A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 8, 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 Hector Hinojosa, Commissioner Norma N. Alvarez, Commissioner Edna Lopez, Commissioner Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager Mary Valenzuela, City Secretary Courtney Alvarez, City Attorney Kyle Benson, Director of Information & Technology Derek Williams, IT Bill Donnell, Public Works Director Kwabena Agyekum, Senior Planner/HPO Brad Lile, Interim Police Chief Rudy Mora, Engineer Susan Ivy, Parks Director Emilio Garcia, Health Director Janine Reyes, Tourism Director Joseph Ramirez, Engineer's Assistant Manny Salazar, Economic Development Director Diana Gonzales, HR Director Mike Mora, Capital Improvements Manager Erik Spitzer, Planning & Development Services 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 - December 11, 2023

Motion made by Commissioner Lopez to approve the minutes of December 11, 2023 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

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

1. Public hearing on request for a Special Use Permit for a Package Liquor Store use in C2 (Retail District) at Brooks, Block 8, Lot 1-10 also known as 825 West King, Kingsville, TX 78363. (Property ID 15273 also known as the 800 Block of West King, Kingsville, TX 78363). (Planning & Development Services Director).

Mayor Fugate opened this public hearing at 5:04 p.m.

Mr. Erik Spitzer, Planning and Development Services Director reported that a special use permit request was submitted by Mr. Michael L. Currie to open a liquor store in Zone R2 which is listed as retail. The department has reviewed the application and did not receive any feedback from anyone in the city. The department has found no adverse impact on the environment and the development complies with all relevant code of ordinances. The location was formally a tattoo parlor and never a liquor store in the past. The Planning & Zoning Commission met on January 3, 2024, with six members in attendance with all six agreeing to recommend approval of the requested special use permit.

Mayor Fugate 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. Additional time cannot be extended by the City Commission.

There being no further comments, Mayor Fugate closed this public hearing at 5:06 p.m.

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 reported that the Health Director held a successful Animal Control and Care Center Open House on Saturday. He further gave an update on street projects, with Elizabeth Street being hot mixed on Thursday.

Mayor Fugate commented that the city needs to send out letters to the community members keeping them updated on certain projects that are reported to be done but then are not done due to the hot mix plant in Corpus Christi being down for some time now and not being able to get hot mix.

Mr. McLaughlin further reported that the city's filing period for the May 4, 2024, election opens on Wednesday, January 17, 2024, and closes on Friday, February 16, 2024. City offices will be closed on Monday, January 15, 2024, for Martin Luther King Day.

Ms. Courtney Alvarez, City Attorney reported that the next commission meeting is scheduled for Monday, January 22, 2024. The deadline for staff to submit agenda items for the upcoming agenda is Friday, January 12, 2024.

Commissioner Lopez reported that January 9, 2024, is Law Enforcement Appreciation Day. She further thanked law enforcement staff for their service and encouragement.

Public Comment on Agenda Items.3

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

Mrs. Vicky Benys, 1914 Martin, commented that it has been a tough couple of years with one of the challenges being the retirement of badges, which she doesn't understand the reluctance that she received. She stated that she would like to elaborate that is she is thankful to Commission Lopez and Mayor Fugate for making this happen, not only for Sherman but for the other two fallen officers who gave the ultimate sacrifice. She further commented that tomorrow is Law Enforcement Appreciation Day. This day was created in 2015 as a way to express gratitude for officers in the United States and was created following a series of events in 2014 when a police officer was involved in a shooting in Missouri. The backlash after the shooting led the National Organization, which is COPS, Concerns of Police Survivors to work to change a negative perception of police officers to a positive one. The day also raises awareness about the difficult decisions that police officers have to make. In light of the recent negativity towards law enforcement nationally. There is a need to show law enforcement officers that our citizens recognize the difficult and sometimes impossible career they have chosen in public service. Mrs. Benys stated that she would like to comment on the incident that occurred on November 4, 2021, because to forget this would mean that we would forget the sacrifice that our law enforcement makes every day. She stated that for two years her family was told how everyone responded that day, but it sunk in to see it with their own eyes. It put everything into perspective about the very sacrifice that these officers make daily. She further stated that number one, Sherman took the hit like a real hero. It was as if he was disappointed that he was no longer able to render aid. As for the other officers that were on the scene with him, went into action with no hesitation. Immediately trying to find the wound to stop the bleeding and providing cover while it still being an active crime scene. They kept reassuring him and comforting him. She further stated that he, himself had even mentioned that when something goes down you always want to know who is on the scene with you. Sherman knew with no doubt that the officers who were with him would take care of him and do whatever they could to save his life until EMS arrived. Although he realized the seriousness of his injury, he remained calm. She also stated that seeing what these officers did on that day, to provide aid to him, has helped comfort their shattered hearts. She stated that not to take away what EMS did but everyone on that scene, the ones that made the arrest were determined, and they had control. Mrs. Benys stated that everything went as best as we could have wished. It was as though they were well-trained, well-practiced, and knew exactly what to do. She stated that they were amazed before watching the videos, at what they were told that the officers did. When they watched and saw everything with their own eyes, they were even more amazed, if that's even possible. She stated that this makes them want to work more diligently at their cause. She stated that in 2024, she invites continued support, and together working towards one goal, take care of those who take care of us, so let's all start by wearing blue tomorrow.

Mr. Lance Hamm, 912 South Creek commented that he is here to talk about highway safety. To talk about the email that he sent the Commission a couple of days ago. Through the Open Records Act, he was able to confirm that the City Ordinance speed limit for General Cavazos Blvd out by Walmart and Lowe's is 35 mph. TxDOT's posted speed limit is currently 45 mph. In 2019, a college student, 22-year-old on a motorcycle was in a crash. She died on General Cavazos Blvd at a speed limit that was 45 mph and the city ordinance called for 35. That 10 mph difference equates to 65% more blunt force trauma that a 22year-old student had to endure and may have caused her death. He further stated that last summer we had a bicyclist that was killed on US77 Service Road out by General Cavazos Blvd and McDonald's. The speed limit on that service road is 45 mph. The bicyclist was hit. The bicyclist was tragically killed. The human body (whether it be a motorcyclist, bicyclist, or pedestrian) cannot withstand the blunt force trauma created by the kinetic energy of a vehicle going 45 mph. There are studies done, whether it be the NTSB or the National Highway Traffic Safety Administration. It's proven. It's a math equation. It's math. So, I'm primarily here today to implore you, when somebody, if somebody, comes to you asking to change the city ordinance to 45 mph on General Cavazos in front of Lowe's or Walmart, that you protect the citizens, our local citizens. Don't make them endure 65% more blunt force trauma in a future crash. And hopefully, you will side on the side of safety rather than allowing a driver to save another minute or two going 45 rather than 35.

IV.

Consent Agenda

Notice to the Public

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

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

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

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

- 1. <u>Motion to approve final passage of an ordinance amending the Fiscal Year 2023-</u>2024 Budget to provide funding for Fire Fighter Radios. (IT Director).
- 2. <u>Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from Keep Kingsville Beautiful for replacement trees in Chamberlain Park. (Purchasing Manager).</u>

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

- VI. Items for consideration by Commissioners.4
 - 3. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for package liquor store use in C2 (Retail District) at Brooks, Block 8, Lot 1-10, also known as 825 West King Avenue, Kingsville, TX (Property ID 15273 also known as the 800 Block of West King, Kingsville, TX); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Introduction item.

4. <u>Consider an application from Adriana Martinez for an Economic Development Grant (EDG) for One World Children's Rehab, LLC recommended by the EDG Administrative Board. (Economic Development Director).</u>

Mr. Manny Salazar, Economic Development Director stated that the applicant is owner Adriana Martinez from One World Children's Rehab, LLC, located at 622 S. 6th Street. The business was opened in January 2023. The applicant is seeking \$50,000 in grant funding to cover \$20,525 for parking lot improvements, \$22,615 for occupational therapist salaries, and \$6,860 for children's equipment. The parking lot improvements are needed as they have young patients that come in crutches, wheelchairs, and walkers which present a hazard in the present form that it is in. A smooth surface is needed for the safety of their patients. Mr. Salazar stated that the Grant Administrative Board met on December 7, 2023 where they approved recommending a grant for the amount of \$50,000 to One World Children's Rehab, LLC.

Mayor Fugate asked if some of this grant was to be used to supplement a position.

Mr. Salazar stated that it is to supplement the salary. This will provide the applicant with a cushion needed to pay the salary for the person that will come on. This will give them some working capital to build up a client base so that in the future she can continue to pay that. This establishment is certified for all the insurances including TriCare.

Mayor Fugate asked Ms. Alvarez, City Attorney if this is something that the grant can be used for.

Ms. Alvarez responded that the guidelines that the commission previously approved said for base salary but nothing for fringe, no insurance or workers' compensation, and nothing else

Mayor Fugate commented that generally, you don't use grant money for employment purposes.

Mr. Salazar commented that this is their request and they feel that they can make up the difference in year two for the therapist salary.

Ms. Alvarez commented that the commission has the authority to approve as requested or make any modifications to the request.

Mr. McLaughlin stated that during the meeting with the board, it was discussed and in the commitment letter to the owner, it states clearly salary only and no fringe.

Ms. Alvarez commented that this will come back to the Commission at the next meeting if the item is approved.

Motion made by Commissioner Alvarez to approve the application from Adriana Martinez for an Economic Development Grant (EDG) for One World Children's Rehab, LLC recommended by the EDG Administrative Board, seconded by Mayor Fugate.

Commissioner Torres asked if this was the grant where the guidelines were specific on what the grant was to be used for. Mr. Salazar responded yes. She further stated that she does not recall it stating in the guidelines anything about the base salary.

Mr. Salazar responded that it doesn't say specifically base salary, it states working capital which this is considered working capital.

Mayor Fugate asked if everyone felt that this was within the grant guidelines. Mr. Salazar responded yes; this was the board's consensus.

Commissioner Torres asked if they have looked at other types of services for assistance such as the Work Force Solutions.

Mr. Salazar responded that he was not aware if they had or not.

Commissioner Hinojosa asked that as for the \$22,000, this is a one-time thing only. Mr. Salazar responded that this is a one-time request, but the applicant can apply at a different time, as there is nothing that prohibits them from applying again, this is only approved for year 1 and there is no year 2 commitment on the part of the city.

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

5. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for surveying services. (City Engineer).

Mr. Rudy Mora, City Engineer stated that Ardurra will create a boundary survey on the property at 811 E. Vela Ave. and determine the extent of the encroachment. The city owns the property at 811 E. Vela Ave., located at the intersection of N. 12th Street and E. Vela Ave., and is north of and adjoins Tranquitas Creek. The property owner at 813 E. Vela Ave. has made substantial improvements to the city property. The encroachment obstructs the operation and maintenance of an existing 24' wastewater line. None of the encroachment improvements were permitted or approved.

Introduction item.

6. Consider a resolution of the City Commission of Kingsville, Texas, authorizing the City Manager to execute a construction contract with Infrastructure Rehab USA Inc. for Project 2 of the Community Development Block Grant-Mitigation Program

(CDBG-MIT) General Land Office (GLO) State Contract Number 22-082-016-D218. (Manhole Rehabilitation Project; awarded 12/11/23). (City Engineer).

Mr. Mora stated that this bid was awarded at the last commission meeting on December 11, 2023. It is staff's recommendation to approve the construction contract between the city and Infrastructure Rehabilitation USA, Inc. for \$473,306.40 and authorize the City Manager to sign the construction contract.

Motion made by Commissioner Torres to approve the resolution of the City Commission of Kingsville, Texas, authorizing the City Manager to execute a construction contract with Infrastructure Rehab USA Inc. for Project 2 of the Community Development Block Grant-Mitigation Program (CDBG-MIT) General Land Office (GLO) State Contract Number 22-082-016-D218. (Manhole Rehabilitation Project; awarded 12/11/23), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

7. <u>Consider a resolution of the City of Kingsville City Commission in support of Kingsville Police Department badge retirement for fallen officers.</u> (Commissioner Lopez).

Commissioner Lopez stated that there was a presentation made by the former police chief, but nothing was in writing. She feels that it is necessary to have something in writing so that there won't be any problems when the badge is retired. She stated that she felt that this was necessary.

Motion made by Commissioner Alvarez to approve the resolution of the City of Kingsville City Commission in support of Kingsville Police Department badge retirement for fallen officers, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

8. Consider a resolution of the City of Kingsville confirming the selection of John Blair to lead the Kingsville Police Department. (Human Resources Director).

Motion made by Commissioner Alvarez to approve the resolution of the City of Kingsville confirming the selection of John Blair to lead the Kingsville Police Department, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 6, Zoning, Section 157 providing for a reduction in alternate board positions. (BOA) (Director of Planning and Development Services).

Mr. Spitzer stated that this item is to consider reducing the membership of the Board of Adjustments from a 9-member board to a 7-member board. This would make it easier to attain a quorum at all times. The Board of Adjustment has a 5-member board with 4 alternates. It is being requested to reduce the number of alternates from 4 to 2. He further stated that from all three boards listed on the agenda tonight, 5 to 7 meetings have needed to be canceled due to not making a quorum.

Mayor Fugate commented that in the past it has been difficult to get a quorum.

Commissioner Hinojosa asked if there were 5 or 9 members.

Mr Spitzer responded that there are 5 permanent members and 4 alternates on the Board of Adjustments. This would only reduce the number of alternates from 4 to 2.

Mr. McLaughlin stated that it is hard to fill in the alternate positions, which is the reason for the request for a reduction.

Commissioner Hinojosa asked if the board does not make a quorum with the appointed members, it could call in the alternates to make up that quorum. Mr. McLaughlin responded yes. Commissioner Hinojosa stated that reducing the number of alternates will make it harder for the board to make a quorum. Mr. McLaughlin stated that the board has always only had two alternate positions and never has had the four alternate positions filled.

Commissioner Lopez asked if this board or any of our boards is covered in the city charters that list the number of members for each board. Commissioner Lopez asked if this is not covered in the city charter. Ms. Alvarez responded no.

Mr. McLaughlin responded that it is done through an ordinance that does not show that there is a nine-member requirement.

Commissioner Torres stated that she had never seen this in the city's charter. She further stated that by reducing from 4 alternates to 2 alternates, there is still no quorum with the five members that are on this board.

Commissioner Hinojosa commented that making the change would make no difference and that the ordinance should be left as is. He stated that maybe in the future there will be some individuals that will be willing to volunteer to be on this board.

Mr. McLaughlin stated that the board is not missing anyone. There are five members on the board, but if he can get three members to a meeting then the meeting can occur. The problem is getting there to show up, which is why there is an alternate list. The alternate list, since he's been here, has only had two alternates.

Introduction item.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III, Article 3, Section 15 providing for a reduction in board positions. (P&Z) (Director of Planning and Development Services).

Mr. Spitzer stated that item would reduce the membership from a 9 member to 7-member board which will assist in attaining a quorum.

Mr. McLaughlin stated that this board does not have any alternate members. This board is a 9-member board and currently has two vacancies.

Commissioner Torres asked how many meetings have been canceled due to lack of quorum.

Mr. Spitzer stated that amongst the three boards, there were 5 to 7 meetings that needed to be canceled due to quorum.

Commissioner Alvarez asked if these items were going to be placed on the consent agenda for the January 22nd meeting.

Mayor Fugate commented that items can be pulled from consent if the commission wishes.

Introduction item.

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 5, Historical Districts and Landmarks, Section 15-5-16, providing for a reduction in board positions. (HDB) (Director of Planning and Development Services).

Mr. Spitzer stated that this would reduce this board from a 9-member board to a 7-member board.

Mayor Fugate asked if staff had discussed this with Mrs. Maggie Salinas. Mr. McLaughlin responded that Mrs. Salinas is okay with the proposed change as it is hard for her to get a quorum to hold a meeting.

Commissioner Lopez asked how many vacancies were on this board. Mr. McLaughlin responded that this board has 4 vacancies.

Commissioner Torres stated that she has referred people to serve on the P&Z or HDB Boards. She further asked what the requirements are and why are these positions not getting filled.

Ms. Alvarez stated that every board has a different set of requirements. This also sets the terms responsibilities, and positions.

Introduction item.

12. <u>Discussion on the installation of an electrical plug by the City of Kingsville specifically dedicated to the Veterans Administration (VA) Medical Mobile Unit.</u> (Commissioner Torres).

Commissioner Torres stated that there was some discussion regarding the VA Medical Mobile Unit from Spohn Kleberg Hospital being housed at the American Legion Post 99 parking lot. The reason for the transfer of the mobile unit is that Spohn does not have a place for the family members to wait for the patient. At this time, they have to wait outside and do not have bathroom facilities to use close to where they are parked. The American Legion Board has agreed to house the mobile unit where VA patients can be seen. The mobile unit is a large vehicle that provides medical services to veterans. This unit only comes to the area once a month, which is on a Tuesday. The location where the mobile unit would be housed is in the parking lot of the American Legion which needs an electrical plug to run the medical equipment in the mobile unit. She stated that the plug that is needed is an odd plug that is needed for this unit. It has been asked if the city would be able to assist with putting the electrical plus so that the mobile unit could provide services on Tuesday to its veterans. Commissioner Torres further stated that she and the Mayor have someone else who can install the electrical plug at no charge. If this individual can install

an electrical plug, then there would be nothing being asked from the city. She stated that one thing that came up was if the city could assist a private organization. She further stated that the Legion is not a private organization, and the veteran is not considered a private organization. They are part of the community and are not an entity that will only benefit one organization. The only reason it's at the American Legion is because the Legion is allowing them to house the mobile unit on its property. She further stated that according to Texas law, this can be used since it will also be benefitting, not only veterans but caretakers and benefitting the community through gas, restaurant, groceries because at that time, those individuals come in. She stated that now, the number of veterans, caretakes, spouses, or dependents that the mobile unit sees in this is area is 2,965 individuals within the Kingsville area. She stated that they have 15 slots per day which is only on Tuesday, once a month, and they are booked until April. She stated that the unit not only provides medical services to the veteran, it also provides services to the caretakers and to their dependents that qualify for these services. She further stated that it is important to give back to that community that has done more than they actually should have. She further stated that this is something to look at in the future, but the electrical plug will be installed by a private individual. She further states that she cannot see how we cannot find a home for this mobile unit that is sustainable and permanent in some place within our city that would allow 2,965 individuals to be seen, individuals that wrote a blank check and didn't ask anybody for anything at the time that they did their service.

Mayor Fugate commented that he would have his guy go out to the area and look at it and see what it would all take to install the plug. It will also depend on whether or not the electrical box at the location can sustain such a plug as it is an unusual plug that will carry a lot of electricity.

Commissioner Alvarez stated that it was her impression when representatives of this unit came in from Brownsville, that the unit would be housed at the old Exxon Building and the city would be able to assist them, as the city could because it was assisting another entity, County.

Ms. Alvarez commented that she does not recall the city having any involvement with that. She further stated that while it is necessary to have it in the community and it is for a good cause, this should not be a city plug. What needs to be determined is either in statute or charter, authority for the city to take on the purpose. If you determine that there is authority for the city to take on this municipal purpose or a city function or responsibility, then you would have to check to see if it is a public purpose that primarily or incidentally only benefits private individuals or a select group and not the public at large. When you get through that analysis and it is determined that there is a predominantly that is both municipal and public and if there is a way to figure out a way to retain sufficient control for this endeavor such that the public service is accomplished and protects the city's investment if any, then the other thing that needs to be looked at is if there is a benefit to the public, they must receive that benefit. She further stated that there are various ways, by contract, assuming that you can get by the first hurdle. As it is being mentioned, if this was a city plug, which it isn't, then the city would have to have contracts and possibly an easement from the property owner as you can't put city property on a private person's property without there being an easement and generally a contract. The city would then have to make sure that there is a contract with the VA as well.

Mayor Fugate commented that this issue is mute, and the city will not have to take care of it. This will be taken care of privately.

V. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at <u>5:55</u> P.M.

Sam R. Fugate, Mayør

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary