

NOVEMBER 12, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, NOVEMBER 12, 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  
Edna Lopez, Commissioner  
Norma N. Alvarez, Commissioner  
Hector Hinojosa, Commissioner (Hinojosa leaves meeting at 5:58 p.m.)  
Leo Alarcon, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Derek Williams, Systems Administrator  
Emilio Garcia, Health Director  
Rudy Mora, City Engineer  
Erik Spitzer, Director of Economic & Development Services  
Juan J. Adame, Fire Chief  
Diana Gonzalez, Human Resources Director  
Janine Reyes, Tourism Director  
Susan Ivy, Park Director  
Bill Donnell, Public Works Director  
Deborah Balli, Finance Director  
Bradley Lile, KPD Commander  
Joseph Ramirez, Engineer Assistant  
Manny Salazar, Director of Economic Development

**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 28, 2024**

**Motion made by Commissioner Lopez to approve the minutes of October 28, 2024, as presented, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".**

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

**1. Conduct a Public Hearing regarding the advisability of the improvements to be financed by for the Somerset at Kingsville Public Improvement District No. 1. (City Attorney).**

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. The City Commission cannot extend additional time.

Ms. Courtney Alvarez, City Attorney, stated that the city commission approved a resolution on October 15, 2024. In that resolution, it had several exhibits attached and talked about the potential types of public improvements, if this PID was created, that the funds could be used for. Notice was published in the newspaper.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:03 p.m.

**2. Conduct a Public Hearing requesting approval of the final plat of a 14.27 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 2B. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:03 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. The City Commission cannot extend additional time.

Mr. Erik Spitzer, Director of Planning and Development Services, stated that the next three agendas will sound similar to each other as they are the final three plats that remain in the future Somerset Subdivision. Urban Engineering approached city staff in October and held

a Planning & Zoning Commission meeting last Wednesday, where all six members of the Planning & Zoning Commission unanimously approved to support this endeavor. This will be known as Unit 2B out of the 54.53-acre tract. Mr. Spitzer further displayed a map showing the preliminary plat. Mr. Spitzer further stated that the notices were mailed, and staff received no feedback from those noticed.

Commissioner Alarcon asked if the individuals from Chandler Acres were notified. Mr. Spitzer responded that those within the 200-foot buffer were mailed a notice. Addresses for those notices were received from the Engineering Department.

Ms. Alvarez commented that only those individuals within the 200-foot buffer would have received a notice.

Mayor Fugate commented that everyone should already be aware of this, as it has been in the talks for quite some time.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:07 p.m.

**3. Conduct a Public Hearing requesting approval of the final plat of a 9.539 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 3. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:07 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. The City Commission cannot extend additional time.

Mr. Spitzer stated that this is similar to the item above, the only difference is the size of parcels that are different.

Commissioner Hinojosa asked if this tract was 54.43 acres, has the commission already approved all of them with tonight's? Mr. Spitzer responded yes and further displayed a map showing each unit.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:09 p.m.

**4. Conduct a Public Hearing requesting approval of the final plat of a 17.23 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas, all of Lot 1 and a portion of Lot 2, Burris Acres, a Map recorded in Volume 2, Page 45, Map Records of Kleberg County, Texas as described in a General Warranty Deed with Mineral Reservation, recorded in Document Number 332182, Official Records of Kleberg County, Texas, (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 4. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:09 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. The City Commission cannot extend additional time.

Mr. Spitzer stated that this is the final plat. The Planning and Zoning Commission met and unanimously approved. Staff received no feedback from those individuals who were noticed within the 200-foot buffer.

There being no comments or further discussion, Mayor Fugate closed this public hearing at 5:11 p.m.

### **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."*

Mr. Mark McLaughlin, City Manager, reported that he will be attending a meeting for the South Texas Military Task Force tomorrow morning in Corpus Christi. He further announced that commission members and staff will be attending TAMUK State of the University event tomorrow at 11:00 a.m. Mr. McLaughlin further announced that NAS Kingsville Fire Station will hold a groundbreaking on Thursday, November 14, 2024. He A brief update was given on streets.

Ms. Courtney Alvarez, City Attorney, reported that the next commission meeting is scheduled for November 25, 2024. The deadline for staff to submit their agenda items for this meeting is Friday, November 15, 2024.

Commissioner Alvarez announced that she will not be present for the meeting on November 25, 2024.

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

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

Mrs. Vicki Benys, 1914 Martin commented that she would like to explain what 81's Heroes stands for and what it does to give back. She stated that this organization assists in providing meals for the Kingsville Police Department and Kleberg County Sheriff's during National Police Week. The organization also provided meals on November 4<sup>th</sup> in honor of Sherman Otto Benys Day. The organization not only provides meals but also provides training equipment. Just recently the organization assisted in purchasing batteries for Kleberg County Fire Truck. This organization assists in areas where grants aren't able to be used. Mrs. Benys further mentioned that on November 1<sup>st</sup>, there was a Blood Drive at the Kingsville Police Department in memory of Officer Sherman Otto Benys as well as a Memory Walk of 3 miles. On September 14<sup>th</sup> a two-day golf tournament took place which brought in 32 teams of 4 members. Mrs. Benys commented that for the next year, they would like to concentrate on memberships for the organization.

Ms. Janine Reyes, Tourism Director, made several announcements regarding the upcoming events regarding Wine Walk, Ranch Hand Festival and breakfast.

Mrs. Mary Valenzuela, City Secretary, read the following public comments on behalf of the following residents: Lisa Zavala, Heather Galvan, and Rolando Galvan.

Lisa Zavala, 301 Lemonwood Dr., Kingsville, TX: "Our animal control is full" is what I keep hearing whenever I call them out for a stray. This means I'm unable to do my job without the city doing its own. Those who habitually have their dog unsecure not only prevent me from delivering their mail, but their neighbors as well. I understand nobody wants to kill any animal, but my colleagues and I are getting injured out here due to irresponsible pet owners and a city that does nothing to enforce rules it already has. Euthanize and enforce the leash law so that we all don't have to fear being bit in the streets.

Heather Galvan, 421 Nelda Dr., Kingsville, TX: Leash law. Too many strays, pound is not coming out when called. My husband is a mailman and everyday he deals with the same dogs and owners that do not obey the leash laws. He is constantly getting attacked by these dogs and when he tries to call the pound the pound will not come out.

Rolando Galvan, Nelda Dr., Kingsville, TX: The city has a really bad dog problem. Strays tend to run wild all over town and when animal controlled is called they usually just do a drive by, if they even show up at all. This is not acceptable and turning a blind eye to this problem that has run rampant is just going to get more and more people injured every year.

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

- 1. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend donations for the Parks Department Healthy Family Events. (Parks Director).
- 2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for an increase in certain irrigation water rates. (Finance Director).
- 3. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for emergency repairs on the City Hall air conditioning unit. (Purchasing Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

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

- 4. Consideration and approval of the final plat of a 14.27 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 2B. (Director of Planning and Development Services).

Mayor Fugate asked if there were no objections from the City Commission, he would like to move agenda items # 14 & 15 before item #4, as a commissioner will need to leave the meeting early. There were no objections from the commission.

Motion made by Commissioner Lopez to approve the final plat of a 14.27 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 2B, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

Commissioner Hinojosa leaves the meeting at 5:58 p.m.

- 5. Consideration and approval of the final plat of a 9.539 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 3. (Director of Planning and Development Services).

Motion made by Commissioner Alarcon to approve the final plat of a 9.539 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 3, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Fugate voting "FOR".

- 6. Consideration and approval of the final plat of a 17.23 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas, all of Lot 1 and a portion of Lot 2, Burris Acres, a Map recorded in Volume 2, Page 45, Map Records of Kleberg County, Texas as described in a General Warranty Deed with Mineral Reservation, recorded in Document Number 332182, Official Records of Kleberg County, Texas, (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 4. (Director of Planning and Development Services).

Motion made by Commissioner Lopez to approve the final plat of a 17.23 acre tract of land out of a 54.43 acre tract, as described in a Warranty Deed with Vendor's Lien, recorded in Document Number 331247, Official Records of Kleberg County, Texas, all of Lot 1 and a portion of Lot 2, Burris Acres, a Map recorded in Volume 2, Page 45, Map Records of Kleberg County, Texas as described in a General Warranty Deed with Mineral Reservation, recorded in Document Number 332182, Official Records of Kleberg County, Texas, (west of South Brahma Blvd. and north of Trant Road). This tract to be known as Somerset at Kingsville Unit 4, seconded by Commissioner Alvarez and Commissioner Alarcon. The motion was passed and approved by the following vote: Lopez, Alvarez, Alarcon, Fugate voting "FOR".

- 7. Consider accepting additional donations for the Parks Department Healthy Family Events. (Parks Director).

Motion made by Commissioner Alvarez to accept additional donations for the Parks Department Healthy Family Events, seconded by Commissioner Lopez and

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

**8. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend donations from Linebarger, Goggan, Blair and Sampson, and Vishal Raju Bhagat Foundation for the Parks Department Healthy Family Events. (Parks Director).**

Introduction item.

**9. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for emergency Fire Department vehicle repairs. (Fire Chief).**

Introduction item.

**10. Consideration and approval of a resolution authorizing the City to submit an application to the ASPCA 2024 for the National Shelter Grant Initiative Grants: Access To Veterinary Care Grant Program with no cash match required; authorizing the City Manager to submit the grant and the City Health Director as the grant official to act on the City's behalf with such grant program. (Health Director).**

Motion made by Commissioner Alarcon to approve the resolution authorizing the City to submit an application to the ASPCA 2024 for the National Shelter Grant Initiative Grants: Access To Veterinary Care Grant Program with no cash match required; authorizing the City Manager to submit the grant and the City Health Director as the grant official to act on the City's behalf with such grant program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Fugate voting "FOR".

**11. Consideration and approval of a resolution adopting the City of Kingsville Administrative Policies and Procedures Manual Policy 780.10-Mental Health Leave. (Human Resources Director).**

Mrs. Diana Gonzales, Human Resources Director stated that this is a new policy titled Mental Health Leave. The purpose of this policy is to provide guidance regarding the use of paid mental health leave for eligible employees. Mental health is another resource designed to assist eligible employees who experience a traumatic event in the scope of city employment. A traumatic event is an event, series of events, incident or set of circumstances experienced by the employee, during the scope of employment, as physically harmful, emotionally harmful, or life-threatening. The event has the potential to cause lasting adverse effects on the employee's mental, physical, social, or emotional well-being. Eligible full-time and part-time employees may receive up to forty (40) consecutive work hours of paid mental health leave per calendar year. Employee's leave balance will not be reduced while employees are on approved mental health leave. Request to utilize mental health leave and any information related to mental health leave under this policy are confidential. There is no financial impact on the city as work hours have already been budgeted for the year.

Commissioner Lopez asked how this leave will be tracked. Mrs. Gonzales responded that each individual utilizing this policy will need to submit a request to their supervisor, then the supervisor will contact the Human Resources office which will then determine the length for this type of leave. This will be determined as per the situation. Commissioner Lopez further asked if this leave would also be available to Police Officers and Firefighters. Mrs. Gonzales responded that this policy will be for all city employees.

**Motion made by Commissioner Lopez to approve the resolution adopting the City of Kingsville Administrative Policies and Procedures Manual Policy 780.10-Mental Health Leave, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Fugate voting "FOR".**

**12. Consideration and approval of a resolution amending the City of Kingsville Administrative Policies and Procedures Manual for Policy 731-Flex Leave. (Human Resources Director).**

Mrs. Diana Gonzales, Human Resources Director, stated that the revision to Policy 731 Flex Leave is to provide clarification and to re-establish expiration dates to flex leave hours. Policy 731 was first adopted in November 2016 and subsequently revised in October 2021. The original policy included an expiration for flex leave hours if not used by October 31<sup>st</sup> as each employee would have a different expiration date for their birthday hours. The city has developed a process to maintain flex hours and maintain a schedule for removing the expired hours from the employee's leave bank. The eight hours of flex leave provided in December of each year for non-civil service employees will have an expiration date of December 31<sup>st</sup> of the following year. To implement this revision, employees with existing flex leave balances will have until November 30, 2025 to utilize the accrued leave or it will

be forfeited without pay. Any future granted flex leave will have a set expiration date. There is no financial impact to the city, as flex leave hours are incorporated into each employee’s annually budgeted hours.

**Motion made by Commissioner Alvarez to approve the resolution amending the City of Kingsville Administrative Policies and Procedures Manual for Policy 731-Flex Leave, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Alvarez, Alarcon, Fugate voting “FOR”.**

**13. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).**

Mayor Fugate announced this executive session and convened the meeting into close session at 6:11 p.m.

Mayor Fugate reconvened the meeting into open session at 6:40 p.m.

**14. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).**

Mayor Fugate announced this executive session at 5:26 p.m. and convened the meeting into closed session.

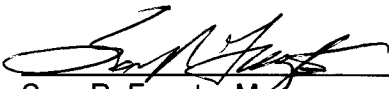
Mayor Fugate reconvened the meeting into an open session at 5:55 p.m.

**15. Consideration and approval of a resolution authorizing the Mayor to execute an Employment Agreement for the position of City Manager with Mark McLaughlin. (Mayor Fugate).**

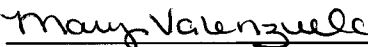
**Motion made by Commissioner Lopez to approve the resolution authorizing the Mayor to execute an Employment Agreement for the position of City Manager with Mark McLaughlin, seconded by Mayor Fugate. The motion failed by a 3-2 vote: Lopez and Fugate voting “FOR”. Alvarez, Hinojosa, Alarcon voting “AGAINST”.**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:41 p.m.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, City Secretary