

OCTOBER 15, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, OCTOBER 15, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, Director of Information & Technology
Derek Williams, Systems Administrator
Emilio Garcia, Health Director
John Blair, Chief of Police
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Erik Spitzer, Director of Economic & Development Services
Juan J. Adame, Fire Chief
Diana Gonzalez, Human Resources Director
Mike Mora, Capital Improvements Manager
Janine Reyes, Tourism Director
Kwabena Agyekum, Senior Planner
Deborah Balli, Finance Director
Manny Salazar, Economic Development Director
Charlie Sosa, Purchasing Manager

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 – September 23, 2024

Motion made by Commissioner Lopez to approve the minutes of September 23, 2024 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon voting "FOR". Fugate "ABSTAINED".

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."

Mr. Mark McLaughlin, City Manager gave a brief update on streets.

Ms. Courtney Alvarez, City Attorney stated that the next city commission meeting is scheduled for Monday, October 28, 2024. The deadline for staff to submit their agenda items for said meeting is Friday, October 18, 2024. Ms. Alvarez further announced upcoming events that will take place in October.

Commissioner Hinojosa stated that he will be leaving tonight's meeting at 5:45 p.m. as he has a prior commitment.

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

- 1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for revised golf course fees for the L.E. Ramey Golf Course. (Parks Director).**
- 2. Motion to approve the reappointment of Steve Davis to the Health Board for another 3-year term when his current term expires on November 8, 2024. (Health Director).**
- 3. Motion to approve membership with Electric Reliability Council of Texas (ERCOT) for 2025. (renewal of annual membership). (City Attorney).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 4. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number Two, City of Kingsville, Texas, established pursuant to Chapter 311 of the Texas Tax Code. (Economic Development Director).**

Mr. Manny Salazar, Economic Development Director, stated that the TIRZ Board met earlier today and approved the financing plan for TIRZ Number 2.

Introduction item.

- 5. Consider a resolution authorizing the City Manager to engage the services of David Petit Economic Development, LLC as per prior agreement, for the creation of TIRZ#3. (Economic Development Director).**

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to engage the services of David Petit Economic Development, LLC as per prior agreement, for the creation of TIRZ#3, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

- 6. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for TIRZ#3. (Economic Development Director).**

Introduction item.

- 7. Consideration and approval of a resolution accepting a Petition for and calling for a public hearing on the creation of the Somerset at Kingsville Public Improvement**

District Number 1 within the City of Kingsville, Texas pursuant to Chapter 372 of the Texas Local Government Code and authorizing the mailing and publication of notice of the public hearing. (City Attorney).

Ms. Alvarez stated that you have your public hearing notice and if the TIRZ or PID doesn't get started within a certain timeframe after the public hearing it would need to be updated. This would set the public hearing for the city's commission meeting on November 12, 2024.

Motion made by Commissioner Hinojosa to approve the resolution accepting a Petition for and calling for a public hearing on the creation of the Somerset at Kingsville Public Improvement District Number 1 within the City of Kingsville, Texas pursuant to Chapter 372 of the Texas Local Government Code and authorizing the mailing and publication of notice of the public hearing, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

8. Consider awarding bid #RPF 24-19 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 2: N. 19th Street Stormwater Improvement Project, as per recommendation of contract engineer. (City Engineer).

Mr. Rudy, City Engineer stated that staff seek approval to award the first GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1. The first is Project 2 - N. 19th Street Storm Water Improvements, which represents a crucial step toward enhancing the city's flood management infrastructure. The project includes the installation of 1,430 linear feet of 6' x 4' box culverts, four new curb inlets, and other related appurtenances to improve stormwater drainage and minimize future flood risks. Sealed bids for Bid No. 24-19 (Project 2), were received on September 17, 2024, from three bidders: R.S. Parker Construction LLC, Corpus Christi, Texas; JE Construction Services, Corpus Christi, Texas; PM Construction & Rehab LLC, Pasadena, Texas. The base bids range from \$1,630,804.89 to \$2,623,783.00. After careful evaluation, staff recommends awarding the contract to the lowest bidder, R.S. Parker Construction LLC, for the amount of \$1,630,804.89.

Motion made by Commissioner Lopez to award bid #RPF 24-19 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 2: N. 19th Street Stormwater Improvement Project, as per recommendation of contract engineer, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

9. Consider awarding bid #RPF 24-20 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 6: Carlos Truan Blvd. Stormwater Improvement Project, as per recommendation of contract engineer. (City Engineer).

Mr. Mora stated that staff is seeking approval to award the second GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1 grant. The project in question, Project 6 – Carlos Truan Blvd – Storm Water Improvements, is a vital component of the city's efforts to upgrade its flood management infrastructure. The project includes the installation of 90 linear feet of concrete trench with a steel grate, regrading of the existing ditch, and other related appurtenances to improve stormwater drainage and reduce flood risks. Sealed bids for Bid No. 24-20 (Project 6) were received on September 17, 2024, from five bidders: R.S. Parker Construction LLC, Corpus Christi, Texas; JE Construction Services, Corpus Christi, Texas; PM Construction & Rehab LLC, Pasadena, Texas; RXDX, Sinton, Texas; Donald Hubert Construction Co., Kingsville, Texas. The base bids ranged from \$149,124.00 to \$450,146.00. After review, staff recommends awarding the project to the lowest bidder, Donald Hubert Construction Co., for the base bid amount of \$149,124.00.

Motion made by Commissioner Alarcon to approve award bid #RPF 24-20 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 6: Carlos Truan Blvd. Stormwater Improvement Project, as per recommendation of contract engineer, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

10. Consider awarding bid #RPF 24-22 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 13: W. Johnston Ave. Stormwater Improvement Project, as per recommendation of contract engineer. (City Engineer).

Mr. Mora stated that staff seeks approval to award the third GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1 grant. Project 13 – W. Johnston Ave. Storm Water Improvements is a critical component of the city's flood management infrastructure upgrades. This project includes the installation of 1,640 linear feet of 24-inch diameter reinforced concrete pipe (RCP), seven curb inlets, and related appurtenances to improve stormwater drainage and reduce future flood risks. Sealed bids for Bid No. 24-22 (Project 13) were received on September 17, 2024, from two bidders: R.S. Parker Construction LLC, Corpus Christi, Texas; JE Construction Services, Corpus Christi, Texas. The base bids range from \$611,624.49 to \$791,798.00. Alternate No. 1 bids range from \$764,999.00 to \$991,552.43. The total bids range from \$1,556,797.00 to \$1,603,186.92. After review,

staff recommends awarding the project to the lowest bidder, R.S. Parker Construction LLC, for the base bid amount of \$611,624.49.

Motion made by Commissioner Hinojosa to approve the award bid #RPF 24-22 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 13: W. Johnston Ave. Stormwater Improvement Project, as per recommendation of contract engineer, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

11. Consider approving Change Order #4 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 3: 18" Wastewater Main Replacement for 3MGD Wastewater Treatment Plant. (no additional cost). (City Engineer).

Mr. Mora stated that staff seeks approval General Land Office Change Order No. 4 (CO-4) will decrease the contract price while increasing the contract time to help close the contract as required by the grant. CO-4 decreases the contract price by \$5,400.95 and increases the contract time by 159 calendar days. Final Contract Price and Time \$1,259,171.12 and 324 Calendar Days.

Motion made by Commissioner Alarcon to approve change order #4 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 3: 18" Wastewater Main Replacement for 3MGD Wastewater Treatment Plant. (no additional cost), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

12. Consider approving Change Order #1 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 4: Alley between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements. (no additional cost). (City Engineer).

Mr. Mora stated that staff seeking approval of General Land Office Change Order No. 1 (CO-1) will decrease the contract price while increasing the contract time and help close out the contract as required by the grant. CO-1 decreases the contract price by \$229.92 and increases the contract time by 85 calendar days. Final Contract Price and Time \$199,984.24 and 265 Calendar Days.

Motion made by Commissioner Alvarez to approve change order #1 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 4: Alley between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements, seconded by Commissioner Alvarez and Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

13. Consider awarding bid #RFP 24-15 for Public Works Concrete Pavement Improvement Project, as per staff recommendation. (City Engineer).

Mr. Mora stated that this award is for a construction contract for the Public Works concrete pavement improvement project. The project includes 840 square yards of 6" concrete pavement which replaces the existing asphalt paving and 6" concrete valley gutter for drainage improvements. The project shall be completed within 60 days from the Notice to Proceed date. This project was advertised in the local newspaper on July 18th and July 25, 2024, as well as on the city's website. Sealed bids for Bid 24-15 were received before the deadline of August 13, 2024, at 2:00 p.m. and were read out loud. The three bidders were ACE Co. from San Antonio, TX; RXDX from Sinton, TX; and Internal Consulting Engineers from Corpus Christi, TX. Base bid ranged from \$148,120.00 to \$185,080.00. Alternate bid No. 1 ranged from \$45,496.00 to \$96,509.00. Alternate bid 2 ranged from \$185,281.00 to \$272,703.80. Total bid amounts ranged from \$381,855.00 to \$523,891.97. Mr. Mora stated that it is staff's recommendation to award the base bid only on project to the lowest bidder, ACE Co. in the amount of \$148,120.00 and authorize the City Manager to sign the construction contract.

Motion made by Commissioner Alarcon to approve the award of bid #RFP 24-15 for Public Works Concrete Pavement Improvement Project, as per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

14. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for the Public Works Concrete Parking Lot Project. (Public Works Director).

Introduction item.

15. Consider a resolution authorizing the City Manager to execute the Construction Contract with Ace Co. for RFP#24-15 Public Works Concrete Pavement Improvement Project. (City Engineer).

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute the Construction Contract with Ace Co. for RFP#24-15 Public

Works Concrete Pavement Improvement Project, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

16. Consider awarding bid RFP #24-16 for Comprehensive Plan and Grant Writing Services, as per staff recommendation. (Director of Planning & Development Services).

Mr. Erik Spitzer, Director of Planning & Development Services stated that the City of Kingsville has an outdated comprehensive plan which was last published in 2008. A comprehensive plan is a 20 to 30-year framework designed to help guide future developments and land use within a city. Staff would like to partner with a company to complete the work required to produce a comprehensive plan for the City of Kingsville. The 2022 Resilient Communities Program is accepting applications to help fund the development adoption and implementation of a long-range planning for cities. Applications are being processed for eligibility on a first-come basis until June 1, 2028, or until funding is exhausted. The city advertised a Request for Proposal, RFP 24-16, on August 22, 2024, and August 29, 2024, in the Kingsville Record, IAW Texas Stated Purchasing Law. Bids were opened on September 10, 2024, and closed on September 10, 2024. The city received only one bid from Halff Associates, Inc. It is staff's recommendation approve the selection of Halff Associates, Inc. as the Resilient Community Program Grant Writing and Administration company to complete the services required to complete the comprehensive plan.

Motion made by Commissioner Hinojosa to approve award bid RFP #24-16 for Comprehensive Plan and Grant Writing Services, as per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

17. Consideration and approval of a resolution authorizing the City Manager to execute the Construction Contract with Lowman Land Improvements, Inc. for RFP#24-13 Landfill South Drainage Infrastructure-Lined Channel Project. (bid awarded 9/12/24) (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the city to enter into a contract with Lowman Land Improvements, Inc. for RFP #24-13 Landfill South Drainage Infrastructure Lined Channel for the city. Request for proposal was advertised in the newspaper on August 1, 2024, and August 8, 2024. The city received four responses, Lowman Land Improvement of Orange Grove, TX; ERS, Inc. of Jacksonville, MS; Texas Chili of Kingwood, TX; and EnviroCon Systems Inc., of Houston, TX. Hanson Engineer is the engineer of record for the city landfill. Hanson Engineering reviewed proposals and found the information received to be responsive. Bids received range from \$299,814.00 to \$490,714.64. Hanson Engineering recommended the city accept the low bidder, Lowman Land Improvement, Inc. of Orange Grove, TX for \$299,814.00, which the commission did at a previous meeting on September 12, 2024. The parties have worked on a contract that now needs to be approved. It is staff's recommendation to approve the city manager to enter into a contract with Lowman Land Improvements, Inc. of Orange Grove, TX for bid #24-13 Landfill South Drainage Infrastructure-Lined Channel for the city.

Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute the Construction Contract with Lowman Land Improvements, Inc. for RFP#24-13 Landfill South Drainage Infrastructure-Lined Channel Project. (bid awarded 9/12/24), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV-Land Usage, Article 1-Building Regulations, Section 15-1-156, adopting the 2024 edition of the National Electric Code. (Director of Planning & Development Services).

Introduction item.

19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Section 15-1-2, adopting the 2024 International Building Code. (Director of Planning & Development Services).

Introduction item.

20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 21 & 22, adopting the 2024 edition of the International Plumbing Code. (Director of Planning & Development Services).

Introduction item.

21. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 135 & 136, adopting the 2024 edition of the International Mechanical Code. (Director of Planning & Development Services).

Introduction item.

22. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 402 & 403, adopting the 2024 edition of the International Energy Conservation Code. (Director of Planning & Development Services).

Introduction item.

23. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Section 502, adopting the 2024 edition of the International Existing Building Code. (Director of Planning & Development Services).

Introduction item.

24. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX-General Regulations, Article 7-Nuisances, Sections 1 & 2, adopting the 2024 edition of the International Property Maintenance Code. (Director of Planning & Development Services).

Introduction item.

25. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX-General Regulations, Article 5-Fire Prevention and Protection, Section 10, adopting the 2024 edition of the International Fire Code. (Director of Planning & Development Services).

Introduction item.

26. Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the evaluation and duties of the City Manager. (Mayor Fugate).

Mayor Fugate announced the executive session and convened the meeting into a closed session at 5:47 p.m.


Commissioner Hinojosa left the meeting at 5:47 p.m. and did not attend the executive session.

Mr. McLaughlin and Ms. Alvarez entered the executive session meeting at 5:47 p.m. and both came out of the executive session at 5:59 p.m. with the commission still in closed session. The City Commission exited the executive session at 6:17 p.m.

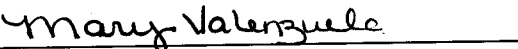
Mayor Fugate reconvened the meeting into an open session at 6:18 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:18 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary