

DECEMBER 9, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 9, 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, IT Director
Emilio Garcia, Health Director
Rudy Mora, City Engineer
Erik Spitzer, Director of Economic & Development Services
Juan J. Adame, Fire Chief
Diana Gonzalez, Human Resources Director
Alicia Tijerina, Special Events Coordinator
Susan Ivy, Park Director
Bill Donnell, Public Works Director
Deborah Balli, Finance Director
Leticia Salinas, Accounting Manager
Nick Chapa, IT
Charlie Sosa, Purchasing Manager
John Blair, Police Chief
Mike Mora, Capital Improvements Manager
Kwabena Agyekum, Senior Planner

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 – November 25, 2024

Motion made by Commissioner Lopez to approve the minutes of November 25, 2024 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

Special Meeting – December 5, 2024

Motion made by Commissioner Lopez to approve the minutes of December 5, 2024 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

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

1. Public hearing to consider amending the zoning ordinance by changing the zoning map in reference to Jesse 2, Lot 9, 10, (1.64 acres) also known as 1101 S. US Hwy 77, Kingsville, Texas from C2 (Retail District) to C4 (Commercial District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Mayor Fugate opened this public hearing at 5:04 p.m. He further announced that this is a public hearing and if anyone would like to speak on behalf of this item they may do so now with a five-minute limit. The City Commission cannot extend additional time.

Mr. Erik Spitzer, Director of Planning and Development Services, stated that Mr. Ross West, applicant/owner, approached his department on October 22, 2024, requesting approval of re-zoning the parcel of land located at 1101 S. US Hwy 77 from C2 (Retail) to C4 (Commercial) for a Provisioning and Recreational Sporting Goods Sales Facility. This parcel of land is currently zoned C2 (Retail). There are two Provisioning and Recreational Sporting Goods Sales businesses at this location, (a) apply for a Special Use Permit or (b) apply to re-zone. Mr. West has chosen to apply for a re-zone. The Planning and Zoning Commission meeting was held on December 4, 2024, where they voted to approve the re-

zoning. Staff mailed 19 notice letters to neighbors within the 200-foot buffer and the city received no feedback.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:05.

2. Public hearing to consider amending the zoning ordinance by granting a Special Use Permit for case wash use in C2 (Retail District) at College AC, Block 11, Lot E100' SE/4, also known as 600 West Corral Ave., Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Mayor Fugate opened this public hearing at 5:05 p.m. He further announced that this is a public hearing and if anyone would like to speak on behalf of this item they may do so now with a five-minute limit. The City Commission cannot extend additional time.

Mr. Spitzer stated that Mr. Baltazar Ramierz, applicant/owner, approached the department on October 31, 2024, requesting a Special Use Permit for a self-serve carwash located at 600 West Corral, currently zoned as C2 (Retail). This parcel of land presently has an existing self-serve carwash at this location that is not in use. A carwash is permitted in C2, provided that a Special Use Permit is approved. Staff mailed 13 notice letters to neighbors within the 200-foot buffer and the city received no feedback. The Planning and Zoning Commission met on December 4, 2024, and approved the Special Use Permit.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:07.

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, thanked staff for their participation in the festivities that took place this past weekend. Mr. McLaughlin also gave an update on the 8" water main break on Senator Carlos Truan.

Ms. Courtney Alvarez, City Attorney, reported that the next scheduled meeting is set for January 13, 2025. The deadline for staff to submit their agenda items for this upcoming meeting is January 3, 2025. Ms. Alvarez further reported that City Offices will be closed on the following days for the upcoming holidays, Tuesday, December 24th, and Wednesday, December 25, 2024; December 31, 2024, and January 1, 2025.

Commissioner Lopez addressed Mr. McLaughlin by stating that she would like to express her deep gratitude for his dedicated work in assisting Kingsville to move forward and for always upholding laws that the commission passed and overseeing all governmental procedures. She thanked him for his leadership and wished him well.

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: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance of the City Commission of the City of Kingsville, Texas, pursuant to Chapter 311 of the Texas Tax Code, creating Tax Increment Financing Reinvestment Zone Number Three, City of Kingsville, Texas. (Economic Development Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to setup budget for rolled over purchase orders. (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding received on the sale of the Old Hospital Property. (in the 400 Block of West Caesar Ave.; sale was approved on 10/28/24 via Resolution #2024-88). (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for emergency plumbing repairs to Fire Station #2. (Purchasing Manager).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend the Border Zone Fire Department Grant Award #5106101 for Fire Rescue Equipment. (Fire Chief).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for the purchase of IBC Books for the Planning Department. (Director of Planning & Development Services).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for the inspection work by Bureau Veritas for the Planning Department. (Director of Planning & Development Services).
8. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend the OGG Grant Award for the Body Worn Camera Grant Program #5094901. (Police Chief).
9. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend the Local Border Security Program Grant Award #2994110 for Police overtime. (Police Chief).
10. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend the Patrick Leahy Bulletproof Vest Grant Program. (Police Chief).
11. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend the Operation Lone Star Grant Award #4385703 for various Police Department expenditures. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

12. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Jesse 2, Lot 9, 10, (1.64 acres) also known as 1101 S. US Hwy 77, Kingsville, Texas from C2 (Retail District) to C4 (Commercial District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Introduction item.

13. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for case wash use in C2 (Retail District) at College AC, Block 11, Lot E100' SE/4, also known as 600 West Corral Ave., Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Introduction item.

14. Consideration and approval of a resolution authorizing the Mayor to execute a Master Agreement for Professional Services (Engineering) with Garver, LLC for the WaterSMART Drought Response Grant administered by the U.S. Bureau of

Reclamation for water system improvements. (Request for Qualification (RFQ #25-02) awarded on 10/28/24) (City Engineer).

Mr. Rudy Mora, City Engineer, stated that staff is seeking for approval to award a Master Agreement of Professional Services to Garver which was selected through RFQ 25-02, for the design and rehabilitation of critical water infrastructure. The project scope includes Rehab Water Well #14; New Water Well #20; Rehab Water Well #22; Rehab Water Well #24; and New 0.5 MG Elevated Storage Tank at Water Well #25. Mr. Mora stated that staff recommended approving the Master Agreement of Professional Services between the City and Garver in the amount of \$1,894,805.

Motion made by Commissioner Alarcon to approve the resolution authorizing the Mayor to execute a Master Agreement for Professional Services (Engineering) with Garver, LLC for the WaterSMART Drought Response Grant administered by the U.S. Bureau of Reclamation for water system improvements. (Request for Qualification (RFQ #25-02) awarded on 10/28/24), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

15. Consideration and approval of a resolution authorizing the Mayor to execute Work Order No.1 to the Master Agreement for Professional Services (Engineering) with Garver LLC for the WaterSMART Drought Response Grant administered by the U.S. Bureau of Reclamation for water system improvements. (Project No. 2401597). (City Engineer).

Mr. Mora stated that this contract covers essential services to ensure efficient and compliant project delivery including Project Maintenance & Coordination; Planning and Conceptual Phase; TCEQ Permitting; Preliminary Design Phase; Final Design Phase; Bidding Services; Construction Administration Services; and Post Construction/Close Out Services.

Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to execute Work Order No.1 to the Master Agreement for Professional Services (Engineering) with Garver LLC for the WaterSMART Drought Response Grant administered by the U.S. Bureau of Reclamation for water system improvements. (Project No. 2401597), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

16. Consideration and approval of a resolution authorizing the City Manager to enter into an Agreement by and between Vested Networks and the City of Kingsville. (telecommunication services at certain city facilities) (IT Director).

Mr. Kyle Benson, IT Director, stated that this item authorizes approval of the replacement of desk phones, including service for all City of Kingsville locations, excluding the Kingsville Police Department (KPD), with hardware and service provided by Vested Network. The city's current phone solution is a hybrid system that consists of on-premises phone equipment that services City Hall, Public Works, and Municipal Court/Utility Billing as well as cloud-based phones at all other locations excluding KPD. The cloud phone provider at the other locations has announced increased costs while also experiencing significant issues with services resulting in multiple prolonged disruptions to phone service at several locations. Monthly recurring cost for service for 112 lines is \$2,531.00. This is a lesser amount than what is currently being paid to Foremost Technologies and Mitel, now a RingCentral Company, for service.

Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to enter into an Agreement by and between Vested Networks and the City of Kingsville. (telecommunication services at certain city facilities), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

17. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend the State Energy Conservation Office (SECO) Award for lighting in and around the Recreation Hall at Dick Kleberg Park. (Grant award accepted on 11/25/24) (Parks Director).

Introduction item.

18. Consider authorizing use of Tourism ARP Funds for the Tourism dog park. (Tourism Director).

Mrs. Alicia Tijerina, Special Events Coordinator, stated that Tourism is working to improve the aesthetics of the Visitors Center off the highway and would like to complete the job before the opening of the Fuel America next door and the centennial celebrations at Texas A&M University-Kingsville. Additionally, to salvage two mature trees on site and make use of the adjoining space between Fuel America and Tourism facilities, staff would like to install a small dog park to draw visitors to our space to market upcoming events and our

community. Tourism would like to use the remaining balance of ARPA funds and additionally request a budget amendment to cover the costs associated with this project. The total request is for \$26,556.72, which is the remaining funds in the Tourism ARPA Funds.

Motion made by Commissioner Lopez to authorize the use of Tourism ARP Funds for the Tourism Dog Park, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

19. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for Tourism dog park. (Tourism Director).

Introduction item.

20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Section 13-Purpose and Authority for Third Party Plan Review and Inspection Services. (Director of Planning and Development Services).

Introduction item.

21. Consideration and approval of a resolution designating the authorized signatories for financial, health trust plan, and other items of city business from the City Manager to the Interim City Manager. (City Manager).

Motion made by Commissioner Lopez to approve the resolution designating the authorized signatories for the financial, health trust plan, and other items of city business from the City Manager to the Interim City Manager, seconded by Commissioner Alvarez and Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

22. Consideration and approval of Interim City Manager compensation. (Mayor Fugate).

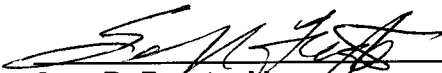
Motion made by Commissioner Lopez to approve an additional stipend of \$7,000.00 per month, over the original salary, to the Interim City Manager, plus the same dollar amount of car allowance that the current City Manager receives, and not the amount that was approved at the previous meeting, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

Mr. Mark McLaughlin, City Manager, made the following outgoing comment: thanked the commission for allowing him to address them at what is to be his last city commission meeting. Mr. McLaughlin stated that a lot goes into what he wanted to say, but he has toned it down to just a couple of minutes. He further commented that many people have asked him, whether he was at HEB, Walmart, gas pumps or out getting lunch the question of what's going on or what happened. He stated that his response to those questions was that it was a business decision, which is what it is. The tone was set on the night of November 12, 2024, when three of the commission members elected not to approve his contract, and to this day, he still does not know why, but that is water under the bridge now. He stated that he and his wife and mentors whom he highly looks up to, both in the military and city management mentors who have served as city managers for over 32 years, called and discussed the potential outcomes. When you realize that there is a bond, trust, and confidence between a city manager and city commission, when things like this happen, in his opinion it is fractured, and he has elected to make a business decision to move on. He stated that he wanted everyone to hear that, it was a business decision, and it was in the best interest of himself, his wife, and his family. McLaughlin further commented that he did submit his resignation on November 18, 2024. He further addressed the staff by stating the following: Staff is what made this job great. It was an honor to serve here, with no doubt. Whoever comes in next is inheriting one of the best staffs he has ever worked with. They are inheriting a fantastic budget and processes to make sure we don't get off the trail. This staff has been extremely professional with him and have taught him a lot. He hopes that he has imparted some wisdom on them. Staff has supported him in the good times and rough times. He further stated that staff is an expert in their field of work and by no means is he an expert in anything that staff does. This staff is better than any staff he has ever worked with. This staff made the job fun and he hopes that his next staff is just as good as this current staff. He stated that he gets a lot of praise from community members, but he reminds them that it's not him, it's the staff that makes things happen. This city has seen more done in the past five years than any other five years in the history of this city, and that's all because of this staff. Mr. McLaughlin stated that one of his Presidents of all time was Calvin Coolidge who had a saying "Press On". Press on will solve and will always solve problems of the human race. McLaughlin stated that his note to the city department heads is Press On. They will continue the great work that is asked upon them, with no doubt on his mind. He further addressed the City Commission by stating that it has been an honor

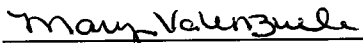
to serve this city, not once but twice. There was a lot in the decision in the determination to leave and it was mainly because of staff. Mr. McLaughlin stated that he will look back at this place very fondly where he can drive to this town, as he has been doing for over 20 years, and he will look around and say "We did that". He further stated that he wishes the city all the best of luck in the search for the next city manager. The way that the commission presents themselves going forward will make a huge difference on how that search goes. Mr. McLaughlin further stated that he would like to close with this, there is no ill feelings about leaving the city, don't hold any grudges. This was a great job and he loved every bit of it and he will really miss the staff. Years and years down the road, he doesn't really think anyone will remember him or what he did or said, but he hopes that staff and those that work for them will remember that he treated them well. Mr. McLaughlin thanked the commission for his time here and offered them one piece of advice, "Press On".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:44 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary