Sarbanes Oxley documentation to the VTI and PWC established standards.
- Responsible for identifying cost reduction projects totaling \$2.6MM in 2008, including leading the effort to reduce operating supplies expense and reducing the raw materials inventory up to 30%.
- Obtained training to become a Six Sigma Black Belt. Led a waste reduction team focusing on eliminating hose length variation waste.
- Attended CIS and LEAN training programs offered by VTI's corporate CIS department and became the plant contact for such activities.
- Mentored and groomed the senior accountant for a controllership position.
- Core team member of a corporate wide supply line optimization team working to improve inbound and outbound shipments and reduce inventories and freight costs in North America.
- Led cross functional teams to improve the inventory handling/tracking systems to improve the accuracy and user friendliness of the system.

WAUSAU PAPER, Wausau, WI

1995 to 2005

One of the industry's leading producers of paper and related products making a broad range of fine printing and writing, specialty products.

Manager Financial Accounting – Printing & Writing Paper Group, Wausau, WI (1998 to 2005)

Responsible for oversight of the A/P, capital, general ledger accounting, fixed asset and sales function for the division. The division consisted of three paper mills and three converting facilities, all located in North America. Reported to Group VP of Finance.

- Mentored 2 employees including encouragement to obtaining four year accounting degrees and helped them obtain supervisor status.
- Developed and enforced accounting policies and procedures.
- Served as member of JD Edwards Implementation Core Team for the General Ledger and Purchasing modules.
- Core team member of the Sarbanes Oxley Corporate Compliance project and documented Order Management, Procurement, Human Resources, Support Services, and Financial Reporting functions.
- Provided leadership to result in the following cash/financial management statistics:

	<u>2001</u>	<u>2004</u>	<u>Target</u>	<u>Ind. Ave.</u>
DWC	55.0	48.0	46.0	42.0
DSO	30.0	29.9	28.2	35.0
DPO	33.5	34.4	38.2	29.0
Inv. Turns	5.5	6.1	5.9	8.0

Manager Financial Accounting, Brokaw, WI (1996 to 1998)

Manager General Accounting, Rhineland, WI (1995 to 1996)

PACKAGING CORPORATION OF AMERICA, Tomahawk, WI

1987 to 1995

Formerly owned by Owens Illinois, Great Northern Nekoosa, and Georgia Pacific.

Financial Accounting Supervisor (1991 to 1995)

Senior Accountant (1989 to 1991)

Staff Accountant (1987 to 1989)

EDUCATION / PROFESSIONAL DEVELOPMENT

Bachelor of Business Administration, University of Wisconsin - Eau Claire, WI

Comprehensive Accounting Major - 1987

TECHNICAL SKILLS

D & B Credit System, Microsoft Excel, Microsoft Word, FAS Asset Accounting

IBM AS/400, Sales Tracker, JD Edwards, Showcase Reporting Software

SAP, EssBase, Goodyear Certified Six Sigma Black Belt

Resume of Experience for Scott Lucia

Education: Lake Superior College Civil Engineering Tech Duluth, MN.

Continue Education Classes University of Wisconsin-Geotechnical, Soil Stabilization, Geotextile/Liner Studies. FMI Leadership Institute Training.

Thirty three years of experience in heavy civil construction with in the following disciplines along with a history of working with a variety of clients: Municipalities, County Governments, Core of Engineer, DOT agencies, Third Party Compliance Engineers.

Excavation/Backfill: Oversee excavation projects in many different soil environments and applications: Rock, Clay, Granular soils along with utility and undesirable soil conditions. Project volumes have exceeded 3,000,000 cubic yards.

Utility Installation: Sanitary Sewer ranging in multiple sizes up to 36", depths up to 28ft along with all required structures and lift stations. Testing and code compliance experience. Excavation in soils consisting of granular, rock with high water tables.

Storm Sewer installation: RCP and HDPE pipe. Box Culverts installation consisting of new and existing structures. Excavation in soils consisting of granular, rock with high water tables.

Waterline Installation: Experience with pvc and ductile iron pipe. Testing and code compliance experience. Excavation in soils consisting of granular, rock with high water tables.

BID PACKAGE

The following list includes CDBG-MIT forms and documents that are required by GLO to be in the construction contract, in addition to your standard bid/contract documents.

*Items 5-15 are to be provided to and completed by all bidders.

1. Sample Advertisement for Bids (first notice must be at least 15 days prior to bid opening)
2. Instruction to Bidders
3. Equal Opportunity Guidelines for Construction Contractors
4. City/County's Section 3 Policy (GW will provide)
5. **Statement of Bidder's Qualifications**
6. **Conflict of Interest Questionnaire**
7. **Certificate of Recovered Materials**
8. **Non-collusion Affidavit of Prime Bidder**
9. **Certification of Bidder Regarding Civil Rights Laws and Regulations**
10. **Contractor's Local Opportunity Plan**
11. **Proposed Contracts Breakdown (expected subcontractors and labor classifications including Section 3 utilization)**
12. **Contractor Certification of Efforts to Fully Comply with Employment and Training Provision of Section 3**
13. **Certification Regarding Lobbying**
14. **Disclosure of Lobbying Activities and Instructions**
15. **Bid Bond**
16. Sample Construction Contract - Standard Form of Agreement
17. General Conditions Part 1
18. Minority/Female Goals
19. Federal Labor Standards Provisions (HUD 4010 language)
20. Title 29 – Labor
21. Concerning Labor Standards and Prevailing Wage Requirements
22. Project specific Davis-Bacon Wage decision
23. GLO Signage Requirements
24. Section 504 Certification
25. Child Support Statement
26. Payment Bond
27. Performance Bond
28. Certificate of Liability Insurance
29. Certificate of Interested Parties Form 1295 and Instructions
30. Section 3 Clause
31. HUD Examples of Efforts to Offer Training and Employment Opportunities for Section 3 Residents (info sheet for contractors)
32. GLO New Hires Section 3 Monthly Compliance Report (submitted with payroll by contractor monthly)
33. CDBG-MIT Section 3 Brochure Info Sheet
34. GLO Assurances for Construction Programs
35. GLO General Affirmations
36. Attorney's Review Certification
37. Final Payment Affidavit
38. Additional Requirements (attached separately)
39. Change Order Form
40. Certificate of Construction Completion (COCC)

RESOLUTION # 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH GERKE EXCAVATING INC. FOR PROJECT 4 OF THE COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-016-D218.

WHEREAS, the City of Kingsville has applied for and received a Community Development Block Grant-Mitigation (CDBG-MIT) award to provide Flood & Drainage Improvements; and

WHEREAS, the City advertised for bids in the newspaper on September 28, 2023 and October 05, 2023 for Project 4: Sanitary Sewer Improvements in alley between E. Johnston Ave. and E. Fordyce Ave.;

WHEREAS, the City received three bids by the October 24, 2023 bid deadline and the City Commission awarded the bid to apparent low bidder Gerke Excavating Inc. on November 13, 2023 with a base bid of \$200,214.16; and

WHEREAS, the City and Gerke Excavating Inc. have negotiated a contract for the construction services bid previously awarded; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas as follows:

SECTION 1: The City Manager is authorized to execute Construction Contract documents between the City of Kingsville, Texas and Gerke Excavating Inc. for the GLO CDBG-MIT Contract No. 22-082-016-D218, Project 4: Sanitary Sewer Improvements in alley between E. Johnston Ave. and E. Fordyce Ave.

SECTION 2: All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

SECTION 3: This Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission the 27th day of November, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

CONSTRUCTION CONTRACT

THIS AGREEMENT made this the 27th day of November, 2023, by and between Gerke Excavating, Inc. (a corporation organized and existing under the laws of the State of Wisconsin) hereinafter called the "Contractor", and City of Kingsville hereinafter called the "City"

WITNESSETH, that the Contractor and the City for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services, including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the Project; namely, (GLO SS PROJECT 4 (ALLEY BETWEEN E. JOHNSTON AVE. AND E. FORDYCE AVE.) SANITARY SEWER IMPROVEMENTS (CDBG-MIT GLO CONTRACT NO. 22-082-016-D218)) for the Community Development Block Grant – Mitigation (CDBG-DR) project, all in strict accordance with the contract documents including all addenda thereto, numbered n/a, dated n/a and n/a, all as prepared by International Consulting Engineers (ICE) acting and in these contract documents preparation, referred to as the "Engineer".

ARTICLE 2. The Contract Price. The City will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the *unit prices* stipulated in the Bid for the several respective items of work completed subject to additions and deductions as provided in THE BASE BID \$200,214.16 hereof.

ARTICLE 3. The Contract. The executed contract documents shall consist of the following components:

- | | |
|------------------------------|--|
| a. This Agreement (pgs. 1-3) | f. General Conditions, Part I |
| b. Addenda | g. Special Conditions |
| c. Invitation for Bids | h. Technical Specifications |
| d. Instructions to Bidders | i. Drawings (<i>as listed in the Schedule of Drawings</i>) |
| e. Signed Copy of Bid | j. [Add any applicable documents] |

ARTICLE 4. Performance. Work, in accordance with the Contract dated November 27, 2023, shall commence on or before January 9, 2024, and Contractor shall complete the WORK within 180 consecutive calendar days thereafter. The date of completion of all WORK is therefore July 6, 2024.

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate original copies on the day and year first above written.

FOR CONTRACTOR:

Gerke Excavating, Inc.
15341 State Hwy 131
Tomah, WI 54660

By Richard A. Gerke

Title Owner

FOR CITY:

City of Kingsville
400 West King Ave, 78363
P.O. Box 1458
Kingsville, TX 78364

By Mark McLaughlin

Title City Manager

Corporate Certifications

I, _____, certify that I am the _____ of the corporation named as Contractor herein; that _____ who signed this Agreement on behalf of the Contractor, was then _____ of said corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate
Seal

(Corporate Secretary)