

OCTOBER 13, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, OCTOBER 13, 2020 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  
Hector Hinojosa, Commissioner  
Arturo Pecos, Commissioner  
Dianne Leubert, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Deborah Balli, Finance Director  
Rudy Mora, Engineer  
Mark Frost, KPD  
Daniel Gonzalez, KPD  
Bill Donnell, Public Works 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 Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)****Regular Meeting-September 28, 2020**

Motion made by Commissioner Pecos to approve the minutes of September 28, 2020 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

**\*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION.**

To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

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

1. 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, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time.”*

Mr. Mark McLaughlin updated on the Commission on the following items. City of Kingsville kicked off the United Way Campaign Program. Last year the City of Kingsville employees donated a total of \$1,900 to the United Way Campaign Program. Golf Course Consultant Mr. Ruben Chapa has submitted his report regarding his recommendations for the Golf Course. City Manager has asked Susan Ivy, Parks & Recreation Director and Israel Vasquez, Golf Course Manager to prepare a plan for the Golf Course on Mr. Chapa's recommendations.

Commissioner Hinojosa asked for an update on the Downtown sidewalk project. Mr. McLaughlin responded that the contractor ETech is continuing with their scope of work. At this time, they are working on the demo on the southside of Kleberg Ave. on the western end and have removed the last of the sidewalk and concrete on 7<sup>th</sup> Street for the bow-bout. Once this is removed, they will rebase it and pour then go down to the east end towards the Texas Theatre. Once they are done with that area, they will work on the opposite side of the road and repeat the process on the north side.

Ms. Courtney Alvarez reported that the next scheduled meeting is set for Monday, October 26, 2020 with a deadline for staff to submit their agenda items no later than Friday, October 16, 2020. She further reported that the language for the Chick-fil-A documents have been worked out. She further stated that when representatives from Chick-fil-A sent in the Chapter 380 agreement with the new language in it, they notified that the name of the developer that was given to the City back in October 2019 has changed. The project is still the same with the only change being the name of the developer.

Commissioner Leubert asked for an update on internet service for the community.

Mr. McLaughlin asked if what Commissioner Lopez was asking for was free internet service for the community. Commissioner Lopez responded that what she was asking for is for staff to look into better internet/cable providers to come and service Kingsville. Mr. McLaughlin commented that Spectrum will be doing a case analysis to determine what it would cost them to provide their services to Kingsville residents.

Commissioner Leubert further stated that she is receiving complaints about the City of Kingsville's website and information being outdated. She also commented that she received a call from a gentleman regarding engineering plans. She stated that his concern was, the structural engineers have to do the site plan and sign off on that. She further asked if the city needed to have a Mechanical Engineer that would sign off on any plumbing and electric, separate from the Structural Engineer. She further stated that these were the gentleman's concerns and he had some ideas to make things easier.

Commissioner Lopez asked if there is any way that the garbage schedule to be included with the water bill more than once a year.

Mr. McLaughlin responded that he is not sure if it gets sent out once a year, but the schedule is posted on the city's website.

Commissioner Lopez stated that not all residents have access to the city's website. She further stated that she would like to see the garbage schedule sent out more than once a year, to be included with the water bill.

Mayor Fugate announced that the City of Kingsville opened the Dog Park located inside Dick Kleberg Park.

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

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

No public comments made or received.

#### **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 Pecos to approve the consent agenda as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 Budget to receive and expend Park donations for the Healthy Family Recreational Programs from Walmart. (Parks Director).**
2. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8-Traffic Control Devices, Section 3 Traffic Control Areas, providing for one-way traffic going from east to west on Veteran's Memorial Drive from 12<sup>th</sup> Street to 11<sup>th</sup> Street. (City Engineer).**
3. **Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2021. (City Attorney).**
4. **Motion to consider reappointment of DJ Flores, Linda Castaneda, Clarice Williams, Sandra Seymour, Trisha Gottschalk, and Ruben Cantu to the Parks Advisory Board as per staff recommendation. (Parks Director).**

**REGULAR AGENDA**

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

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

5. **Discussion on possible action to authorize Estrada Hinojosa as Financial Advisor and Winstead PC as Bond Counsel to assist the City in the preparation and submittal of the Texas Water Development Board Flood Infrastructure Fund (FIF) for various projects designated by the City and any other matters related thereto. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that for the application that the City has been working on for the Texas Infrastructure Flood Program, the city got 43% for the grant funding and for the rest of the projects it's with a 0% interest loan for 30 years. She further stated that staff has been notified that this must be done through the sale of bonds. It is necessary to get the Financial Advisor on board in order to secure the financing.

6. **Consider a resolution authorizing the commencement of proceedings relating to the Flood Infrastructure Fund financing; and other matters related thereto. (Finance Director).**

**Motion made by Commissioner Leubert to approve the resolution authorizing the commencement of proceedings relating to the Flood Infrastructure Fund financing; and other matters related thereto, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

7. **Consider a resolution by the City Commission of the City of Kingsville, Texas requesting financial assistance from the Texas Water Development Board Flood Infrastructure Fund or any other program that the City may qualify for; authorizing the filing of an application for assistance; and making certain findings in connection therewith. (City Engineer).**

Mr. Rudy Mora, Engineer stated that at the previous meeting the Commission approved a resolution for the intent to apply, which was a waiting list, but now the City has received a confirmation that the city can now apply for the projects. This is the second half of that, the intent to apply and will also cover the complete application. The original deadline date was October 19<sup>th</sup> and has now been moved to November 5<sup>th</sup>.

Ms. Alvarez commented that this includes an attachment to this resolution the sites that the Commission approved at the prior meeting, when the city engineer made his presentation, as well as an amount not to exceed which is something the Water Development Board was also looking for in the resolution for the application.



**Motion made by Commissioner Leubert to accept staff's recommendation and approve resolution, seconded by Commissioner Pecos and Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

**8. Consider a resolution authorizing the Mayor to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for a Safe Routes to School-Infrastructure (SRTS) Project. (City Engineer).**

Mr. Mora displayed a map of the streets showing where the sidewalks would be located for this project. He stated that the project would be for six-foot sidewalks with a connection with Business 77 and King Street. On Lott Street to the northside which connects the intersection of Lott Street and 77 to Harvey Elementary School and continues to wrap around the Brookshire Pool and the Skate Park and heads north on 20<sup>th</sup> Street then you go west on Kenedy which will have sidewalks on both sides with ADA ramps. On 17<sup>th</sup> Street the sidewalks go north and connect to King Street. He further stated that back in 2019, TXDOT improved the sidewalks and ramps around those areas. He further stated that this location has the crosswalk to cross King Ave. and head right or east to 19<sup>th</sup> Street and then north connects to Jubilee Academy with Harvey Elementary. Mr. Mora stated that the State is requiring a resolution to be approved; do not sign the advance funding agreement, submit a resolution to TXDOT. He further stated that TXDOT will provide and email for electronic signature through Docusign then TXDOT will continue the process for the advance funding agreement. He further stated that Kingsville was the only city to be awarded the Safe Routes to Schools in the area. Mr. Mora further stated that it is his recommendation to accept the advance funding agreement as presented.

Commissioner Lopez commented that she would have liked to see Armstrong to Memorial Middle School included in this project as it is a very dangerous area.

Mayor Fugate commented that Armstrong is one that staff really needs to look into.

Mr. Mora stated that when he originally did the application back in August 2019, he included Harvey Elementary, Jubilee Academy and Armstrong. He further stated that what TXDOT mentioned to him was that the focus needed to be on Harvey Elementary and Jubilee Academy due to all the connecting factors such as Boys and Girls Club, Park, and Boys and Girls Club field and connecting to schools. He further stated that another main reason was the accident that occurred in 2018 which caused a fatality. If the funding comes around next year the city can apply for Armstrong extension on sidewalks.

Commissioner Lopez commented that there are two schools near Armstrong, Memorial Middle School and Harrel Elementary School as well as the Mopac Fields and a Park.

Commissioner Leubert asked for clarification on the backup information for this agenda item where it states that there is no match but does state that the City of Kingsville will be responsible for non-reimbursable cost and 100% of overruns.

Mr. Mora stated that this project is 100% federally funded and believes that the estimate was somewhere around \$800,000. The City put aside \$850,000 for this project, so if there are any cost overruns the City would be responsible for that.

Commissioner Leubert further asked how the city will control the non-reimbursable cost and overruns and asked if the city would have employees in this as well.

Mr. Mora responded that originally the way he did the application was for the Engineering Department to provide the engineering services but what was told to him was that since the City qualified for the grant portion, which was the Safe Route to School, it allowed TXDOT to hire their consultant to design the project. He further stated that after he reviewed this it came back to him twice, based on the budget as originally he had the sidewalks on the south of Lott Street included, but he was told that more than likely there would be a cost overrun, based on the quantity. He further stated that his initial thought was to remove the sidewalks on the south of Lott Street so there would be enough money for what is projected for this project.

Commissioner Leubert commented that she is ok with this but would like for everyone to understand that the City needs to know that we would be responsible for non-reimbursable cost and 100% of overruns. She further stated that the City must have some type of protection that this doesn't happen.



Commissioner Hinojosa asked if TXDOT would be handling the bidding process and be responsible for the construction as well as making sure that there are no overrun costs. Mr. Mora responded that TXDOT is 100% in control of this project.

Mayor Fugate commented that if the contractor that worked on the downtown project, there will be no problems.

Commissioner Leubert stated that she agrees with Mayor Fugate, but the city would need to be aware of the language in the contract.

Ms. Alvarez commented that the city gets to concur with the low bidder as there is some information in the agreement that states, that while they are doing the project, the city still has the opportunity for input.

**Motion made by Commissioner Hinojosa to approve the resolution authorizing the Mayor to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for a Safe Routes to School-Infrastructure (SRTS) Project, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

**9. Consider introduction of an ordinance amending the City of Kingsville Drainage Master Plan. (City Engineer).**

Mr. Mora displayed a map that will show areas colored in orange (1-9) that were adopted by ordinance in 2018 and of which the analysis was performed by Consultant Engineer. Staff would not like to amend the ordinance to include locations 10 through 14. Mr. Mora stated that the reason for the amendment is that staff will be applying for a General Land Office (GLO) Grant and the city would score higher points if it was citywide rather than just focusing on the east southern portion of the city.

Introduction item.

**10. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the Kleberg County Attorney's Office and Kingsville Police Department for Law Enforcement Services. (Police Chief).**

Mr. Ricardo Torres, Chief of Police stated that this interlocal agreement would allow the Kingsville Police Department to have countywide access in order to perform interdiction. It will also give the ability of for the Narcotics Officers to work countywide.

**Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the Kleberg County Attorney's Office and Kingsville Police Department for Law Enforcement Services, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

**11. Consider a resolution authorizing participation in and acceptance of funds from the 2021 Selective Traffic Enforcement Program with the Texas Department of Transportation for Police traffic enforcement with an anticipated cash match; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Chief Torres stated that the Kingsville Police Department has been invited to participate in the Selective Traffic Enforcement Program Click it or Ticket (STEP), Thanksgiving 2020. The grant for STEP is a reimbursement type and requires an approximately 22.82% cash match, in the form of employee benefits. He stated that they have been conditionally approved \$4,000 in funds to cover personnel cost.

**Motion made by Commissioner Lopez and Commissioner Pecos to approve the resolution authorizing participation in and acceptance of funds from the 2021 Selective Traffic Enforcement Program with the Texas Department of Transportation for Police traffic enforcement with an anticipated cash match; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

**12. Consider accepting a donation from Texas Community Federal Credit Union for KPD's 2<sup>nd</sup> Annual Trunk or Treat Event. (Police Chief).**

**Motion made by Commissioner Lopez to accept a donation from Texas Community Federal Credit Union for KPD's 2<sup>nd</sup> Annual Trunk or Treat Event, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**



13. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to accept and expend donation from Texas Community Federal Credit Union for the Police Department Halloween for Trunk or Treat Event. (Police Chief).

Introduction item.

14. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for a carryover project for the replacement of an effluent line and isolation valves. (Public Works Director).


Introduction item.

15. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 Budget to appropriate funding for the carry-over Texas CDBG Grant Project #7219012 for sidewalk improvements. (Finance Director).

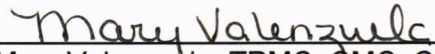
Introduction item.

**Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:36 P.M.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMG, CMC, City Secretary