

OCTOBER 28, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 28, 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  
Michael Krueger, Municipal Court Judge  
Kyle Benson, Director of Information & Technology  
Derek Williams, Systems Administrator  
Emilio Garcia, Health Director  
John Blair, Chief of Police  
Rudy Mora, City Engineer  
Erik Spitzer, Director of Economic & Development Services  
Juan J. Adame, Fire Chief  
Leticia Salinas, Accounting Manager  
Diana Gonzalez, Human Resources Director  
Mike Mora, Capital Improvements Manager  
Janine Reyes, Tourism Director  
Kwabena Agyekum, Senior Planner  
Charlie Sosa, Purchasing Manager  
Susan Ivy, Park Director

**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 15, 2024**

**Motion made by Commissioner Lopez to approve the minutes of October 15, 2024 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".**

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

None.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial 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 an update on streets and activities that occurred this past weekend.

Ms. Courtney Alvarez, City Attorney, reported that the next city commission meeting is scheduled for Tuesday, November 12, 2024, as Monday, November 11, 2024, city offices will be closed for the Veteran's Day Holiday. The deadline for staff to submit agenda items for the November 12<sup>th</sup> meeting is Thursday, October 31<sup>st</sup>.

Commissioner Lopez stated that today is First Responders Day and thanked First Responders for all that they do for the community.

Commissioner Hinojosa asked if staff could provide the number of heads in beds that this weekend's Wine Walk brought into the city.

Mr. McLaughlin responded that he would work with staff in trying to get that information.

Mayor Fugate read and presented a proclamation for Officer Sherman Otto Benys Day.

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

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

No public comments were made.

**V.**

**Consent Agenda**  
**Notice to the Public**

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

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

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

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

- 1. Motion to approve final passage 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).
- 2. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for TIRZ#3. (Economic Development Director).
- 3. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for the Public Works Concrete Parking Lot Project. (Public Works Director).
- 4. Motion to approve final passage 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).
- 5. Motion to approve final passage 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).
- 6. Motion to approve final passage 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).
- 7. Motion to approve final passage 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).
- 8. Motion to approve final passage 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).

**9. Motion to approve final passage 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).**

**10. Motion to approve final passage 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).**

**11. Motion to approve final passage 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).**

**12. Motion to approve a resolution authorizing the Police Chief to enter into an Operating Agreement between the Naval Air Station, Kingsville, Texas and the City of Kingsville, Texas Police Department for the Provision of Law Enforcement Services. (update signatories on existing 3/27/17 agreement; no cost). (Police Chief).**

## **REGULAR AGENDA**

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

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

**13. Consider accepting donations for the Healthy Family Program. (Parks Director).**

Mayor Fugate commented that if there were no objections from the city commission, he would like to move the two executive session items before item 13. No objections were made.

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

**14. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend donations for the Parks Department Healthy Family Events. (Parks Director).**

Introduction item.

**15. Consider a resolution authorizing the City to submit an application to the Texas Parks And Wildlife Department's Community Outdoor Outreach Grant Program for the purpose of requesting funding for community nature based, family oriented, recreational programming with no cash match required; authorizing the City Manager to submit the grant and the City Parks Director as the Grant Official to act on the City's behalf with such grant program. (Parks Director).**

This item will authorize the submission of a Texas Parks & Wildlife Department grant application. The application will be for up to \$65,000 of grants funds to be used for various training, staffing and activities. Funding provided by this program is on a cost reimbursement basis. If awarded, the city must initiate the approved project with our own funds and be reimbursed 100% of qualified expenses after submitting documentation of expenses. There is no cash match for this grant.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City to submit an application to the Texas Parks And Wildlife Department's Community Outdoor Outreach Grant Program for the purpose of requesting funding for community nature based, family oriented, recreational programming with no cash match required; authorizing the City Manager to submit the grant and the City Parks Director as the Grant Official to act on the City's behalf with such grant program, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".**

**16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for an increase in certain irrigation water rates. (Finance Director).**

Mrs. Leticia Salinas, Accounting Manager stated that when the utility rate changes were submitted and approved, changes to the 1 inch irrigation rate were not included. The current rate is \$39.31 and should be \$45.21. It is the staff's recommendation to approve the rate change as recommended by staff.

Introduction item.

**17. Consider a resolution authorizing the submission of an application to the Texas Water Development Board's 2024-2025 Economically Distressed Areas Program (EDAP) for first time wastewater service residents projects. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that on October 21, 2024, the city received an invitation and Intent to Apply for the 2024-2025 Economically Distressed Areas Program. This application will focus on providing wastewater services for the first time to 21 homes built before 2005 along Sage Road between Armstrong and Young Drive. Existing homes along this route can also connect to the wastewater services at their own expense. The estimated total cost for the project is \$5,351,251.00.

Commissioner Hinojosa asked if the individuals from the 21 homes built before 2005 had been notified of this. Mr. Mora responded no, not until this is awarded.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the submission of an application to the Texas Water Development Board's 2024-2025 Economically Distressed Areas Program (EDAP) for first time wastewater service residents projects, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".**

**18. Consider awarding Request for Qualification (RFQ #25-02) for Professional Engineering Services for municipal water infrastructure projects to be funded by the WaterSMART Drought Response Grant administered by the U.S. Bureau of Reclamation, as per staff recommendation. (City Engineer).**

Mr. Mora stated that this item is for professional engineering services which was advertised September 19, and September 26, 2024, in the local newspaper and on the city's website. Statement of Qualifications was received before the deadline of 4:00 p.m. on October 8, 2024. The following four firms submitted: Collier Engineering & Design of Corpus Christi; International Consulting Engineers of Corpus Christi; Garver of Harlingen; and Hanson of Corpus Christi. The evaluation committee consisted of the City Manager, Capital Improvements Manager, Public Works Director, and City Engineer to which reviewed all four submissions. The evaluation committee recommends awarding RFQ #25-02 for professional engineering services to Garver and to begin negotiating a contract.

**Motion made by Commissioner Alarcon to approve awarding Request for Qualification (RFQ #25-02) for Professional Engineering Services for municipal water infrastructure projects to be funded by the WaterSMART Drought Response Grant administered by the U.S. Bureau of Reclamation, 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".**

**19. Consider approving Change Order #1 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 2: Manhole Rehabilitation Project. (no additional cost). (City Engineer).**

Mr. Mora stated that this item will consider approving General Land Office Change Order No. 1. This will decrease the contract price while increasing the contract time to help closeout the contract as required by the grant. Change Order 1 decreases the contract price by \$4,800 and increases the contract time by 136 calendar days. The final contract price and time \$468,506.40 and 256 calendar days.

**Motion made by Commissioner Lopez to approve Change Order #1 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 2: Manhole Rehabilitation Project, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".**

**20. Consider a resolution authorizing the City Manager to execute the Construction Contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract #22-085-009-D237 for Project 2: N. 19<sup>th</sup> Street- Stormwater Improvements Project. (bid RFP #24-19 awarded to RS Parker Construction LLC on 10/15/24) (City Engineer).**

**Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to execute the Construction Contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract #22-085-009-D237 for Project 2: N. 19<sup>th</sup> Street- Stormwater Improvements Project. (bid RFP #24-19 awarded to RS Parker Construction LLC on 10/15/24), seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".**

**21. Consider a resolution authorizing the City Manager to execute the Construction Contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract #22-085-009-D237 for Project 13: W. Johnston Ave. Stormwater Improvements Project, as per recommendation of contract engineer. (bid RFP #24-22 awarded to RS Parker Construction LLC on 10/15/24) (City Engineer).**

Motion made by Commissioner Hinojosa to approve resolution authorizing the City Manager to execute the Construction Contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract #22-085-009-D237 for Project 13: W. Johnston Ave. Stormwater Improvements Project, as per recommendation of contract engineer. (bid RFP #24-22 awarded to RS Parker Construction LLC on 10/15/24), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

**22. Consider a resolution authorizing the City Manager to execute the Construction Contract with Donald Hubert Construction Co. for GLO CDBG-MIT Contract #22-085-009-D237 for Project 6: Carlos Truan Blvd. Stormwater Improvements Project, as per recommendation of contract engineer. (bid RFP #24-20 awarded to Donald Hubert Construction LLC on 10/15/24) (City Engineer).**

Motion made by Commissioner Hinojosa to approve resolution authorizing the City Manager to execute the Construction Contract with Donald Hubert Construction Co. for GLO CDBG-MIT Contract #22-085-009-D237 for Project 6: Carlos Truan Blvd. Stormwater Improvements Project, as per recommendation of contract engineer. (bid RFP #24-20 awarded to Donald Hubert Construction LLC on 10/15/24), seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

**23. Consider authorizing emergency repairs to the HVAC System at City Hall. (Purchasing Manager).**

Mr. Sosa stated that facilities is requesting a budget amendment to cover emergency repairs to the HVAC chiller at City Hall. The circuit #2 compressor stated going out in August. Staff contacted Malek Inc. of Corpus Christi to work on it and they have kept the unit working until recently. The excessively hot summer and higher than normal September and October temperatures have put a strain on the HVAC System speeding up its decline. The compressor went this month and will need to be replaced with coils and contactors. The total amount to replace the compressor, coils and contactors will be \$65,000.00.

Motion made by Commissioner Alvarez to authorize emergency repairs to the HVAC System at City Hall, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

**24. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for emergency repairs on the City Hall air conditioning unit. (Purchasing Manager).**

Introduction item.

**25. Consider a resolution authorizing the Mayor to execute an Employment Agreement for the position of City Manager with Mark McLaughlin. (Mayor Fugate).**

Mayor Fugate requested that an executive session item regarding the evaluation of the City Manager be placed on the next agenda and include this item as well.

No discussion or action taken on this item.

**26. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).**

Mayor Fugate announced both executive session items and convened the meeting into closed session at 5:15 p.m.

Mr. Mark McLaughlin stepped out of this executive session at 5:32 p.m.

**27. 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 Attorney and Municipal Court Judge. (Mayor Fugate).**

Mr. Michael Krueger, Municipal Court Judge, stepped into the executive session at 5:32 p.m. Judge Krueger stepped out of the executive session at 5:48 p.m.

Ms. Courtney Alvarez stepped out of the executive session at 6:06 p.m.

Mayor Fugate reconvened the meeting into open session at 6:07 p.m.

**28. Consider a resolution authorizing staff to accept the offer for the sale of the City's 3.030 acres of land located on the north side of the 400 Block of East Caesar Ave.**

(9<sup>th</sup>, Block 24, Lot all, S/2 closed Ragland St.), also known as the Old Hospital site, in Kingsville, Texas. (Purchasing Manager).

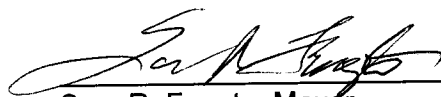
Motion made by Commissioner Lopez to approve the resolution authorizing staff to accept the offer for the sale of the City's 3.030 acres of land located on the north side of the 400 Block of East Caesar Ave. (9<sup>th</sup>, Block 24, Lot all, S/2 closed Ragland St.), also known as the Old Hospital site, in Kingsville, Texas, seconded by Commissioner Alarcon.

Mr. Charlie Sosa, Purchasing Manager, stated that this item authorizes the sale of real property located at 400 E. Caesar owned by the City of Kingsville. It is staff's recommendation for the city commission to approve the sale of said property.


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

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:35 p.m.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, City Secretary