

NOVEMBER 13, 2023

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 13, 2023, 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:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, Director of Information & Technology  
Derek Williams, IT  
Deborah Balli, Finance Director  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director  
Kwabena Agyekum, Senior Planner/HPO  
Janine Reyes, Tourism Director  
Brad Lile, Interim Police Chief  
Rudy Mora, Engineer  
Mike Mora, Capital Improvements Manager  
Susan Ivy, Parks Director  
J.J. Adame, Fire Chief  
Charlie Sosa, Purchasing Manager  
Eric Spitzer, Interim Director of Planning & Development Services  
Joe Casillas, Water Production Supervisor  
Joseph Ramirez, Engineer's Assistant

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 P.M. with all five commission members present.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

The invocation was delivered by Ms. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – October 23, 2023**

**Motion made by Commissioner Lopez to approve the minutes of October 23, 2023, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres voting "FOR". Fugate "ABSTAINED".**

**Special Meeting – November 1, 2023**

**Motion made by Commissioner Lopez to approve the minutes of November 1, 2023, as presented, seconded by Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".**

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

None.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial Services - Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works-Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Ms. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for November 27, 2023. The deadline to submit agenda items for this meeting is Wednesday, November 15, 2023, due to a short work week. She further announced that city offices will be closed for the Thanksgiving Holiday on Thursday, November 23<sup>rd</sup> and Friday, November 24, 2023. She also announced events that will be occurring this upcoming weekend for the Ranch Hand Festival. Ms. Alvarez further introduced Mr. Eric Spitzer, Interim Director of Planning & Development Services. Ms. Alvarez asked the Human Resources Director, Mrs. Diana Gonzales to give the Commission an update on the three finalists for the position of Police Chief.

Mrs. Diana Gonzales stated that the city contracted with Clera Career Professionals (CCP) to assist with the Police Chief recruitment process. The position was opened on September 8, 2023, and closed on September 29, 2023. According to CCP, a total of 43 candidates applied for the role, reflecting a high level of interest and the attractiveness of Kingsville as a place to serve. CCP advertised for the position and conducted preliminary interviews, background checks, and narrowed the candidate list which has resulted in three finalists being considered for the position of Police Chief. The three finalists are Claudio Trevino of Laredo, TX. Mr. Trevino has over 32 years of law enforcement experience, including 6 years in the armed forces and a decade in police administration. Mr. Trevino rose through the ranks of the Laredo Police Department to the position of Chief of Police, which he held for six years. Mr. Trevino holds a bachelor's degree and a master's degree as well as having attended the FBI National Academy. The second finalist is Mr. Ellwood "Tom" Whitten of El Paso, TX. Mr. Whitten has over 30 years of law enforcement experience in both small and large county and municipal government, including 4 years in the armed forces. He served in various positions during his career including Assistant Chief of Police. He has served as Police Chief at three locations including Harlingen, TX, and has served as Chief Deputy with El Paso County Sheriff's Office. Mr. Whitten holds a bachelor's degree and a master's degree as well as having attended the FBI National Academy. The third finalist is Mr. John Blair of New Lenox, IL. Mr. Blair has over 29 years of law enforcement experience working with Federal, State, County, and Municipal Governments while employed with the Cook County Sheriff's Office, and most recently serving as Deputy Chief of Police within the organization. Mr. Blair holds a bachelor's degree and has attended the FBI National Academy and the Northwestern University School of Police Staff and Command. Mrs. Gonzales further stated that all candidates have extensive law enforcement training and hold a wealth of knowledge. The selection process continues on Wednesday, November 15, 2023, with city staff interviews, and tours of the Kingsville Police Department including a meet and greet with Police Department staff and a driving tour of the City of Kingsville. She further stated that there will be an official meet and greet on the same day with city staff and some members of the community. Following the meet and greet, the City Manager has scheduled one-on-one meetings with each of the finalists. She also stated that Clear Career Professionals representative Danny Kistner, Ph.D., Associate Vice President of Recruitment for CCP will be on hand to facilitate the process.

Mr. Lucio Ramos, Area Engineer of the Texas Department of Transportation (TxDOT) made a presentation on a new campaign, End the Streak of Daily Deaths on Texas Roadways. The campaign calls for safer drivers on Texas Roadways. He stated that in 2022, 4,406 lives were lost on Texas roadways. There's been a death reported every day on Texas roads for 23 years straight, which is more than 83,000 people. Most fatalities are due to driving at unsafe speeds, impaired driving, distracted driving, or failure to use seat belts, in other words, they're preventable. He further stated that it is important to show support for safer driving in Texas by reminding fellow Texans of our shared responsibility while on Texas roads.

Mayor Fugate read and presented a proclamation to the Santa Gertrudis Academy Lion Band for their advancement to the State Competition.

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

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

No public comments were made.

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

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

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

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

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

1. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-160 through 3-3-170, providing for creation of a Tree Board, duties, prohibitions, recommendations, and education. (Parks Director).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Water Meter Carry Over Project. (Finance Director).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase orders rolled forward from the prior Fiscal Year. (Finance Director).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the additional expenditures on the Tourism Video Signage Carry-Over Project. (Tourism Director).**
5. **Motion to approve final passage of an ordinance amending the Fiscal 2023-2024 Budget to appropriate funding for the Police Department technology infrastructure. (network improvements ARP funds). (IT Director).**
6. **Motion to approve final passage of an ordinance amending the Fiscal 2023-2024 Budget to appropriate funding for the purchase of golf equipment and course improvements. (Parks Director).**
7. **Motion to approve final passage of an ordinance amending the Fiscal 2023-2024 Budget to appropriate funding for the ARP funded Parks projects roll forward from the prior fiscal year. (Parks Director).**

**REGULAR AGENDA**

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

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

8. **Consider a resolution casting the City of Kingsville's votes to candidate Crispin Trevino for election to the Board of Directors of the Kleberg County Appraisal District. (City Attorney).**

Motion made by Commissioner Alvarez to approve the resolution casting the City of Kingsville's votes to candidate Crispin Trevino for election to the Board of Directors of the Kleberg County Appraisal District, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

9. **Consider a resolution by the City of Kingsville, Texas authorizing and approving membership in the Cities Served By Centerpoint Gas (Cities) for the purpose of protecting the interest of the City and its citizens with respect to Centerpoint matters; further suspending the December 4, 2023 effective date of the Statement of Intent of Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Entex and Centerpoint Energy Texas Gas to change rates in the Texas division; to permit the City time to study the request and to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the Cities Served By Centerpoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).**

The purpose of the resolution is to authorize membership of the city into the Cities Served by CenterPoint Gas coalition, to extend the effective date of the Company's proposed rate increase, and to give the city time to review the rate filing package. The resolution suspends the December 4, 2023 date, the effective date of the company's request for the maximum period permitted by law to allow the city to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates. This action has no financial impact on the city.

Motion made by Commissioner Torres to approve the resolution by the City of Kingsville, Texas authorizing and approving membership in the Cities Served By Centerpoint Gas (Cities) for the purpose of protecting the interest of the City and its citizens with respect to Centerpoint matters; further suspending the December 4, 2023 effective date of the Statement of Intent of Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Entex and Centerpoint Energy Texas Gas to change rates in the Texas division; to permit the City time to study the request and to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the Cities Served By Centerpoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**10. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase orders rolled forward from the prior fiscal year. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that this budget amendment will roll forward from the prior fiscal year for three projects that were not completed in FY 22-23.

Introduction item.

**11. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the CO Series 2023A bond issue. (Finance Director).**

Mrs. Balli stated that when the budget for FY 23-24 was adopted, it was unforeseen that there would be a need for funding for these expenditures this fiscal year.

Introduction item.

**12. Consider accepting donations for Parks Department Healthy Family Events. (Parks Director).**

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

**13. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donations from sponsors of the Park Healthy Family Events. (Parks Director).**

Introduction item.

**14. Consider authorizing the use of ARP Funding for the fire station design fees. (proposed fire station #3). (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes city staff to enter into a contract with Brown Reynolds Watford Architects for architectural services for the design of the new Fire Station #3. The total amount of \$618,800.00 is needed for the services and will be funded by ARP Funds. The amount of \$150,000.00 had originally been allocated and an additional \$468,800.00 of ARP funding is being requested to cover the Architectural Design fee for the new Fire Station #3.

Commissioner Alvarez asked if there were enough funds in the ARP Funding. Mr. Sosa responded yes.

Motion made by Commissioner Lopez to authorize the use of ARP Funding for the fire station design fees. (proposed fire station #3), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

**15. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional ARP funding for the fire station design fees. (Purchasing Manager).**

Introduction item.

**16. Consider a resolution authorizing the City Manager/Mayor to enter into a Standard Form Agreement between Owner (City of Kingsville) and Architect (Brown Reynolds Watford Architects, Inc.) for Fire Station No.3. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the city to enter into a contract with Brown Reynolds Watford Architects for Architectural Services for the design of the new Fire

Station No. 3. It is recommended that the City Commission authorize the use of additional ARP Funds for the new fire station and authorize staff to enter into a contract with Brown Reynolds Watford Architects.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager/Mayor to enter into a Standard Form Agreement between Owner (City of Kingsville) and Architect (Brown Reynolds Watford Architects, Inc.) for Fire Station No.3, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**17. Consider authorizing use of ARP Funds to purchase stock water meters and apparatus for the Utility Billing Department. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes city staff to allocate ARP Funding for stock water meters and apparatuses for the Utility Billing Department. The water meters and apparatuses will be used to have in stock and on hand for the department. The stock meters and apparatuses will be for new construction and new services that can be installed by the city technicians. The total amount of ARP Funds requested is \$150,000 for stock water meters and apparatuses. It is recommended that it be approved to allocate \$150,000 of ARP Funds and authorize the purchase of water meters and apparatuses.

**Motion made by Commissioner Alvarez to authorize use of ARP Funds to purchase stock water meters and apparatus for the Utility Billing Department, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

**18. Consider authorizing purchase of stock water meters and apparatus via DIR purchasing cooperative, as per staff recommendation. (Purchasing Manager).**

**Motion made by Commissioner Alvarez to authorize the purchase of stock water meters and apparatus via DIR purchasing cooperative, as per staff recommendation, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".**

**19. Consider authorizing purchase of Police Vehicle (F-150 Responder Truck) from Silsbee Ford via TIPS purchasing cooperative, as per staff recommendation. (Stonegarden Grant funds & Ch 59 Funds). (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the City Manager to approve the purchase of a new PPV Truck F-150 Responder and outfitting with Silsbee Ford of Silsbee, TX for the Kingsville Police Department.

**Motion made by Commissioner Torres to authorize the purchase of Police Vehicle (F-150 Responder Truck) from Silsbee Ford via TIPS purchasing cooperative, as per staff recommendation. (Stonegarden Grant funds & Ch 59 Funds), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**20. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for a Stonegarden Grant awarded Police Vehicle purchase. (Purchasing Manager).**

Introduction item.

**21. Consider authorizing purchase of Double Drum Steel Wheel Roller for Street Department from Nueces Power Equipment via BuyBoard purchasing cooperative, as per staff recommendation. (CO2023A). (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the purchase of a new 2023 HAMM Double Drum Steel Wheel Roller from Nueces Power Equipment. The existing wheeled compactor is approximately 11 years old and is undersized for the Street Department's application for streets. The new double drum wheeled roller is a major component of the street department's daily operation. The purchase of a new double drum steel wheel roller will increase productivity for the street department. It is recommended the city purchase the new 2023 HAMM Double Drum Steel Wheel Loader from Nueces Power Equipment.

**Motion made by Commissioner Hinojosa to authorize the purchase of Double Drum Steel Wheel Roller for Street Department from Nueces Power Equipment via BuyBoard purchasing cooperative, as per staff recommendation. (CO2023A), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**22. Consider authorizing purchase of Excavator for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A). (Purchasing Manager).**

**Motion made by Commissioner Torres to authorize the purchase of Excavator for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

**23. Consider authorizing purchase of Waste Handler Dozer for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A). (Purchasing Manager).**

Mr. Sosa stated that the existing dozer is approximately 8 years old with over 11,000 hours and has been sent in for repairs frequently and needs an engine rebuilt. The Landfill Department dozer is a major component of the landfill's daily operations. Frequent repairs have caused the Landfill Department to use rental equipment to compact trash, thus increasing maintenance and operation expenses. Funds are available through 151-5-1702-712 on CO 2023A of which \$716,556.78 are available this fiscal year. It is recommended that the city purchase the 2024 John Deere 950K Waste Handler Dozer from Doggett Heavy Machinery Service.

Mayor Fugate asked if the city would get this piece of equipment pretty quick. Mr. Sosa responded yes.

**Motion made by Commissioner Hinojosa to authorize the purchase of Waste Handler Dozer for Landfill Department from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (CO2023A), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".**

**24. Consider a resolution authorizing City Manager to execute a Contract for Services with Andale Construction, Inc. for repairs to part of Kleberg Ave. and part of 8<sup>th</sup> Street. (awarded 10/23/23). (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the city to award and approve a contract with Andale Construction from Vally Center Kansas for the resurfacing of Kleberg Avenue from 6<sup>th</sup> Street to 8<sup>th</sup> Street curb to curb and 8<sup>th</sup> Street from Kleberg Avenue to King Avenue. During the 2023 Texas Municipal League Conference, staff visited Oxcon Systems Concrete Surfer and demonstrated the resurfacing process. Staff visited the construction site currently under construction in Dallas. The process includes cleaning the surface to remove all oil, asphalt, and debris, all cracks on concrete are filled with a slurry, then a fiberglass mesh is matted over each crack then a ¼' thick slurry is placed over the entire area to be resurfaced. The outcome of the product resembles a newly resurfaced street offering an environmentally friend, longevity, and strength to the existing concrete pavement that can have traffic flowing the following workday. Funding is available through a budget amendment for line item 092-5-3050-52100, which is Fund 092 Street Fund. The total cost of services is \$605,462.26. Staff recommends that the city commission approve the contract with Andale Construction from Valley Center, Kansas.

Commissioner Hinojosa asked for a start date for this project. Mr. Sosa responded that they are looking at beginning in January 2024.

**Motion made by Commissioner Lopez to approve the resolution authorizing City Manager to execute a Contract for Services with Andale Construction, Inc. for repairs to part of Kleberg Ave. and part of 8<sup>th</sup> Street. (awarded 10/23/23), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**25. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant funding from Borderstar for Police Department personnel costs, fuel and equipment purchases. (subset of Local Border Security Program). (Interim Police Chief).**

Mr. Bradley Lile, Interim Chief of Police stated that this grant is only for personnel costs and not fuel and equipment purchases. The amount awarded is \$78,000.

Introduction item.

**26. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement Between Kleberg County, Texas and the City of Kingsville, Texas for P25 Phase II Radio System Upgrade Project. (County approved 11/01/23). (City Manager).**

Mayor Fugate commented that the city and county met on November 1<sup>st</sup> during a joint meeting of both entities. He further stated that the county has agreed to participate in P25 Phase II Radio System Upgrade Project.

Ms. Alvarez commented that Kleberg County Commissioners' Court approved this item on behalf of Kleberg County on November 1, 2023.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to enter into an Interlocal Agreement Between Kleberg County, Texas and the City of Kingsville, Texas for P25 Phase II Radio System Upgrade Project. (County approved 11/01/23), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**27. Consider awarding bid to Dailey-Wells Communications for equipment and services for P25 Phase II Radio System Upgrades via HGAC purchasing cooperative, as per staff recommendation. (IT Director).**

Motion made by Commissioner Torres to award bid to Dailey-Wells Communications for equipment and services for P25 Phase II Radio System Upgrades via HGAC purchasing cooperative, as per staff recommendation, seconded by Commissioner Alvarez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**28. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Police Department P25 Phase 2 Radio System Upgrade. (IT Director).**

Introduction item.

**29. Consider approving Change Orders #1 (GLO funds) and #1A (City funds) with Gerke Excavating, Inc. for GLO CDBG-MIT Project #3. (18" wastewater main replacement to 3MGD WWTP project). (City Engineer).**

Mr. Rudy Mora, City Engineer, stated that approving General Land Office Change Order No. 1 will reduce the scope of work for Project 3. This Change Order reduces the project scope by 800 linear feet, and 1 manhole, and adds 1 day to the contract time. City Change Order No. 1A includes additive alternate bid items for replacing fences and a flagpole but were not included in the construction contract. Change Order No. 1A items are not eligible construction items covered by the GLO Funds and will be paid for by other city funds. The project will be completed in 120 calendar days.

Motion made by Commissioner Lopez to approve Change Orders #1 (GLO funds) and #1A (City funds) with Gerke Excavating, Inc. for GLO CDBG-MIT Project #3. (18" wastewater main replacement to 3MGD WWTP project), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

**30. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 budget to appropriate funding for a change order for the Wastewater Main Replacement Line (Project #3) included in the D218 GLO Grant. (Change Order#1A). (City Engineer).**

Introduction item.

**31. Consider rejecting low bid due to errors and missing documentation and awarding bid for GLO CDBG-MIT Project #4 to second lowest bidder Gerke Excavating, Inc., as per recommendation of outside engineer. (for sanitary sewer improvements in alley between E. Johnston Ave. and E. Fordyce Ave.; Contract D218). (City Engineer).**

Mayor Fugate asked if bids are not properly submitted, they don't have to be considered.

Ms. Alvarez's response was that the D&M Underground Construction was the lowest bid but had some mathematical errors noted on the bid with some minor clerical nature such as a mistake in transcribing numbers, misplaced decimal, and typographical errors.

Motion made by Commissioner Torres to rejecting low bid due to errors and missing documentation and awarding bid for GLO CDBG-MIT Project #4 to second lowest bidder Gerke Excavating, Inc., as per recommendation of outside engineer. (for sanitary sewer improvements in alley between E. Johnston Ave. and E. Fordyce Ave.; Contract D218), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

**32. Consider awarding bid for GLO CDBG-MIT Project #2 to lowest (lone) bidder Infrastructure Rehabilitation USA Inc. contingent on GLO approval by November 26, 2023, as per recommendation of outside engineer. (for manhole rehabilitation project; Contract D218). (City Engineer).**

Motion made by Commissioner Torres to award the bid for GLO CDBG-MIT Project #2 to lowest (lone) bidder Infrastructure Rehabilitation USA Inc. contingent on GLO approval by November 26, 2023, as per recommendation of outside engineer. (for manhole rehabilitation project; Contract D218, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

**33. Consider awarding RFP #24-03 for archeological services to Johnson, Mirmiran and Thompson, Inc., as per staff recommendation. (GLO CDBG-MIT #22-085-009-D237- Project 7). (City Engineer).**

Motion made by Commissioner Alvarez to award RFP #24-03 for archeological services to Johnson, Mirmiran and Thompson, Inc., as per staff recommendation. (GLO CDBG-MIT #22-085-009-D237- Project 7), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**34. Consider a resolution authorizing the Mayor to execute an Archeological Services Agreement between City of Kingsville, Texas and Johnson, Mirmiran and Thompson, Inc. for the Community Development Block Grant-Mitigation Contract Number 22-085-009-D237. (Project 7). (City Engineer).**

Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Archeological Services Agreement between City of Kingsville, Texas and Johnson, Mirmiran and Thompson, Inc. for the Community Development Block Grant-Mitigation Contract Number 22-085-009-D237, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

**35. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance §15-4-3 and §15-4-4 of Chapter XV, Article 4, Flood Damage Prevention, providing for updated map dates and correction. (City Attorney/City Engineer).**

This ordinance is in need of revisions to clarify sections of the model ordinance received from the Texas Water Development Board.

Introduction item.

**36. Consider ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Venue Tax conducted on November 7, 2023. (City Secretary).**

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Venue Tax conducted on November 7, 2023, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

**37. Consider ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Charter Amendment conducted on November 7, 2023. (City Secretary).**

Motion made by Commissioner Lopez to approve the ordinance canvassing the election returns and declaring the results of the City of Kingsville's Special Election for Charter Amendment conducted on November 7, 2023, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

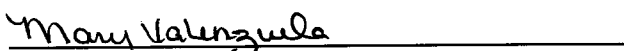
At this time, the City Commission asked for a moment of silence in memory of Mrs. Tanya Colin, Engineering Admin Assistant who passed away on November 5, 2023.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:13 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary