

MARCH 25, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 25, 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
Edna Lopez, Commissioner
Ann Marie Torres, Commissioner

CITY COMMISSION ABSENT:

Norma N. Alvarez, Commissioner

CITY STAFF PRESENT:

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
Rudy Mora, Engineer
Susan Ivy, Parks Director
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
John Blair, Chief of Police
Diana Gonzalez, Human Resources Director
Erik Spitzer, Director of Planning & Development Services
Mike Mora, Capital Improvement Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 P.M. with four commission members present. Commissioner Alvarez was absent.

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 – March 11, 2024

Motion made by Commissioner Lopez to approve the minutes of March 11, 2024 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Lopez, Torres, Fugate voting “FOR”.

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

1. Public Hearing on City’s intent to submit a Texas Community Development Block Grant program application for a Main Street Grant for the installation of ADA compliant sidewalks and lighting activity; renovation to include curb and gutter related drainage, demolition and clearance activity on East Kleberg Avenue between North 6th and North 7th Streets. (Director of Planning and Development Services).

Mr. Erik Spitzer, Director of Planning and Development Services stated that the City of Kingsville Planning Department intends to submit a Texas Community Development Block Grant Program grant application for a Main Street grant request of \$500,000 for the installation of ADA compliant sidewalks and lighting activity in the area of East Kleberg Avenue, between North 6th and North 7th streets. The Planning Department is seeking approval from the City Commission to proceed with this request. Mr. Spitzer further stated that the city is continuing its efforts to revitalize downtown Kingsville. A key to this effort is improved sidewalks along Kleberg Avenue. The city has previously submitted and received funding from this grant program for the same type of sidewalk and lighting improvements in other blocks of the downtown area. If the grant is awarded, the city shall fund a 3.5% grant match, which equates to \$17,500. This match will be funded through a budget amendment in the FY 2024-2025 budget.

Mayor Fugate opened this public hearing at 5:02 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. Additional time cannot be extended by the City Commission.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:05 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 gave an update on Kleberg Avenue project. He further reported that staff is working on a date, time, and location for a goal-setting workshop with City Commission.

Ms. Courtney Alvarez, City Attorney reported that the next city commission meeting is scheduled for April 8, 2024. The deadline for staff to submit agenda items for that meeting is Thursday, March 28, 2024. She further stated that city offices will be closed on Friday, March 29, 2024, for Good Friday. Ms. Alvarez stated that agenda item #6 is no longer needed, therefore, no discussion or action is needed for that agenda item.

IV. Public Comment on Agenda Items.³

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

No public comments were made at this time.

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: Lopez, Torres, Hinojosa, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, amending the location of speed limit zones on West King Avenue and reducing the speed limit to 45 mph; providing for appropriate penalties, fines, and fees regarding the regulation thereof. (per TxDOT Feb. 2024 request, updates 10/10/23 ordinance). (City Engineer).

2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, providing for a revised school zone for the Santa Gertrudis Independent School District's Elementary and Intermediate School on King Street. (per TxDOT Feb. 2024 request; updates 10/10/23 ordinance). (City Engineer).

3. Motion to approve a resolution authorizing the Mayor to execute the Permission and Indemnity Agreement with the King Ranch, Inc. for the 19th Annual Ride on Wild Side Charity Bike Event. (City Attorney).

4. Motion to approve a resolution authorizing the Mayor to enter into First Addendum to Amendment No.1 of the Emergency Disaster Response Agreement between the City of Kingsville and Garner Environmental Services, Inc. for emergency disaster response services. (one-year extension; no other changes). (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider a resolution authoring the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Main Street Fund, and authorizing the Mayor and City Manager to act as the City's authorized representatives in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program. (Director of Planning and Development Services).

Motion made by Commissioner Lopez to approve the resolution authoring the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Main Street Fund, and authorizing the Mayor and City Manager to act as the City's authorized representatives in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Fugate voting "FOR".

6. Consider out-of-state travel for the Fire Chief to attend the Metropolitan Fire Chiefs Conference in Tulsa, Oklahoma from May 19-24, 2024. (Fire Chief).

No discussion or action taken on this item.

7. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units, masks, air cylinders, and a stationary cascade air compressor system on behalf of the Kingsville Fire Department with an anticipated cash match. (Fire Chief).

Mr. J.J. Adame, Fire Chief stated that the Kingsville Fire Department is requesting approval to apply for the 2023 Assistance to Firefighters Grants, which would allow us to replace the aging self-contained breathing apparatus if awarded. This would replace 30 units, 33 masks, and 60 air cylinders. The total grant request is for \$507,367.30. The city will be responsible for a cost-share match when the grant is awarded and fulfilled.

Motion made by Commissioner Lopez to approve the resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units, masks, air cylinders, and a stationary cascade air compressor system on behalf of the Kingsville Fire Department with an anticipated cash match, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Lopez, Torres, Fugate voting "FOR".

8. Consider a resolution authorizing the City to submit an application to the Ed Rachel Foundation for grant funds for equipment for the Kingsville Police Department. (Police Chief).

Mr. John Blair, Chief of Police stated that this is a request to apply for the Ed Rachel Foundation for equipment. Critical gear for the tactical team will be purchased with this funding.

Motion made by Commissioner Lopez to approve the resolution accepting award of Law Enforcement Officer Standards and Education funds from Texas Comptroller of Public Accounts; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Lopez, Fugate voting "FOR".

9. Consider a resolution accepting award of Law Enforcement Officer Standards and Education funds from Texas Comptroller of Public Accounts; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Chief Blair stated that the police department is requesting approval for acceptance of funds from the Texas Comptroller of Public Accounts and a budget amendment to place the funds in Fund 009 for training.

Motion made by Commissioner Torres to approve the resolution accepting award of Law Enforcement Officer Standards and Education funds from Texas Comptroller of Public Accounts; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Torres, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend Law Enforcement Officer Standards & Education (LEOSE) Grant funds for training costs. (Police Chief).

Introduction item.

11. Consider a resolution authorizing the City Manager to execute the Construction Contract with PM Construction & Rehab LLC for the GLO CDBG-MIT Contract 22-082-016-D218 Project 5: E. Lott Ave. Sanitary Sewer Improvements Project. (bid awarded 3/11/24) (City Engineer).

Mr. Rudy Mora, City Engineer stated that Bid 24-04 for the GLO CDBG-MIT Project 5 was awarded at the March 11, 2024 City Commission meeting to PM Construction & Rehab LLC. Staff is requesting the construction contract with the vendor be awarded in the amount of \$409,934.00 and allow the City Manager to sign the contract.

Motion made by Commissioner Torres to approve the resolution authorizing the City Manager to execute the Construction Contract with PM Construction & Rehab LLC for the GLO CDBG-MIT Contract 22-082-016-D218 Project 5: E. Lott Ave. Sanitary Sewer Improvements Project. (bid awarded 3/11/24), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Torres, Fugate voting "FOR".

12. Consider a resolution authorizing the City Manager to execute the Construction Contract with Texas Pride Utilities, LLC for the GLO CDBG-MIT Contract 22-082-016-D218 Project 6: 10th Street Sanitary Sewer Improvements Project. (bid awarded 3/11/24) (City Engineer).

Mr. Mora stated that Bid 24-04 for GLO CDBG-MIT Project 6 was awarded at the March 11, 2024, City Commissioner meeting to Texas Pride Utilities LLC. Staff is requesting the construction contract with the vendor be approved in the amount of \$714,814.00 and allow the City Manager to sign the contract.

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute the Construction Contract with Texas Pride Utilities, LLC for the GLO CDBG-MIT Contract 22-082-016-D218 Project 6: 10th Street Sanitary Sewer Improvements Project. (bid awarded 3/11/24), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Fugate voting "FOR".

13. Consider a resolution authorizing the City Manager to execute the Interlocal Cooperation Contract with the Texas Department of Public Safety for the Failure to Appear Program. (City Attorney).

Ms. Alvarez explained that the city needs assistance in locating and prosecuting violators who receive a citation and fail to appear in court to resolve the citation. Since 2010, the city has participated in a program that denies the renewal of an individual's driver's license if they have an outstanding citation. The DPS desires to update the existing agreement to clean up some language and to include indigency language due to recent state legislature changes.

Motion made by Commissioner Torres to approve the resolution authorizing the City Manager to execute the Interlocal Cooperation Contract with the Texas Department of Public Safety for the Failure to Appear Program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Fugate voting "FOR".

14. Consider out-of-state travel for Commissioner Torres to Tempe, Arizona for NALEO Policy Institute: Tackling the Housing Crisis taking place from April 21-25, 2024. (Commissioner Torres).

Commissioner Torres stated that NALEO is a National Association of Latino Elected Officials. This is an educational fund and the nation-leading 501(3)(c) non-profit/non-partisan organization that facilitates full Latino participation in the American political process from citizenship to public service. She stated that they had sent her this information as well as a grant to attend this conference. She applied and submitted her grant and was awarded the grant. Commissioner Torres stated that this would not cost the city any funds for this travel. She will be attending the conference as a city commissioner to the leadership training and tackling the housing problems that the city has and in the nation. She further stated that this is a great conference to attend as the City of Kingsville also has a housing crisis and it is good to learn and obtain information and possibly see if there are other grants that she may bring back to the city.

Mayor Fugate asked if this would cost the City of Kingsville any funds for this trip. Commissioner Torres responded no, as the grant is paying for the flight, hotel, and registration for her. She further stated that she had submitted all the information to the City Secretary, and she would only be attending in name for the community.

Commissioner Lopez asked who would pay for the travelers per-diem.

Mayor Fugate and Mr. McLaughlin both asked who pays for the travel to and from the airport.

Commissioner Torres responded that the city would not have to pay for that as the conference grant would pay it.

Mr. McLaughlin asked if the conference would be paying the per-diem and meals as well.

Commissioner Torres responded that the per-diem and meals and everything. She further stated that the only thing she has to pay for is the drive from the airport to the hotel.

Mayor Fugate asked if she was asking for those funds. Commissioner Torres responded that she was not asking for that.

Commissioner Hinojosa stated that he had seen in the information provided that there was a figure of \$204.16 that the city would pay for and further asked what that was for.

Commissioner Torres commented that there were no funds that were being asked for therefore she is not sure why there would be any funds being requested.

Mr. McLaughlin stated that this could be from staff doing its due diligence as any time someone travels, the City Secretary goes down a checklist to determine costs for transportation to and from the airport and any per diem rates. Mr. McLaughlin further asked the City Secretary if the \$204 being asked about was the per diem rate that was calculated.

Mrs. Mary Valenzuela, City Secretary responded that the dollar amount of \$204 that Commissioner Hinojosa is asking about could be the cost for the hotel room, as per the conference rate. She further stated that in the information she had not seen anything talking about per-diem rates. Mrs. Valenzuela stated that when one of the commissioner's travels, she automatically calculates the per diem rate for that particular travel unless the traveler states that they are not requesting per diem.

Mayor Fugate commented that because it is so close to the general election, but if she would like to attend this conference and approval from the Commission is needed and it will not cost the city any funds for this travel, he doesn't see any problems with that.

Commissioner Hinojosa stated that there will not be any other meetings after she returns from this travel, as it would be a week before the election takes place. He further stated that this was one of his concerns but if this travel will not cost the city any funds he has no problem with it.

Motion made by Commissioner Torres to approve the out-of-state travel for Commissioner Torres to Tempe, Arizona for NALEO Policy Institute: Tackling the Housing Crisis taking place from April 21-25, 2024.

Commissioner Hinojosa stated that he would second the motion so long as it would not cost the city any money for this travel. Commissioner Torres responded that it would not.

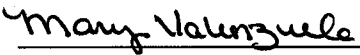
Motion was seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Lopez, Torres, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:26 P.M.


Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary