

MAY 28, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 28, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Edna Lopez, Commissioner
Norma N. Alvarez, Commissioner
Hector Hinojosa, Commissioner
Leo Alarcon, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, Director of Information & Technology
Derek Williams, IT
Emilio Garcia, Health Director
John Blair, Chief of Police
Diana Gonzalez, Human Resources Director
Erik Spitzer, Director of Planning & Development Services
Leticia Salinas, Accounting Manager
Alicia Tijerina, Downtown Manager
Joseph Ramirez, Engineer's Assistant
Deborah Balli, Finance Director
Susan Ivy, Park Director
Michael Mora, Capital Improvements Manager
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Charlie Sosa, Purchasing Manager
Joseph Ramirez, Engineer's Assistant

I. Preliminary Proceedings.**OPEN MEETING**

Commissioner Lopez opened the meeting at 5:00 p.m. with four commission members present. Mayor Sam Fugate was absent from the meeting.

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)

None.

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

1. Public Hearing on a request to replat of 1 acre out of 36.726 acres of KT&I Co, Block 5, Lot Pt 11, also known as the 2700 Block of East Corral, Kingsville, Texas. Ernesto Perez, applicant; J. Filiberto Garcia, LLC, owner. (Property ID #19868). (Director of Planning and Development Services).

Commissioner Lopez read and opened this public hearing at 5:01 p.m. Commissioner Lopez further announced that this is a public hearing. 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.

Mr. Erik Spitzer, Director of Planning and Development Services reported that Mr. Ernesto Peres approached the department on March 21, 2024, requesting the replat of 1 acre out of 36.726 acres of KT&I CO, Block 5 Lot PT 11, also known as 2700 Block of East Corral, Property ID 19868. The Planning and Zoning Commission met on May 15, 2024, with 5 members in attendance. Members deliberated over the request for approval of the replat and voted unanimously to approve. There were 26 notice letters mailed to neighbors within the 200-foot buffer and the city received no feedback.

There being no further discussion, Commissioner Lopez closed this public hearing at 5:04 p.m.

2. Public Hearing on request for a special use permit for a Take 5 Oil Change store (auto sales, repairs use) in C2 (Retail District) at Erard Est #3, Lot 1, (Verizon), also known as 1401 E. General Cavazos Blvd., Kingsville, Texas. Gabby McGinnis, applicant; South Texas Stash, LLC, owner. (Property ID #33088) (Director of Planning and Development Services).

Commissioner Lopez read and opened this public hearing at 5:04 p.m. Commissioner Lopez further announced that this is a public hearing. 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.

Mr. Spitzer reported that Gabby McGinnis, applicant, approached the department on April 19th, 2024, requesting a Special Use Permit (SUP) for a new Take 5 Oil Change store to be located at 1401 General Cavazos Blvd, Kingsville, Texas 78363 where the old Verizon Cell Phone Store was located. The Planning and Zoning Commission meeting was held on May 15th, 2024, with 5 members in attendance. Members deliberated over the request for approval of a Special Use Permit (SUP) for a new Take 5 Oil Change store to be located at 1401 General Cavazos Blvd. 7 Notice Letters were sent out to neighbors within the 200 feet buffer and the city received no feedback. The Planning and Zoning Commission board members voted to approve the Special Use Permit for the property mentioned above.

There being no further discussion, Commissioner Lopez closed this public hearing at 5:07 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."

IV. Public Comment on Agenda Items.³

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

Mr. Lance Hamm, 912 South Creek commented on traffic safety. He commented that he would like to see the speed limit on General Cavazos lowered. He further stated that TxDOT has done a traffic safety study for this location, which is almost complete. He stated that he was here to update the commission on this study and encouraged the commission to reach out to TxDOT and give them the city's input on what the speed limit should be for this road.

Public comment received via email from Jerry Simon, 1749 Paraiso Drive, Kingsville, TX: East Caesar Street city funding approval, any updates? End of comment.

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend the donation from the Occidental Petroleum Corporation for radio system upgrades. (for Kingsville Fire & Police Departments). (Fire Chief).**

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for medical supplies for the Fire Department. (Fire Chief).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant proceeds from the Coastal Bend Bays & Estuaries for a Parks outdoor classroom. (Parks Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase, painting, and delivery of 5 javelina statues. (Finance Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for City Commission group health insurance. (Finance Director).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for various line items for the Facilities Division. (Purchasing Manager).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for new City Commission dais. (Purchasing Manager).
8. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-19, & 45; to add clarifying regulation references to the Model Subdivision Rules. (City Engineer/City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. Consider naming new shade structure at Thompson Park after Georgina Boone Bell. (Parks Director).

Mrs. Susan Ivy, Parks Director stated that staff is currently completing the construction of a new shade structure at Thompson Park. Staff has received a request from family and friends of Mrs. Georgia Boone Bell to dedicate and name this structure after Mrs. Bell. Staff received a petition of 150 to 200 signatures supporting the dedication and naming of the shaded structure. Mrs. Ivy further stated that if the Commission approves this request, there will be no financial impact on the Park Budget with the exception of the need for signage reflecting the name, which is estimated at \$400.00. Mrs. Ivy went on to read some history on Mrs. Georgia Boone Bell.

Motion made by Commissioner Hinojosa to approve naming new shade structure at Thompson Park after Georgina Boone Bell, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".

10. Consider a replat of 1 acre out of 36.726 acres of KT&I Co, Block 5, Lot Pt 11, also known as the 2700 Block of East Corral, Kingsville, Texas. (Property ID #19868). (Director of Planning and Development Services).

Motion made by Commissioner Hinojosa to approve the replat of 1 acre out of 36.726 acres of KT&I Co, Block 5, Lot Pt 11, also known as the 2700 Block of East Corral, Kingsville, Texas, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".

11. Consider introduction of an ordinance amending the zoning ordinance granting a Special Use Permit to South Texas Stash, LLC for a Take 5 Oil Change Store in C2-Retail at Erard Est #3, Lot 1, (Verizon) (Property ID #33088), also known as 1401 E. General Cavazos Blvd., Kingsville. Texas. (Director of Planning and Development Services).

Introduction item.

12. Consider a resolution authorizing the City Manager to execute the Construction Contract with PM Construction & Rehab, LLC for the GLO CDBG-MIT Contract No. 22-082-016-D218 Project 6: 10th Street Sanitary Sewer Improvements Project. (Bid #24-04 awarded 5/13/24). (City Engineer).

Mr. Rudy Mora, City Engineer stated that on May 13, 2024, the city commission awarded the contract for this project. Staff is now requesting the construction contract with the vendor to be awarded in the amount of \$836,495.00.

Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute the Construction Contract with PM Construction & Rehab,

LLC for the GLO CDBG-MIT Contract No. 22-082-016-D218 Project 6: 10th Street Sanitary Sewer Improvements Project. (Bid #24-04 awarded 5/13/24), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR".

13. Consider a resolution authorizing participation in Bulletproof Vest Partnership Program Grant FY2024 with the Office of the Governor, Criminal Justice Division, Justices Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. John Blair, Police Chief stated that the Police Department requests the city commission to consider a resolution allowing the Police Department to apply for the Patrick Leahy Bulletproof Vest Partnership Grant (BVP). The Kingsville Police Department currently equips our officers with Level IIIA body armor, which includes a 5x8 soft trauma plate and is available in either an interior carrier or an exterior uniform carrier. This protective gear is essential for the safety of our officers as they carry out their duties. This request is necessitated by staff turnover and the need to replace vests that are approaching their expiration dates. The plan is to apply for the FY 2024 BVP Grant to purchase 12 new units of body armor. Jurisdiction seeking reimbursement for body armor purchases under the BVP Grant must adhere to the uniquely fitted vest requirement. The Patrick Leahy BVP Grant defines uniquely fitted vests as protective armor, whether ballistic or stab-resistant that conforms to the individual wearer to provide the best possible fit and coverage. This is achieved through correctly sized panels and carriers, determined through appropriate measurements, and properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. These requirements are in place to support the Office of Justice Programs' mission to enhance officer safety. Ensuring that each officer's vest fits properly not only improve comfort and motility but also maximizes the protective capabilities of the armor. Additionally, the 2024 application process for this grant includes a new certification section. This section mandates that jurisdictions and law enforcement agencies acknowledge their awareness of and compliance with the uniquely fitted vest requirement. Compliance includes having a written policy regarding departmental body armor. The Kingsville Police Department must ensure it adheres to this policy to qualify for funding under the BVP Grant.

Motion made by Commissioner Hinojosa to approve the resolution authorizing participation in Bulletproof Vest Partnership Program Grant FY2024 with the Office of the Governor, Criminal Justice Division, Justices Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".

14. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for Tyler Utility Billing Software increases. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that the FY 23-24 budget appropriated funding for Utility Billing Software increases, but the amount of the increase was not enough for the Utility Fund to cover as part of this software was budgeted in General Fund and should have been budgeted fully in the Utility Fund.

Commissioner Alarcon asked why this was not budgeted earlier as it was supposed to be.

Mrs. Balli responded that the IT budget sits in the General Fund and it was a cost that IT was paying for but it needs to be in the fund that it actually belongs to.

Introduction item.

15. Consider accepting donation from the Brookshire Foundation for Parks & Recreation pool equipment and recreational programs. (Parks Director).

Mrs. Ivy stated that this item allows the acceptance of a donation from the Brookshire Foundation for the Parks & Recreation Department for pool equipment and recreational programs. This donation is committed as follows: \$15,000 for shaded lifeguard chairs, \$15,000 for recreation programs; and \$7,000 for new lane lines for competitive and lap swim at Brookshire Pool.

Motion made by Commissioner Alarcon to accept the donation from the Brookshire Foundation for Parks & Recreation pool equipment and recreational programs, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".

16. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from the Brookshire Foundation for pool equipment and recreation programs for the Parks Department. (Parks Director).

Introduction item.

17. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Golf Course Hydroseeding Project. (Parks Director).

Mrs. Ivy stated that this item is for the approval of a budget amendment in the amount of \$21,018.03 to match a commitment of \$24,230 from the County to pay a \$48,464 Hydroseeding quote of the L.E. Ramey Golf Course. She further stated that in order to do this, \$3,301.97 will have to be transferred into the 026 account as follows: \$1,500 to 001-5-4502-21100; \$1,000 to 001-5-4502-21179; and \$802.00 to 001-5-4502-21400. This project will Hydroseed fairways 2, 3, 4, and 6 and spot treat 9, 10, 11, 12, 14, 15, and 18. This area will be roped off to restrict patrons from driving over them for some time.

Introduction item.

18. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for emergency repair to Police Department AC unit. (Purchasing Manager).

Mr. Sosa stated that this item authorizes the approval of a budget amendment for \$19,358 to replace a 10-ton HVAC System for the Police Department. The existing unit is the last of the original units in the building.

Introduction item.

19. Consider reallocation of ARP funds for Chamberlain Park bathroom roof. (Purchasing Manager).

Mr. Sosa stated that this item is for approval to relocate ARP Funds for the Chamberlain Park restroom roof. Funds will be used to purchase materials and labor to construct the new roof. Mr. Sosa further stated that the staff is requesting ARP Fund budget amendment in the amount of \$10,392.46 from several fund accounts.

Commissioner Alvarez asked if there is a deadline for these ARP Funds to be spent. Ms. Alvarez responded that ARP Funds need to be designated to projects by the end of the year.

Commissioner Hinojosa commented that he would like to see a report showing how ARP Funds have been spent from the very beginning.

Ms. Alvarez commented that any funds spent from ARP have come to the Commission for approval.

Commissioner Hinojosa stated that he understands this but would still like an accounting report as to where the funds have been spent.

Motion made by Commissioner Hinojosa to approve the reallocation of ARP Funds for Chamberlain Park bathroom roof, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR".

20. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Chamberlain Park bathroom roof. (Purchasing Manager).

Introduction item.

21. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Street Department vehicle repairs. (Public Works Director).

Mr. Donnell stated that this item authorizes additional funding in the Street Division for Vehicle & Equipment Maintenance. The average monthly operational maintenance cost for the Street Division equipment before any repairs averages \$2,000 per month. These repairs along with many other minor repairs have the current account balance at negative \$26,149. It is requested that additional funds in the amount of \$50,000 to cover the negative balance and for repairs through the remaining fiscal year. This will reduce the General Fund's unappropriated reserves balance by \$50,000 and increase the Vehicle/Equipment Maintenance line account by \$50,000.

Introduction item.

22. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for waterline repairs. (Public Works Director).

Mr. Donnell stated that this item authorizes additional funding in the Water Construction Division for materials to repair water main breaks. Staff has repaired 92 more waterline breaks than last year for a total of 206 main break repairs through March. Material prices associated with waterline repairs have also increased. The increase in the number of main breaks and increased cost of materials has depleted the waterline funds to a negative \$10,932. Currently spent for parts to repair waterline main breaks is \$230,639, sand/limestone is \$16,347, sidewalk/driveway/curb is \$22,008 and meter valves is \$9,472. Additional funds are being requested in the amount of \$156,000 to cover the negative balance and for repairs through the remaining fiscal year.

Introduction item.

23. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Shift 4 credit card processing fees for Tourism. (Tourism Director).

Mrs. Alicia Tijerina, Downtown Manager stated that in August 2023, Tourism and other City Departments received a new Point of Sale and Inventory System from Shift 4. Tourism did not negotiate the contract nor have any dialogue with the vendor in reference to billing on the devices issued. As those costs started accruing and reaching levels equal to revenue produced from merchandise processed on those devices. Tourism and Finance held meetings to address this issue. The highest cost associated with Shift 4 is an Inactivity Fee for months in which our department does not charge the mandatory minimum level of credit cards to avoid said fees. Tourism has not had one device cancelled to reduce this expense, but, since this was not brought into the budgeting process for FY 23-24, this line item is now facing a shortfall. In years past, credit card fees annual activity was as follows: FY 2019-202 \$109.13. This year, the total activity to date is \$1,776.93 with an estimated additional cost for the remainder of the year of \$1,111.05 plus an additional cancellation fee of \$109.98. Mrs. Tijerina further stated that a budget amendment is being requested to cover these costs and will continue to seek solutions to bring the cost of this system down to avoid future excessive expenditure on this line item. The financial impact is a total request of \$3,000 which includes the accrued cost of \$1,776.93 and the anticipated future cost of \$1,111.05 plus the cancellation fee of \$109.98.

Commissioner Hinojosa asked why the Tourism Department did not negotiate a contract.

Mrs. Tijerina responded that they were told that they would be receiving a new point of sale system which was brought into their office and placed in last year. She further stated that in April they noticed it on the account where the funds were being taken from, therefore that is when staff noticed they were being charged.

Ms. Alvarez stated that it is her understanding that the Finance and IT Department were to secure a point-of-sale system that also did inventory and got into the contract with Shift 4 which is also for other city departments as well.

Commissioner Hinojosa commented that he noticed that this is coming from the fund balance and asked if this is something that can come from ARP Funds.

Mrs. Tijerina responded that the ARP Funds have already been designated for other items.

Commissioner Hinojosa commented that it can always be adjusted. He further stated that for the final passage of this item, he is requesting that staff place this agenda item under the regular section of the agenda and not under the consent agenda. This will allow them to decide if this is something that can be paid for through ARP Funds.

Ms. Alvarez commented that she understands Commissioner Hinojosa is request, but this is Tourism's fund balance where the \$3,000 would be coming from.

Commissioner Hinojosa stated that he is asking if these funds can be taken from ARP Funds.

Commissioner Lopez asked if some of the ARP Funds were already earmarked. Mrs. Tijerina responded yes.

Commissioner Hinojosa commented that this didn't matter if the funds have been earmarked, as the funds haven't been spent. An adjustment can always be done, if the Commission approves.

Ms. Alvarez commented that this is true, but what Mrs. Tijerina is trying to say is that the funds that Tourism has in ARP have already been earmarked for projects that they anticipate having that will be spent before the end of the calendar year.

Commissioner Hinojosa commented that the funds have not been spent.

Ms. Alvarez responded that this is correct, which is why Finance, Tourism, and the City Manager chose this funding source.

Commissioner Hinojosa requested that this item be placed in the regular agenda for the upcoming meeting in June.

Introduction item.

24. Consider authorization to use UF ARP funds for repair of an old 18-inch water line. (Public Works Director).

Mr. Donnell stated that this item authorizes the reallocation of Utility ARP Fund 025 and a budget amendment for 18" water line repairs. This is an existing 18" reinforced concrete cylinder pipe waterline that spans from the East Elected Water Tank to the West Elevated Water Tank located under Huisache Street from 1st to 7th Streets and the alley between Lott & Huisache from 7th to 13th Street. A new 18" PVC line was installed in 2015-2016 to replace the existing waterline. Funding was only available to install the new line, not to disconnect the old one or connect laterals.

Motion made by Commissioner Alvarez to authorize the use of UF ARP Funds for repair of an old 18-inch water line, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".

25. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to reallocate UF ARP funding for water line repairs. (18-inch water line repairs). (Public Works Director).

Introduction item.

26. Consider authorizing purchase of sole source Hydra-Stop Machine and valves, as per staff recommendation. (Purchasing Manager).

Mr. Sosa stated that this item authorizes the purchase of a new Hydra-Stop Machine and valves and professional services for the Water Department for a total of \$350,000.00. Recently the city experienced an 18" water main break. The existing 18" water main is an RCCP manufactured in the late 191, which is believed to have been installed in the 1930's. This is a large high-pressure line which makes it difficult to repair given its age. The Hydra-Stop Machine will be instrumental in isolating the lateral lines connected to the existing 18" main to eliminate the old line from service. It will be beneficial in future isolation valve situations needed throughout the city. Hydra-Stop Solutions is the sole source company offering equipment that is not available through any other manufacturer.

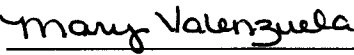
Motion made by Commissioner Hinojosa to authorize the purchase of sole source Hydra-Stop Machine and valves, as per staff recommendation, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:53 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary