

# City of Kingsville, Texas

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**AGENDA**  
**CITY COMMISSION**  
**MONDAY, JANUARY 26, 2026**  
**REGULAR MEETING**  
**CITY HALL**  
**HELEN KLEBERG GROVES COMMUNITY ROOM**  
**400 WEST KING AVENUE**  
**5:00 P.M. – Regular Meeting**

**Live Videostream:** <https://www.facebook.com/cityofkingsvilletx>

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting - January 12, 2026

**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.”*

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

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

**V.**

**Consent Agenda**  
**Notice to the Public**

APPROVED BY:

*Charlie Sosa* 

Charlie Sosa  
City Manager

*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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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)*

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2025-2026 Budget to accept and expend a donation from the Tractor Supply Foundation to help with Police Department's Blue Santa event. (Police Chief).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2025-2026 Budget to appropriate funding for the installation of a turf area around home plate at one baseball field at Dick Kleberg Park. (Parks Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2025-2026 Budget to appropriate funding for the 2021 TASA Call for Projects-Interschool & Residential Multimodal Connectivity. (City Engineer).
4. Motion to approve reappointment of Krystal Emery to the City of Kingsville Planning & Zoning Commission for a two-year term, running from June 2026-June 2028. (her current term has not expired; June 2024-June 2026) (Commissioner Lopez) (Economic Development Manager/ Interim Planning & Development Services Director).

**REGULAR AGENDA**

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

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

5. Discuss and consider approving a resolution authorizing the City Manager to execute Change Order #1 to the construction contract with Mor-Wil LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 3: E. Caesar Ave. storm water improvements. (City Engineer).
6. Discuss and consider approving a resolution authorizing the City Manager to execute Change Order #1 to the construction contract with Mor-Wil LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 5: E. Caesar Ave. storm water improvements. (City Engineer).
7. Discuss and consider approving a resolution authorizing the City Manager to execute Change Order #3 to the construction contract with Donald Hubert Construction Co. for the GLO CDBG-MIT Contract 22-082-016-D218 Project 1: 14<sup>th</sup> Street sanitary sewer improvements project. (City Engineer).
8. Discuss and consider a resolution authorizing the City Manager to execute Change Order #4 to the construction contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street- storm water improvements project. (City Engineer).
9. Discuss and consider authorizing emergency purchase and repairs to the blowers at the North and South Wastewater Treatment Plants. (Public Works Director).
10. Discuss and consider nomination of members to the City of Kingsville Ethics Review Board. (City Attorney).

11. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

**VII. Adjournment.**

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

**NOTICE**

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall, City of Kingsville, 400 West King Avenue, Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

January 20, 2026, at 3:45 P.M. and remained so posted continuously for at least three business days proceeding the scheduled time of said meeting.

*Mary Valenzuela*  
Mary Valenzuela, TRMC, City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

**MINUTES OF PREVIOUS  
MEETING(S)**

JANUARY 12, 2026

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 12, 2026, 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 Alvarez, Commissioner  
Hector Hinojosa, Commissioner  
Leo Alarcon, Commissioner

**CITY STAFF PRESENT:**

Charlie Sosa, Interim City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Director  
Derek Williams, Systems Administrator  
Susan Ivy, Parks Director  
Manny Salazar, Economic Development Manager  
Charlie Cardena, Engineer  
Emilio Garcia, Health Director  
Connie Womack, Tourism Director  
John Blair, Police Chief  
Bill Donnell, Public Works Director  
Monika Donnell, Municipal Court Supervisor  
Leticia Salinas, Accounting Manager  
Deborah Balli, Finance Director  
Steve Palacios, Fire Marshall

**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)**

**October 27, 2025 – Regular Meeting**

**November 10, 2025 – Regular Meeting**

**November 24, 2025 – Regular Meeting**

**December 8, 2025 – Regular Meeting**

Motion made by Commissioner Lopez to approve the minutes of October 27, 2025, November 10, 2025, November 24, 2025, and December 8, 2025, as presented, seconded by Commissioner Alvarez. 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. Public Hearing on condemnation of structure at 619 W. Ragland, Kingsville, Texas. (Interim Planning & Development Services Director/City Manager).**

Mayor Fugate read and opened this public hearing at 5:02 p.m. Mayor Fugate 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. Charlie Cardenas, City Engineer, reported on this condemnation. Property has been inspected and condemned and has gone through the proper committees in order to bring it forward to this public hearing. This started back in July 2025.

Ms. Alvarez reported that this property was inspected by the building official has done an inspection of the property in July 2025. The report notes that the roof is completely dilapidated allowing water inside, windows and doors are busted out and walls have fallen due to water damage. This property has had no water service since 2006 and electric service since 2005.

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

## **2. Public Hearing on condemnation of structure at 728 W. Doddridge, Kingsville, Texas (shed). (Interim Planning & Development Services Director/City Manager).**

Mayor Fugate read and opened this public hearing at 5:04 p.m. Mayor Fugate 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. Sosa reported that this is a metal storage shed that is located behind the structure that was blown over by the wind.

Ms. Alvarez stated that the building official has inspected the shed. It was determined that it was broken and hazardous. Notices of violation were sent and received. Notice of hearing was sent and received. There is no water or electricity at this site.

There being no further discussion, Mayor Fugate closed this public hearing at 5:06 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. Charlie Sosa, City Manager, gave an update on street projects. He further reported that the contractor will be working on the downtown project beginning next week. All downtown merchants have been notified of the work that will be done next week. Mr. Sosa announced that Mr. Manny Salazar has been named the Interim Planning & Development Services Director. Mr. Salazar started in the new role today.

Ms. Courtney Alvarez reported that the next city commission meeting is scheduled for January 26, 2026. Deadline for staff to submit agenda items for January 26<sup>th</sup> is January 13, 2026.

Commissioner Lopez commented that she would like to wish Mr. Ruben Chapa, former Golf Course Manager good luck in his next endeavor. The Golf Course under Ruben's guidance and dedication facilitate numerous improvements, including the completion of the golf greens, trimming of mesquite trees, removal of cacti from the ponds, improvements to the sprinkler system and a lot more. The golf course revenue substantially exceeded last year's figures. This is a considerable loss for our city as he was well respected by his employees and community members, according to all the Facebook postings.

Mayor Fugate commended the street crew for their hard work cleaning up the streets.

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

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

Harlis Burton, 902 Elizabeth, commented on his concerns regarding the new establishment that will be opening near his home. The establishment is a food truck court, and his concerns is the food truck court area is zoned for retail. He stated that neighbors around were not notified prior to the beginning of construction. Their first notice was posted in front of the property that a food truck court would be coming soon. There is no evidence that ordinance requirements were being met as in permits. He stated that he would like to see some of the permits that they applied for and approved. He stated that during mass, there were three individuals that were concealed carrying. He stated that they were there for a reason and it was during the meeting. He stated that there have been some bad things that have happened in other states, that he feels that we need to take into concern. He stated that if he is correct, this new location, food truck court, is a place for gathering people. He stated that he doesn't see any concern about security. He stated that he has done a lot of research on this and it has been a long process. There were problems with the previous owner, Mr. Nunez, who expected him to pay half of the fence that went up between the two properties, which is not to the regulations. He further commented that he doesn't know who the owners of the property are, as he has heard it has been sublet to someone else.

Gaylen Thompson, 905 Alexander, commented that their concerns are the same as Mr. Burton. He stated that there is an active alcohol location right across the street from this location. He further stated that no one has spoken to them about what is going on, which is their concern. He further stated that the permits there has any permits to discussed these permits and voted on these permits to which no one has told them anything. He stated that this is their concern.

#### **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 consent agenda items 1, 2, 3, 5, 6, and 7 and move item #4 to the regular section of the agenda due to an error in the wording for that item, seconded by Commissioner Alvarez.**

Commissioner Lopez stated that according to agenda item #4 P&Z members are being reappointed to that board which includes Mr. Crispin Trevino who is not a current member, so there is no way that he can be reappointed. She stated that Mr. Trevino is being considered for this appointment in the regular section of the agenda under item #9. With this error, agenda item #4 needs to be removed from the consent agenda and placed under the regular section of the agenda, as Mr. Trevino is not a current member of the P&Z Board.

Mayor Fugate asked Ms. Alvarez if this item needs to be removed and redrafted.

Ms. Alvarez responded that it can be removed and vote on everybody but him for reappointment when you do the removal. Then vote on his initial appointment, which is item #9, which is already in the regular part of the agenda.

Commissioner Lopez asked if what Ms. Alvarez was stating was for the commission to approve everyone else but Mr. Trevino as he is not a current member.

Ms. Alvarez stated that Commissioner Lopez could get a second to her motion to approve items 1, 2, 3, 5, 6, and 7, and approve those under consent, then item 4 would automatically be the first item for the regular portion of the meeting.

**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 2025-2026 Budget to accept and expend grant funds from the State Energy Conservation Office (SECO) for Parks lighting projects. (Parks Director).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2025-2026 Budget to accept and expend donations from Regency Integrated Health and the Womens Club of Kingsville for recreation supplies. (Parks Director).**

**3. Motion to approve final passage of an ordinance amending the Fiscal Year 2025-2026 Budget to accept and expend grant funds from the Coastal Bend Regional Advisory Council for Fire Department medical supplies. (Fire Chief).**

**4. Motion to approve reappointment of Steve Zamora, Debbie Tiffie, Larry Garcia, Brian Coufal, Idotha Battle, Krystal Emery, Crispin Trevino each for 2-year terms to the City of Kingsville Planning & Zoning Commission. (Interim Planning & Economic Development Director/City Manager).**

Motion made by Commissioner Lopez to approve the reappointment of Steve Zamora, Debbie Tiffie, Larry Garcia, Brian Coufal, Idotha Battle, Krystal Emery each for a 2-year term to the City of Kingsville Planning & Zoning Commission and remove Crispin Trevino from this agenda item, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

**5. Motion to approve reappointment of Eden Hernandez, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia each for 2-year terms to the City of Kingsville Zoning Board of Adjustment. (Interim Planning & Economic Development Director/City Manager).**

**6. Motion to approve reappointment of D.J. Flores, Ruben Cantu, & Linda Castenada for 3-year terms, Max Segovia & Sally Macias for 2-year terms, and Sandra Seymour & Clarice Williams for 1-year terms to the City of Kingsville Park Advisory Board. (Parks Director).**

**7. Motion to approve reappointment of Leo Garcia as the City Resident representative for a 2-year term, Lorette Williams as the King Ranch representative for a 2-year term, Dr. Bhakta Hetul as the Hotel Industry representative for a 2-year term. (Tourism Director).**

## REGULAR AGENDA

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

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

**8. Consider appointment of Justin Woodall as the Texas A&M University-Kingsville representative for a 2-year term and Steven Flores as the Main Street Merchant representative for a 2-year term to the City of Kingsville Hotel Occupancy Tax Advisory Board. (Tourism Director).**

Motion made by Commissioner Alvarez to approve the appointment of Justin Woodall as the Texas A&M University-Kingsville representative for a 2-year term and Steven Flores as the Main Street Merchant representative for a 2-year term to the City of Kingsville Hotel Occupancy Tax Advisory Board, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

**9. Consider appointment of Crispin Trevino for a 2-year term to the City of Kingsville Planning & Zoning Commission. (Interim Planning & Development Services Director/City Manager).**

Motion made by Commissioner Lopez to table this item, and she will explain why.

Commissioner Lopez stated that she would like to thank Mr. Trevino for wanting to serve and for already serving as the city's representative to the Kingsville Appraisal District Board. She stated that the reason she is asking to table this item is that normally, the commission is told when there are positions open, and it is known publicly so that people can know that there is a position open. This is a very important board, as all other boards are as well. She further stated that this item is listed under the Interim P&Z Director/City Manager, which is the presenter, which is Mr. Charlie Sosa, at this time. She stated that with this being said she is suggesting that this could be seen as appointing a family member to this board, which he was currently overseeing as of this morning. She also stated that the information of the vacancy of this board was not shared with the City Commission at an open meeting and passed practice of appointing citizens to our board has been to announce the opening at a commission meeting and to make our citizens aware of the opening so that they have the opportunity to request that they be considered. Lopez further commented that she does not understand the rush to fill this position as a quorum is always met and we need to be transparent and give the citizens the opportunity to be considered. She further commented that this is why she is asking to table this item.

Commissioner Alvarez commented that the problem in tabling this item is that it will be six months.

Mayor Fugate commented that the commission doesn't table it, we pass it. Mayor Fugate asked staff if this was ever discussed in one of our meetings that there was an opening.

Commissioner Alvarez and Commissioner Lopez responded no.

Commissioner Alvarez commented that the directors are the ones that make the recommendation.

Commissioner Lopez commented that the city commission always announce it and people call in and she has been asked by a lot of people that whenever the city has an opening to let them know as they would like to serve on that board. In this case there was no announcement. She is not sure what she is supposed to tell them. She stated that it would be fair to wait one more meeting and you will have the public on notice if they would like to participate.

Mayor Fugate asked Ms. Alvarez for her legal opinion on this situation.

Commissioner Hinojosa commented that this was not announced, but in the past, they haven't announced that there is an opening on any board, so the commission goes ahead and approves it.

Commissioner Alarcon commented that the last one he remembers is the opening that Krystal Emery was appointed to, which was brought up by past City Manager, Mr. Mark McLaughlin. That opening was just on the agenda.

Commissioner Alvare commented that they are usually just on the agenda.

Commissioner Lopez commented that she recalls them being announced so that it would give the people notice. She stated that instead of the motion she passes.

Mayor Fugate asked if you want to pass on an item, does there have to be a second.

Ms. Alvarez responded that the commission hasn't done it in the past, but it can certainly be done. It is usually a consensus to pass it.

Commissioner Alvarez asked that if it is moved to approve until the next city commission that would be on January 26<sup>th</sup>, but the deadline to turn in agenda items is tomorrow.

Commissioner Lopez commented that there is no need to rush this as this board has enough members for a quorum. This would give citizens to opportunity to call in if they are interested in serving.

Commissioner Hinojosa commented that the its been the board itself to recommend for somebody to be on that board.

Ms. Alvarez stated that we have had a hybrid, if there is a vacancy and if the director doesn't have a name, for example if a board member has moved or decides to no longer serve, then the board will try to find someone that is qualified. It is also mentioned to the commission where names can be proposed as well.

Mayor Fugate commented that there has not been one set rule on how this is to be done.

Commissioner Lopez commented that she is trying to help Mr. Sosa since he was in charge of this and it is a family member of his, just to be more transparent. She stated that she is just trying to be more transparent.

Commissioner Alvarez asked if this is like a brother or something to Mr. Sosa.

Commissioner Lopez responded that Mr. Trevino is a cousin.

Commissioner Alvarez responded that if it's a cousin, it is not nepotism.

Commissioner Lopez responded that it's not nepotism, but Mr. Sosa. Mr. Trevino already serves on a board, and it needs to be transparent.

Mayor Fugate commented that it will be up to what the commission wants to do with this item, as it is on the agenda. The item could be passed on and brought up at the next meeting or vote on it now.

**Motion made by Commissioner Hinojosa approve the appointment of Crispin Trevino for a 2-year term to the City of Kingsville Planning & Zoning Commission.**

Mrs. Mary Valenzuela, City Secretary, stated that a motion was already made by Commissioner Lopez and asked if Commissioner Lopez would like to remove that motion.

Commissioner Lopez stated that she will remove her motion, as they already know what they are going to do.

**Commissioner Hinojosa's motion was seconded by Commissioner Alarcon.**

Commissioner Alvarez stated that as for the deadline for the January 26<sup>th</sup> meeting, asked how late can you add a name to the agenda or do they wait until the following meeting, should this item not pass tonight.

Ms. Alvarez responded that since this is only a board appointment and not a contract or an ordinance that requires a lot of drafting, for this one particular item this one time, we can get it Thursday morning.

Commissioner Hinojosa asked if there is a rule or ordinance that states that any board member can not serve because they are related to the city manager or any other city official.

Ms. Alvarez responded that she doesn't think to regards to being related to the city manager, she thinks that if she heard the commissioner correctly, with regards to Commissioner Lopez concern was that up until the announcement made at the meeting earlier today, that the city manager was not putting Mr. Manny Salazar in charge of the Planning Department. The city manager had been to that point in charge of the Planning Department. The concern there was that he was going to be appointing a family member to a board that he would have been supervising.

Commissioner Alvarez stated that she would like agenda item stating that it would be the other Interim Planning Director. At the next meeting there will be another agenda item that states, it could be him again, but then it's not coming that it's a relative of Mr. Sosa. Commissioner Alvarez asked if Mr. Manny Salazar was related to Mr. Trevino.

Mayor Fugate responded no.

Commissioner Lopez commented that this is all for transparency.

Ms. Alvarez commented that if the concern was that the city manager was to oversee the board, as the Interim Planning Director and he has removed himself and has placed someone else to the position as Interim Planning Director then that immediate level of supervision of that relative in no longer there.

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

**10. Consider condemnation of structure located at 619 W. Ragland, Kingsville, Texas. (Interim Planning & Development Services Director/City Manager).**

**Motion made by Commissioner Hinojosa, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be correct without substantial reconstruction then declare the building or structure to be a public nuisance and order its demolition by owner/agenda/person in charge within 30 days, seconded by Commissioner Alarcon. The motion was passed and**

approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

**11. Consider condemnation of structure located at 728 W. Doddridge, Kingsville, Texas (shed). (Interim Planning & Development Services Director/City Manager).**

Motion made by Commissioner Hinojosa, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be correct without substantial reconstruction then declare the building or structure to be a public nuisance and order its demolition by owner/agenda/person in charge within 30 days, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

**12. Discuss and consider accepting monetary donation from Tractor Supply Foundation through the Hometown Hero's program. (Police Chief).**

Mr. John Blair, Police Chief stated that this is a request for approval to accept a donation in the amount of \$250.00 from the Tractor Supply Foundation Fund. Each year the Tractor Supply Foundation through the Hometown Hero's Program donates funds to local first responders organizations. The donation will be used to help purchase items for the Blue Santa event.

Motion made by Commissioner Lopez to accept monetary donation from Tractor Supply Foundation through the Hometown Hero's Program, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

**13. Discuss and consider introduction of an ordinance amending the Fiscal Year 2025-2026 Budget to accept and expend a donation from the Tractor Supply Foundation to help with Police Department's Blue Santa event. (Police Chief).**

Introduction item.

**14. Discuss and consider approving a resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the City of Kingsville Police Department and Flock Group Inc.-Flock Safety for law enforcement technology. (Police Chief).**

Chief Blair stated that this is a request for approval to enter into a contract with Flock Group, Inc. for the deployment of an automated license plate reader system. This contract will support the continued effort to strengthen public safety, expand investigative capability, and modernize our approach to crime prevention. The contract will be funded through the Edward Byrne Memorial Justice Assistance Grant Program FY 2026 in the amount of \$72,975.00. The grant requires no cash match.

Motion made by Commissioner Lopez to approve the resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the City of Kingsville Police Department and Flock Group Inc.-Flock Safety for law enforcement technology, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

**15. Discuss and consider approving a resolution authorizing the Police Chief and Fire Chief to enter into a Mutual Aid Agreement for Complex Emergency Response and Investigation Planning with the Texas Department of Public Safety, the Kleberg County Sheriff's Office, and other local, state, and federal law enforcement and fire agencies. (Police Chief).**

Chief Blair stated that the Kingsville Police Department and Fire Department jointly request approval for the city to enter into a mutual aid agreement for Complex Emergency Response and Investigation Planning with the Texas Department of Public Safety. This MOU is required under Texas House Bill 33, which mandates integrated planning, response, and investigative coordination for active attack incidents at primary and secondary school facilities in each county. The MOU establishes a framework for shared responsibilities, joint exercises, and communications interoperability, coordinated emergency medical response, fire suppression, integration, evidence handling processes, and deployment of combined personnel, facilities, equipment, and supplies. There is no direct financial obligation associated with approving or joining this MOU.

**Motion made by Commissioner Lopez to approve the resolution authorizing the Police Chief and Fire Chief to enter into a Mutual Aid Agreement for Complex Emergency Response and Investigation Planning with the Texas Department of Public Safety, the Kleberg County Sheriff's Office, and other local, state, and federal law enforcement and fire agencies, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".**

**16. Discuss and consider approving a resolution authorizing the Police Chief to enter into a Memorandum of Agreement 287(g) Task Force Model with the United States Department of Homeland Security-Immigration and Customs Enforcement. (Police Chief).**

Chief Blair stated that this is a resolution to participate in the DHS/ICE 287(g) Task Force Model Program. Through an MOA, this program provides limited, supervised federal authority to designate officers to support investigations tied to criminal activity, trafficking, and transnational crime. Participation strengthens the ongoing collaboration with DHS, U.S. Border Patrol-Kingsville Station, aligns with the Operation Lone Star missions, and enhances regional public safety efforts. There is no direct cost to the city to participate. DHS/ICE training, certification, and program oversight. An initial grant by DHS/ICE upon final approval of the MOA, KPD will be eligible for \$100,000 and an additional \$7,500 sworn officer who completes the online 40-hour 287g Task Force Officer Model Course. With a full sworn staff of 51, KPD could receive approximately \$482,500 total upon approval.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the Police Chief to enter into a Memorandum of Agreement 287(g) Task Force Model with the United States Department of Homeland Security-Immigration and Customs Enforcement, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".**

**17. Discuss and consider authorizing the Parks Director to execute an Addendum to the TeeSnap Customer Agreement with TeeSnap, LLC. (Parks Director).**

Mrs. Susan Ivy, Parks Director, stated that TeeSnap currently provides booking services for tee times online and website services. Current agreement allows them to book 8 players per day of golf without any fee for us in exchange for the services they are providing. The new addendum provides for an additional 4 players per day with additional web advertising services in return.

**Motion made by Commissioner Alarcon to authorize the Parks Director to execute an addendum to the TeeSnap Customer Agreement with TeeSnap, LLC, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".**

**18. Discuss and consider introduction of an ordinance amending the Fiscal Year 2025-2026 Budget to appropriate funding for the installation of a turf area around home plate at one baseball field at Dick Kleberg Park. (Parks Director).**

Mrs. Ivy stated that this is a request to approve a budget amendment to appropriate \$10,500 from the necessary budget amendment line items for park field improvements. The Kingsville Pony League and Kleberg County will be funding the installation of turf areas at the home plate areas of baseball fields #4, 5, and 6 in Dick Kleberg Park. Each field costs an estimated \$10,500. This will provide a permanent turf area at home plate, replacing the red dirt area that constantly requires dirt replacement and chalking. Improvement of these areas will be a start in the improvements needed to entice tournament play to the park. Funding has been committed by Kingsville Pony League for \$10,500, plus other funding for improvements to storage and concession stands. Kleberg County will be addressing this same request at their January meeting.

Commissioner Lopez asked how this would be paid. Mr. Sosa responded that it will be paid through reserves.

Introduction item.

**19. Discuss and consider introduction of an ordinance amending the Fiscal Year 2025-2026 Budget to appropriate funding for the 2021 TASA Call for Projects-Interschool & Residential Multimodal Connectivity. (City Engineer).**

Mr. Cardenas stated that this budget amendment proposes allocating funds for the 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity. The original budget for this project, as awarded by TxDOT, was listed at \$1,248,433.00. The remaining total from the awarded budget is \$0.00, and the requested \$80,076.43 is the remaining balance owed to TxDOT for the cost of preliminary engineering and construction oversight. The total amount of money used on this project was spent on making sidewalk improvements around Harvey Elementary. This improvement was to provide a safer route to school for those who use any non-motorized form of transportation. The amendment appropriates \$80,076.43 for the 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity

Introduction item.

**20. Discuss and consider a resolution authorizing the City Manager to execute a Change Order #1 for the construction contract with Grace Paving and Construction, Inc. for the GLO CDBG-MIT Contract 22-085-009-D237 Project 14: E. Santa Gertrudis Ave. storm water improvements. (work area-Santa Monica and Santa Barbara). (City Engineer).**

Mr. Cardenas stated that this project includes the installation of box culverts along Santa Monica and Santa Barbara Blvd. This contract would extend for an additional 60 days.

**Motion made by Commissioner Alarcon to approve the resolution authorizing the City Manager to execute a Change Order #1 for the construction contract with Grace Paving and Construction, Inc. for the GLO CDBG-MIT Contract 22-085-009-D237 Project 14: E. Santa Gertrudis Ave. storm water improvements. (work area-Santa Monica and Santa Barbara), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting “FOR”.**

**21. Discuss and consider a resolution authorizing the City Manager to execute a Change Order #2 for the construction contract with D&J Utility Services LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 10: N. Armstrong Ave. storm water improvements. (City Engineer).**

**Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to execute a Change Order #2 for the construction contract with D&J Utility Services LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 10: N. Armstrong Ave. storm water improvements, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".**

**22. Discuss and consider a resolution authorizing the City Manager to execute a Change Order #3 for the construction contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street- storm water improvements project. (City Engineer).**

Mr. Cardenas stated that this change order is for a 90-day extension. This project is by the Jubilee School and the Kleberg County Sheriff's office.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute a Change Order #3 for the construction contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street- storm water improvements project, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".**

**23. Discussion on duties, appointment, and qualifications of the City of Kingsville Ethics Review Board. (Commissioner Hinojosa).**

Commissioner Hinojosa stated that the reason he asked for this to be placed on the agenda is to be sure of what the duties are for those the commission chooses to appoint to this committee. This is the first time there has been a code of ethics filed, and the city does not have a board. He stated that he also would like to know what the qualifications are that he has already seen and does not have a problem with, but he does not know if he can discuss what is in the agenda packet as he does have other questions pertaining to the agenda packet information. He further asked if that could be discussed or does it have to be placed on another agenda.

Ms. Alvarez responded that when they had met, he was talking about discussing duties, appointments, and qualifications. If his discussion is with regards to those areas, then the commission is free to proceed.

Commissioner Hinojosa stated that he does have questions in other areas on the information that is included in the agenda packet. He asked if this needed to be done at the next meeting.

Ms. Alvarez asked if his questions were related to duties, appointments, and qualifications of the board members, or if they were something unrelated to those topics.

Commissioner Hinojosa stated that it is not relating to the qualifications, its relating to what is in the packet. He stated that if he understands correctly, they are following the code of ethics of the Local Government Code Art. 5 Ch 4 and 171. Chapter 4 is public officials and 171 is conflict of interest.

Ms. Alvarez responded that there is a code of ordinance which is found in Chapter 3, under the administration section of the City of Kingsville Code of Ordinances and in Article 13 is where the code of ethics is set out. Items 3-13-1, the statement purpose all the way through the end, which the last item is 3-13-57, Severability.

Commissioner Hinojosa asked if he could ask any questions. Ms. Alvarez responded that he could ask his questions and then at that time she can determine if it falls within what has been posted on the agenda. Commissioner Hinojosa stated that what he wants to know

is what is the definition of a public official. He stated that what he interprets as to what a public official is, would be any of the commissioners, department heads, city manager, city attorney, and municipal judge.

Ms. Alvarez stated that the official term is defined in the first set of definitions which are under 3-13-2 which includes 10 categories of individuals.

Commissioner Hinojosa stated that Section 3-13-2 is not what was included in the agenda packet. What was included was 3-13-36 through 3-13-47.

Ms. Alvarez stated that Sections 36-47 are with regard to the Ethic Review Board.

Commissioner Hinojosa asked if the public official does it list all the positions of a public official.

Ms. Alvarez stated that those are all listed in the definition section, but they are not called a public official; it's just called official.

Commissioner Hinojosa asked if this is on the lobbyist.

Ms. Alvarez responded no, as he may be looking at a different set of definitions. Alvarez stated that there is a set of definitions under 3-13-2 that list official and under that it includes 10 categories of individuals, Mayor, members of the commission, municipal court judge, city manager, city secretary, all department heads and assistant department heads, assistant to the Mayor, Executive Secretary, and members of all boards, commissions, committees, and other bodies created by the city commission pursuant to federal or state law or city ordinance including entities that may be advisory only in nature and board members of any entity who are appointed by the city commission to such board membership.

Commissioner Hinojosa further asked that if there is a code of ethics filed against the City Attorney, is the City Attorney exempt, as he did not hear Ms. Alvarez say City Attorney under the definitions.

Commissioner Alvarez stated that Ms. Alvarez did say City Attorney.

Ms. Alvarez responded that regardless, she is still a department head.

Commissioner Hinojosa asked if that would fall under that. He also asked if the City Attorney would also be a public official. Ms. Alvarez responded yes. Hinojosa stated that he only wanted to verify that because the City Attorney is the complaint officer for any complaints filed under the code of ethics.

Ms. Alvarez responded yes.

Commissioner Hinojosa stated that it addresses having a third party, an attorney from outside the city, they can be appointed under the recommendation of the City Attorney. He stated that he does not know who she would make that recommendation to or does it go the board.

Ms. Alvarez responded that it is addressed in the ordinance, but this is not staying on topic with what we have posted.

Commissioner Hinojosa stated that 3-13-40 states that the city attorney is the compliant officer and it also stated under (b) independent counsel, he stated that then the city attorney can appoint an outside counsel if it falls under certain categories. He further stated that it

also says that if it falls under any of the positions mentioned, then an outside counsel needs to be appointed. This would be for the Mayor or the a member of the city commission, city employee that is a department head or that is at a higher rank. Hinojosa asked who would be at a higher rank.

Ms. Alvarez responded that it would be the city manager, city attorney or municipal court judge. Those three positions would be a higher rank than department heads.

Commissioner Hinojosa asked that as the complaint moves up, they would be following the ordinance. (Held up a copy of the ordinance that was included in the agenda packet).

Ms. Alvarez responded yes.

Commissioner Hinojosa stated that he knows that the complaint is confidential and only two people that know about it at this time, City Attorney and City Secretary. He asked that at what point the complaint stops being confidential? Until it goes all the way up through the process? As eventually it will come to the city commission for approval, based on what the board decides. Based on the information or the evidence they are able to collect. Which in this case the City Attorney will be in charge of that.

Ms. Alvarez responded that she would assist the board in whatever the board asks or need assistance with. The board itself would control the process with regards to the complaint. The board with regards to disposition could either dismiss, make a recommendation of dismissal or make a recommendation for action, recommendation for a civil remedy which would then come before the city commission for consideration, or they can make a recommendation for criminal prosecution which would then go to the law enforcement agency.

Commissioner Hinojosa stated that the commission is going to ask somebody to be part of this board and they need to know what they are getting into, what are the duties and looking forward to be. He further stated that social media can kill us, he believes it was Albert Garcia saying that they appoint people to boards, but there is no training. At what point in time will they get any training or will they get any training as to what they are supposed to do or follow and who will do the training. Hinojosa stated that it is hard as he will have to go and get someone and ask them if they would like to serve on this board and if he is asked what the duties are, he wouldn't know what to tell them. He stated that he would like to get someone to serve on the board that will be able to follow the duties.

Ms. Alvarez responded that this board, as with any other board, have the staff liaison that is responsible with working with the board, train any board member, as the staff liaison for this board one would be training anybody that is appointed to the board to help guide them with regard to the roles and responsibilities as she is sure every director does for their board when they have a new member.

Commissioner Hinojosa stated that this is a very sensitive board. He stated that this is where he is at a loss, he understands that someone has to give them some type of direction based on the complaint and confidentiality. Bringing in a board where now instead of two people knowing now there will be seven. At one point in time the information will need to be disclosed to the board. He stated that it is hard for him to be able to appoint somebody at this point plus the other thing hanging over his head is the recall. He further stated that he would rather wait until the recall is behind us, before he appoints somebody. He stated that those are the two things that bother him about this board at this time.

Commissioner Alvarez asked, for clarification, that the board could dismiss or whatever, and asked if what Ms. Alvarez meant with regards to dismiss is to dismiss the complaint and not the person.

Ms. Alvarez responded that it is an advisory board.

Commissioner Alvarez further asked if it would come back to the city commission, comes back the decision of the ethics review board comes to the commission to make the final decision. She further stated that this city was established in 1904 and there has never been an ethics committee so why all of a sudden do we have to do this as it is very complicated and there is more than two people that know about this complaint, as she thinks that the whole town knows about who the complaint is. She further stated that she doesn't know why the city is looking into doing this as the city has survived all this time without one and why even having to have one know.

Commissioner Alarcon stated that the city has all the other boards, these boards are all public and they use the Community Room for meetings. Alarcon asked what would happen with the Ethics Review Committee when they meet? Will their meeting be made public?

Ms. Alvarez responded that this is addressed in the code of ordinances as well, not sure if it falls under duties, appointments, or qualifications, but there is a level of discretion within board meetings and that is covered in the ordinance advisory opinions are provided to the city commission and those would be public records.

Mayor Fugate commented that what may help the city commission is if the city attorney would develop a qualifications, duties and responsibilities of these members, just do a summary of that. He further stated that it may assist. He further stated that the first question they will get from someone they asked to serve on this board will be what are the duties.

Ms. Alvarez responded to review complaints that are received that qualify under this particular ordinance.

Mayor Fugate asked Ms. Alvarez to draft up a summary, it would probably help. Commissioner Hinojosa commented that he would like to see in that summary the packet that was included in the agenda. This way they will no the ins and outs

Ms. Alvarez responded yes, it was included in the agenda packet as well, as per Commissioner Hinojosa's request.

**24. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).**

Ms. Alvarez stated that an executive session is not needed at this time.

## VI. Adjournment.

As there was no further business to come before the City Commission, the meeting was adjourned at 6:20 p.m.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

Budget Amend.

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners  
CC: Charlie Sosa, City Manager  
FROM: John Blair, Chief of Police  
DATE: November 25, 2025  
SUBJECT: Tractor Supply Foundation donation

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**Summary:**

The Kingsville Police Department respectfully requests approval to accept a donation in the amount of \$250.00 from the Tractor Supply Foundation Fund.

**Background:**

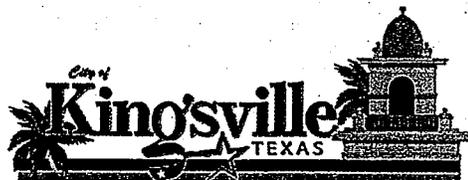
Each year the Tractor Supply Foundation through the Hometown Hero's program, donates funds to local first responder organizations.

**Financial Impact:**

There is no financial impact. This donation will be used to help purchase items for our Blue Santa event.

**Recommendation:**

We request approval from the commission to accept the Tractor Supply Foundation Fund in the amount of \$250.00



**ORDINANCE NO. 2026-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2025-2026 BUDGET TO ACCEPT AND EXPEND A DONATION FROM THE TRACTOR SUPPLY FOUNDATION TO HELP WITH POLICE DEPARTMENT'S BLUE SANTA EVENT.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2025-2026 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#17

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001- General Fund</b>					
<u>Revenues-4</u>					
2102	Police	Donations	72030	\$250	
<u>Expenditures-5</u>					
2102	Police	Professional Services	31400	\$250	

[To amend the City of Kingsville FY25-26 budget to accept and expend a donation from the Tractor Supply Foundation to help with the Police Department's Blue Santa Event. Funding for this request will come from the donation for the stated purpose.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 12th day of January 2026.

**PASSED AND APPROVED** on this the 26th day of January 2026.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #2**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Charlie Sosa, Interim City Manager  
**FROM:** Susan Ivy, Director of Parks & Recreation  
**DATE:** December 18, 2025 –  
**SUBJECT:** Agenda Request – Budget amendment for Baseball Field 4,5,6 Turf HomePlate Areas

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**Summary:** Request to approve a budget amendment to appropriate \$10,500 from Necessary Budget Amendment line items to Parks field improvement line item 001-5-4503-\_\_\_ to match Kingsville Pony League and Kleberg County funding to place turf areas at the home plate areas of baseball field # 4,5,6 in Dick Kleberg Park. Each field cost estimated at \$10,500.

**History:** This will provide a permanent turf area at home plate replacing red dirt area that constantly needs dirt replacement and chalking frequently. Improvement of these areas will be a start in improvements needed to entice tournament play to the Park. Funding has been committed by Kingsville Pony League in the amount of \$10,500 plus other funding for improvements to storage and concession stands. Kleberg County will be addressing this same request at their January meeting.

**Recommendation:** Approve the budget amendment to allocate funds for the installation of turf at one of 3 baseball fields in Dick Kleberg Park.



ORDINANCE NO. 2026-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2025-2026 BUDGET TO APPROPRIATE FUNDING FOR THE INSTALLATION OF A TURF AREA AROUND HOME PLATE AT ONE BASEBALL FIELD AT DICK KLEBERG PARK.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2025-2026 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#18

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001- General Fund</b>					
<u>Expenditures-5</u>					
1030	City Special	Budget Amend Reserve	86000		\$10,500
4503	Park Maint	Parks-Capital Projects	71201	\$10,500	

[To amend the City of Kingsville FY25-26 budget to appropriate funding for the installation of a turf area around home plate at one baseball field at Dick Kleberg Park. Funding for this request will come from the GF budget amendment reserve line item.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 12th day of January 2026.

**PASSED AND APPROVED** on this the 26th day of January 2026.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #3**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Charlie Sosa, City Manager

FROM: Charlie Cardenas, P.E., City Engineer

DATE: December 22, 2025

SUBJECT: Consider Introduction of an Ordinance Amending the Fiscal Year 2020-2021 Budget to Appropriate Additional Funding for 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity

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**Summary:**

The Budget Amendment proposes allocating funds for 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity. The original budget for this project as awarded by TxDOT was listed at \$1,248,433.00. The remaining total from the awarded budget is \$0.00 and the requested \$80,076.43 is the remaining balance owed to TxDOT for the cost of preliminary engineering and construction oversight. The total amount of money used on this project was spent making sidewalk improvements around Harvey Elementary. This improvement was to provide a safer route to school for those who use any non-motorized form of transportation.

**Financial Impact:**

The amendment appropriates \$80,076.43 for 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity

**Recommendation:**

Staff recommends approval of the Budget Amendment to fund the necessary for 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity

**Attachments:**

Ordinance No. 2025-\_\_\_\_\_





**CITY OF KINGSVILLE**

PO Box 1458  
Kingsville, TX 78364  
PH: (361) 595-8025

**PURCHASE ORDER**

**PO Number:** 260676

**Date:** 12/04/2025

**Requisition #:** REQ33605

**Vendor #:** 5166

**ISSUED TO:** TEXAS DEPARTMENT OF TRANSPORTATION  
1701 South Padre Island Drive  
Corpus Christi, TX 78416-

**SHIP TO:** Engineering  
Attn:Charlie Cardenas  
400 W King  
Kingsville, TX 78363

12/04/25

LOC 00087380

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	Safe Routes to School Project ID: 16091602022 Customer ID: 022350	100-5-3050-52100		0.00	80,076.43

Authorized by:

<b>SUBTOTAL:</b>	80,076.43
<b>TOTAL TAX:</b>	0.00
<b>SHIPPING:</b>	0.00
<b>TOTAL</b>	80,076.43

- Original Invoice with remittance slip must be sent to: City of Kingsville, PO Box 1458, Kingsville, TX 78364.
- Payment may be expected within 30 days of receipt of goods and invoice.
- C.O.D. shipment will not be accepted.
- Purchase Order numbers must appear on all shipping containers, packing slips and Invoices. Failure to comply with the above request may delay payment.
- All goods are to be shipped F.O.B. Destination unless otherwise stated.
- All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
- All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
- Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
- Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
- The City is exempt from all federal excise and state tax - ID# 74-6001513



125 E 11th St | Austin, Texas 78701  
 512.463.8588  
 txdot.gov

**FIRST DEMAND LETTER**  
 November 20, 2025

City of Kingsville  
 P.O. Box 1458  
 Kingsville, TX 78364

Invoice #: LOC00087380 ✓  
 Project ID: 16091602022 ✓  
 Customer ID: 022350  
 Past Due As Of: 11/13/2025  
 Amount Past Due: \$80,076.43 ✓

**To Whom It May Concern:**

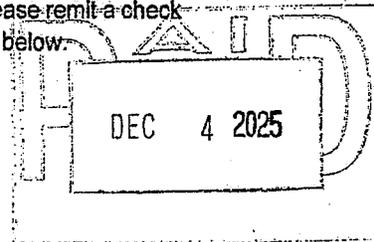
A request for additional funds was made on 10/14/2025 in accordance with the terms of the agreement negotiated with the State.

Our records indicate the enclosed invoice has not been paid and is now overdue. Per the enclosed copy of Texas Administrative Code Title 43, Part 1, Chapter B, Subchapter B, Rule §5.10, delinquent accounts, not resolved in a timely manner, will be referred to the Office of the Attorney General of Texas for collection.

Upon receipt of this letter, and no later than 30 days from the above letter date, please remit a check made payable to the "Texas Department of Transportation" to the address shown below.

**Forward all payments to:**

Texas Department of Transportation  
 ATTN: Financial Management - Accounts Receivable  
 125 E 11th St.  
 Austin, TX 78701



To ensure proper credit to your account, please include the above referenced Project ID on all payments and/or correspondence. For clarity and tracking purposes, it is strongly suggested that this payment not be combined with any other transactions to TxDOT.

If you feel the invoice is in error, please immediately communicate with the district contact listed the Statement of Cost.

Sincerely,

Financial Management Division

**STATEMENT OF COST  
City of Kingsville**

	<b>PRELIMINARY</b>		<b>CONSTRUCTION</b>		
<b>16091602022</b>	<b>ENGINEERING</b>	<b>CONSTRUCTION</b>	<b>ENGINEERING</b>		<b>TOTAL</b>
<b>STP 2022(086)SRS</b>					
0916-02-022	\$ 260,941.57	\$ 722,987.29	\$ 89,996.55		\$ 1,073,925.41

	% Participation	
Preliminary Engineering Portion Funded by Entity	0.00%	-
Preliminary Engineering Portion Funded by Entity (Over Federal Max)	100.00%	159,238.17
Construction Portion Funded by Entity	0.00%	-
Construction Portion Funded by Entity (Over Federal Max)	100.00%	18,467.29
Construction Engineering Portion Funded by Entity	0.00%	-
Construction Engineering Portion Funded by Entity (Over Federal Max)	100.00%	16,021.95
Indirect Costs Funded by Entity	0.00%	-
<b>Total Amount Chargeable to Entity</b>		<u>193,727.41</u>
 Advanced Cash Payments		113,650.98
Less: Amount Chargeable		<u>(193,727.41)</u>
<b>Amount of Refund Due to Local Entity</b>		<b>(80,076.43)</b>

Certified Correct:

DocuSigned by:



7638AAE3A092492...

10/7/2025

**ORDINANCE NO. 2026-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2025-2026 BUDGET TO APPROPRIATE FUNDING FOR THE 2021 TASA CALL FOR PROJECTS – INTERSCHOOL & RESIDENTIAL MULTIMODAL CONNECTIVITY.**

**WHEREAS**, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2025-2026 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#19

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 100 – TASA Grant Project</b>					
<u>Expenditures-5</u>					
3050	Street	Street & Bridge	52100	\$80,076.43	

[To amend the City of Kingsville FY25-26 budget to appropriate funding for the 2021 TASA Call for Projects – Interschool & Residential Multimodal Connectivity. Funding for this request will come from the unappropriated fund balance of Fund 100.]

II.

**THAT** all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 12th day of January 2026.

**PASSED AND APPROVED** on this the 26th day of January 2026.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #4**

## Courtney Alvarez

---

**From:** Commissioner Lopez <elopez@kingsville.onmicrosoft.com>  
**Sent:** Tuesday, January 13, 2026 8:24 AM  
**To:** Charlie Sosa; Courtney Alvarez; Mary Valenzuela  
**Subject:** Correct Way to Appoint

Please read the process for appointing citizens to our Boards. This shows TRANSPARENCY! Gives all our citizens a chance to participate in the process.

On May 14, 2024, Krystal Emery requested an in-person meeting with Mark McLaughlin to express her interest in volunteering for an open board position. Mark recommended the open Planning & Zoning Commission vacancy and asked that she formally email her interest in applying, along with her résumé, for submission to the City Commissioners for review. Krystal sent the requested information that evening to the citymanager@cityofkingsville.com email address, and CC'd City Secretary Mary Valenzuela.

The following day, May 15, 2024, the Planning & Zoning Commission held a regular meeting, which Krystal attended. During that meeting, Mark introduced her to the Board, and the members unanimously supported her appointment as the final member, as documented in Mark's May 20, 2024 memo (page 112 of the June 10, 2024 Agenda Packet).

On June 10, 2024, Agenda Item 10 of the Regular Agenda read as follows:

"10. Consider appointing Krystal Emery to the Planning & Zoning Commission for a two-year term. (City Manager)."

The following information is taken directly from the June 10, 2024, Commission Minutes, Page 4: "Motion made by Commissioner Hinojosa to approve the appointment of Krystal Emery to the Planning & Zoning Commission for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting " FOR"."

Krystal's term began in June 2024 and is set to expire in June 2026.

The memo presented at the January 12, 2026, meeting contains incorrect term information, and Krystal's last name is spelled incorrectly in the subject line and body. Please correct those items for the next meeting.

FYI- there were several typos in the names of the Board members being reappointed in the Agenda of Jan 12, 2026 (Brian Coufal, Krystal Emery, & Linda Castaneda).

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## City Manager's Office

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TO: Mayor and City Commissioners

CC:

FROM: City Manager

DATE: May 20, 2024

SUBJECT: Memo for Agenda Item IRT Appointment of Krystal Emery to the Planning and Zoning Commission

---

### Summary:

The City of Kingsville Planning and Zoning Commission consists of a seven-member board. Current members are:

1. Steve Zamora – Chairman
2. Mike Klepac
3. Debbie Tiffie
4. Larry Garcia
5. Brian Coufal
6. Rev. Idotha Battle
7. VACANT POSITION

Mr. Emery approached me with a request to volunteer her services to an open board position. I proposed Ms. Emery to the P&Z Board and they were unanimous in their support for her to fill the vacant seventh and final position to the board for a two-year term.

### Costs:

- a. None to the City for this action item.

### Recommendation:

- a. City Manager is recommending City Commission approval for the appointment of Ms. Krystal Emery to the City of Kingsville Planning and Zoning Commission for a two-year term (June 2024-June 2026).



# **REGULAR AGENDA**

# **AGENDA ITEM #5**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners  
CC: Charlie Sosa, City Manager  
FROM: Charlie Cardenas, P.E., City Engineer  
DATE: January 9, 2026  
SUBJECT: Consider Approving Change Order No. 1 Bid No. 25-11 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 3 – Caesar Ditch Improvements

---

**Purpose:**

Consider approving Change Order No. 1 (CO-1) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237. CO-1 is in the amount of \$165,000.00 for a bypass pumping system and lab testing procedures for the entirety of the project duration.

This change order addresses unforeseen issues during construction; it is for maintaining site conditions. It was noted that during rain events and utility breaks in the city that the Caesar Ditch would hold the runoff water causing damage and delays at the construction site. Additionally, the city had been incurring the testing cost during construction. CO-1 would allow the grant to pay for the testing cost. CO-1 is 2.35% of the original contract amount of \$7,026,961.60 which falls within the 25% allowance per the GLO contract.

**Summary:**

***GLO Change Order No. 2 – Contract Time***

<b>Description</b>	<b>Cost</b>
<b>Bypass Pumping, \$90,000.00/LS</b>	<b>90,000.00</b>
<b>Additional Required Testing, \$75,000.00/LS</b>	<b>75,000.00</b>
<b>Contract Price with CO-1</b>	<b>\$7,191,961.60</b>

**Background:**

As part of the GLO CDBG-MIT Hurricane Harvey State Mitigation Competition grant. Project 3 – Caesar Ditch Improvements is a critical component of the city's infrastructure upgrades. This project includes the installation of box culverts along Caesar Ditch from IH 69 (US 77 bypass) to 18<sup>th</sup> Street, junction boxes, and related appurtenances.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

The cost of CO-1 is \$165,000.00. (from the grant).

**Recommendation:**

Staff recommends approving the Change Order No. 1 for CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 3 (Caesar Ditch Improvements) for the increase of \$165,000.00.

**Attachments:**

- Project 3 GLO Change Order No. 1
- Engineer's recommendation



# PROPOSAL

Project: GLO SW Project 3 ( E. Caesar Ave ) Storm Water Improvements

DATE: 11/17/2025 EFFECTIVE DATE: \_\_\_\_\_

OWNER: City of Kingsville  
400 W King Ave  
Kingsville, Tx 78363

CONTRACTOR: Mor-Wil, L.L.C  
808 Shary Rd. Ste. 5 PMB 274  
Mission, Texas 78572

ENGINEER: ICE  
261 Saratoga Blvd  
Corpus Christi, TX 78417

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	LS	Storm water management 6" Pump is to be operating day and night. This item covers fuel, supervision, and discharge management. Cofferdams will be installed and relocated as the project move forward.	\$ 90,000.00	\$ 90,000.00
1	LS	Lab Testing for the entire Project	\$ 75,000.00	\$ 75,000.00
Notes			Subtotal	\$ 165,000.00
TIME ADDITION	15	Due to delays and additional work		

ALL INQUIRIES TO:  
 Albert Garza  
 (956) 456-0628  
 email: albert.garza03@yahoo.com



## SCHEDULE OF SERVICES AND FEES

Building & Construction Services – Corpus Christi, TX

Effective January 1<sup>st</sup>, 2025

PSI Dispatch Office Number (361) 854-4801 M-F 8am to 5pm

### SOILS

Laboratory testing of soils, delivered to our laboratory, in accordance with ASTM or AASHTO procedures and project specifications.

Moisture/Density Relationship of Soil (Standard/Modified) .....	Each	\$ 235.00
Atterberg Limits Determination (PI) .....	Each	\$ 90.00
Sieve Analysis including Percent Passing No. 200 Sieve .....	Each	\$ 110.00
Laboratory Lime Series .....	Each	\$ 455.00
Field Gradations Treated Soils (TEX DOT Item 260).....	Each	\$ 85.00
Bulk Sample Preparation.....	Each	\$ 65.00
Soil Sample Rush Fee (Upon Request).....	Each	\$ 200.00

**Turnaround Time for Proctors may vary 4-6 Business based on soil conditions of sample**

### CONCRETE and AGGREGATES

Laboratory testing of concrete, grout, mortar and aggregates, delivered to our laboratory, in general accordance with ASTM procedures and project specifications.

Concrete Cylinders (Cured and/or Tested in Compression) (4x8).....	Each	\$ 22.00
Concrete Cylinders (Cured and/or Tested in Compression) (6x12).....	Each	\$ 24.00
Trimming of Cylinders for ASTM Procedure (Contractor Made Only).....	Each	\$ 45.00

### ASPHALT

Laboratory testing of asphaltic samples in general accordance with AASHTO or TxDOT procedures and project specifications:

Density and Thickness of Field Cores.....	Each	\$ 45.00
Asphalt Content & Sieve Analysis by Ignition Method, (Tex-236F Tex-229F).....	Each	\$ 230.00
Theoretical Maximum Specific Gravity (Rice Method), Tex-227F .....	Each	\$ 123.00
Lab Compacted Specimens, Tex-206F (Set of 3).....	Per Set	\$ 227.00
Extraction/Gradation.....	Each	\$ 260.00

### MASONRY

Laboratory testing of masonry samples delivered to our laboratory, in general accordance with ASTM Procedures and project specifications:

Grout Prisms (Cured and/or Tested in Compression) .....	Each	\$ 28.00
Mortar Cubes (Cured and/or Tested in Compression).....	Each	\$ 26.00



**FIELD TESTING AND OBSERVATION SERVICES**

Engineering Technician .....	Per Hour	\$ 54.00
<ul style="list-style-type: none"> <li>• Concrete -To perform sampling of concrete, slump, temperature, cast compressive strength test specimens.</li> <li>• Soils - To perform sampling of soils, nuclear density testing, field gradations, and proof roll observation.</li> <li>• Masonry – To perform sampling, cast compressive strength test specimens and observations</li> </ul>		
Senior Engineering Technician.....	Per Hour	\$ 62.00
<ul style="list-style-type: none"> <li>• Pier/Pile field observation</li> <li>• Asphalt - To perform sampling and observation, temperature and asphalt coring .</li> <li>• Cast In-place Reinforce Steel Observation (Visual)</li> </ul>		
Structural Steel CWI Inspector .....	Per Hour	\$ 123.00
<ul style="list-style-type: none"> <li>• To perform visual weld observation, bolting inspection, shear stud verification ,</li> <li>• NDE of welds, WPS and fabrication shop</li> </ul>		
Material Sample/Cast Specimen Retrieval (Technician, Trip, and Report Review) .....	Per Trip	\$ 220.00

**MANAGEMENT/TECHNICAL SERVICES**

Project Manager (contract administration, meetings, scheduling/supervision of personnel)	Per Hour	\$ 110.00
Administrative/Clerical (PDF/Filing Reports and Pay Apps.) .....	Per Hour	\$ 40.00
Report Review (review and disseminate reports via Construction Hive) .....	Per Report	\$ 37.00
Project Set Up Fee.....	Per Project	\$ 250.00

**EQUIPMENT**

Soil Nuclear Density Troxler Gauge (3 Test Min) .....	Per Trip	\$ 70.00
Concrete Testing Equipment .....	Per Trip	\$ 55.00
Transportation/Mobilization .....	Per Trip	\$ 75.00
Transportation/Mobilization (Special Inspection Travel) .....	Per Trip	\$TBD.00





# Bid Item Averages

Bidder Rank filter needs to be set for "Low Bidder" to see low bid prices for change order justification.

Date: 12/12/2025 1:30:41 PM

Filters:		Adjust filters to refine your analysis of bid item average costs.		Use Qty Filter:	Enter Min Qty	Enter Max Qty						
Standard Specification Code				NO	0	16,613,560	Show Chart					
(All)	BID CODE	BID_ITEM_DSCR	MS_UNIT	Min. Bid Item Qty	Max. Bid Item Qty	Weighted Avg Unit Price	Min. Unit Price	Max. Unit Price	Std. dev. of Unit Price	Total Sum Bid Quantities	Distinct CCSJ	
Bid Item	(All)	7008-7023	REMOVING PIPE 12" DIA	LF	910.0	910.0	\$23.09	\$20.00	\$21.32	\$4.00	7,280.0	1
Actual Let Date Range	Last 3 months	7008-7024	REMOVING PIPE 24" DIA	LF	1,425.0	1,425.0	\$30.35	\$24.51	\$38.28	\$4.60	11,400.0	1
Bidder Rank	All Bidders	7008-7025	ABND/RMV/DISPOSE EXIST LINE (ALL TY/SZ)	LF	457.0	457.0	\$65.38	\$32.65	\$104.42	\$20.51	3,656.0	1
District	(All)	7008-7026	RMV AND DISPOSAL OF EXIST FIRE HYDRANTS	EA	1.0	1.0	\$1,672.09	\$620.00	\$6,000.00	\$1,960.04	8.0	1
County	(All)	7008-7027	BYPASS PUMPING	LS	1.0	1.0	\$40,151.36	\$15,000.00	\$175,000.00	\$55,316.90	8.0	1
Project Classification	(All)	7008-7028	ENCASEMENT PIPE (30") STEEL(BORE)	LF	146.0	146.0	\$1,350.33	\$417.66	\$1,725.00	\$396.54	1,168.0	1
Vendors (Select to Exclude)	(All)	7008-7029	ENCASEMENT PIPE (54") STEEL(BORE)	LF	560.0	560.0	\$2,766.62	\$1,218.18	\$3,850.00	\$934.91	4,480.0	1
Project Size	(All)	7008-7030	ADJUST EXIST WATER VALVE AND COVER	EA	5.0	5.0	\$947.58	\$450.00	\$1,427.02	\$305.81	40.0	1
Project Type	(All)	7008-7031	ENCASEMENT PIPE (24") STEEL	LF	51.0	51.0	\$299.76	\$275.30	\$375.00	\$34.78	408.0	1
	(All)	7008-7032	ENCASEMENT PIPE (30") STEEL	LF	146.0	146.0	\$371.48	\$280.00	\$584.20	\$123.40	1,168.0	1



January 5, 2026

Juan Carlos "Charlie" Cardenas, P.E.  
City Engineer  
City of Kingsville  
400 W. King Ave.  
Kingsville, TX 78363

Re: **CDBG-MIT GLO Contract No. 22-085-009-D237 Project 3, (City of Kingsville Bid No. 25-11) – ICE CO 1 Proposal Recommendation**

Dear Mr. Cardenas,

This is in reference to ICE's recommendation on Mor-Wil's change order proposal.

This change order proposal was submitted by Mor-Wil, LLC in the amount of \$165,000.00 for a bypass pumping system and lab testing procedures for the entirety of the project duration.

ICE agrees that bypass pumping is required to maintain construction site conditions. The amount of \$90,000 for bypass pumping throughout the remainder of the project is considered acceptable. The general cost of bypass pumping varies depending on the size and duration of a project, as well as the volume of water infiltration. Determining a set amount is difficult in these current industry conditions. ICE has reviewed and researched this cost and can verify that it is reasonably priced for this particular project, given the amount of water infiltration, volume of bypass pumping, and project scope. ICE has witnessed the continuous surface water infiltration at the construction site due to irrigation and water main breaks that enter the storm system upstream of the job site.

Additionally, the amount of \$75,000 is for lab testing procedures. Similar to the bypass pumping, testing costs vary by project based on size of scope and testing schedule requirements. Lab testing is necessary for this project as it provides cured concrete compressive strength, depth & density of roadway subgrade and base material, the density of the soil that will be utilized for backfill, and hot mix asphalt cores. The City of Kingsville has provided a schedule of services and fees for geotechnical testing from previous city projects. Utilizing this schedule of fees along with the materials testing schedule for this project, ICE agrees that \$75,000.00 is a reasonable amount to allow for all necessary materials testing for the remainder of the project.

This change order will increase the original contract amount of \$7,026,961.60 by approximately 2.35%, which falls within the 25% allowance per the GLO contract. The construction contract end date will be extended from the previous date of July 27, 2026 to August 11, 2026. The City of Kingsville has the final decision to approve/not approve change orders. It is ICE's opinion that should the city approve this change order; it will be for bypass pumping operations and lab testing procedures only.



If you have any questions or need additional information, please contact me at (361) 826-5805 or [julio@icengineers.net](mailto:julio@icengineers.net)

Sincerely,

Julio A. Macias, P.E.  
Project Engineer

**RESOLUTION #2026-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH MOR-WIL LLC FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 3: E. CAESAR AVE. STORM WATER IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some storm water improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) Program via Contract #22-085-009-D237 Project 3: E. Caesar Ave. Storm Water Improvements (from 18<sup>th</sup> St. to 240 ft. east of 24<sup>th</sup> St.) and went out for bids via Bid #25-11 which was advertised on February 13<sup>th</sup> & 20<sup>th</sup>, 2025;

**WHEREAS**, the two bids were received by the March 18, 2025 deadline that were responsive to Bid #25-11 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was Mor-Wil LLC, from Mission, Texas (Vendor);

**WHEREAS**, the City awarded Bid#25-11 to Vendor at a Commission meeting on April 14, 2025 for a total amount of \$7,026,961.60 and 420 consecutive calendar days from the Notice to Proceed;

**WHEREAS**, the City and Vendor worked to prepare and the City Commission approved, via Resolution #2025-45 on April 28, 2025, a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 3: E. Caesar Ave. Storm Water Improvements for the base bid (\$6,051,030.20) and for alternate no. 1 (\$975,931.40), which together is a total contract amount of \$7,026,961.60 with a total contract time of 420 calendar days;

**WHEREAS**, unforeseen issues have come up during construction that require a bypass pumping system and lab testing procedures for the entirety of the project duration in order to maintain site conditions to allow completion of the project at an additional cost of \$165,000 and an additional 15 calendar days;

**WHEREAS**, staff is recommending the City Commission approve Change Order #1 to the construction contract with vendor as presented for a new total amount of \$7,191,961.60 with a new contract time of 435 calendar days;

**BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission of the City of Kingsville, Texas approves and authorizes the City Manager to execute Change Order #1 to the Construction Contract for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 3: E. Caesar Ave. Storm Water Improvements between the City of Kingsville, Texas and Mor-Wil LLC, as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the \_\_\_\_\_ 26th day of January, 2026.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

Contract Price with All Approved Change Orders:	7,191,961.60	Contract Time with All Approved Change Orders in Days:	435
Cumulative Percent Change in Contract Price (+/-):	2.35%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	6/2/2025	Construction Contract End Date:	8/11/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

**\*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements**

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie L. Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	Albert Garza III, Project Manager
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

**Justification for Change Order**

1. Will this change order increase or decrease the number of beneficiaries?  Increase  Decrease  No Change

If there is a change, how many beneficiaries will be affected?

Total  LMI

2. Effect of this change on the scope of work:  Increase  Decrease  No Change

3. Effect on operation and maintenance costs:  Increase  Decrease  No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid?  Yes  No

If "no", explain:

Items CO 1-1 & CO 1-2 are deemed justifiable based on current market conditions and are necessary for construction completion.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction?  Yes  No

If "yes", is an environmental assessment required?



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

- 
6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)?  Yes  No
7. Is the CCN permit still valid? (*sewer projects only*)  Yes  No
8. Are the disability access requirements/approval still valid (if applicable)?  Yes  No
9. Are other Disaster Recovery contractual special condition clearances still valid?  Yes  No

If "no", explain:

*Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

# **AGENDA ITEM #6**



**City of Kingsville  
Engineering Dept.**

upgrades. This project includes the installation of box culverts along Caesar Ditch from 18<sup>th</sup> Street to Hall Street, junction boxes, and related appurtenances.

**Financial Impact:**

The cost of CO-1 is \$165,000.00. (from the grant).

**Recommendation:**

Staff recommends approving the Change Order No. 1 for CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 5 (Caesar Drainage Improvements) for the increase of \$165,000.00.

**Attachments:**

- Project 5 GLO Change Order No. 1
- Engineer's recommendation



# PROPOSAL

Project: GLO SW Project 5 ( E. Caesar Ave ) Storm Water Improvements

DATE: 11/17/2025 EFFECTIVE DATE: \_\_\_\_\_

OWNER: City of Kingsville  
400 W King Ave  
Kingsville, Tx 78363

CONTRACTOR: Mor-Wil, L.L.C  
808 Shary Rd. Ste. 5 PMB 274  
Mission, Texas 78572

ENGINEER: ICE  
261 Saratoga Blvd  
Corpus Christi, TX 78417

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	LS	Storm water management 6" Pump is to be operating day and night. This item covers fuel, supervision, and discharge management. Cofferdams will be installed and relocated as the project move forward.	\$ 90,000.00	\$ 90,000.00
1	LS	Lab Testing for the entire Project	\$ 75,000.00	\$ 75,000.00
Notes:			Subtotal	\$ 165,000.00
TIME ADDITION:	15	Due to delays and additional work		

ALL INQUIRIES TO:  
 Albert Garza  
 (956) 456-0628  
 email: albert.garza03@yahoo.com



## SCHEDULE OF SERVICES AND FEES

Building & Construction Services – Corpus Christi, TX

Effective January 1<sup>st</sup>, 2025

PSI Dispatch Office Number (361) 854-4801 M-F 8am to 5pm

### SOILS

Laboratory testing of soils, delivered to our laboratory, in accordance with ASTM or AASHTO procedures and project specifications.

Moisture/Density Relationship of Soil (Standard/Modified) .....	Each	\$ 235.00
Atterberg Limits Determination (PI) .....	Each	\$ 90.00
Sieve Analysis including Percent Passing No. 200 Sieve .....	Each	\$ 110.00
Laboratory Lime Series .....	Each	\$ 455.00
Field Gradations Treated Soils (TEX DOT Item 260).....	Each	\$ 85.00
Bulk Sample Preparation.....	Each	\$ 65.00
Soil Sample Rush Fee (Upon Request).....	Each	\$ 200.00

Turnaround Time for Proctors may vary 4-6 Business based on soil conditions of sample

### CONCRETE and AGGREGATES

Laboratory testing of concrete, grout, mortar and aggregates, delivered to our laboratory, in general accordance with ASTM procedures and project specifications.

Concrete Cylinders (Cured and/or Tested in Compression) (4x8).....	Each	\$ 22.00
Concrete Cylinders (Cured and/or Tested in Compression) (6x12).....	Each	\$ 24.00
Trimming of Cylinders for ASTM Procedure (Contractor Made Only).....	Each	\$ 45.00

### ASPHALT

Laboratory testing of asphaltic samples in general accordance with AASHTO or TxDOT procedures and project specifications:

Density and Thickness of Field Cores.....	Each	\$ 45.00
Asphalt Content & Sieve Analysis by Ignition Method, (Tex-236F Tex-229F).....	Each	\$ 230.00
Theoretical Maximum Specific Gravity (Rice Method), Tex-227F .....	Each	\$ 123.00
Lab Compacted Specimens, Tex-206F (Set of 3).....	Per Set	\$ 227.00
Extraction/Gradation.....	Each	\$ 260.00

### MASONRY

Laboratory testing of masonry samples delivered to our laboratory, in general accordance with ASTM Procedures and project specifications:

Grout Prisms (Cured and/or Tested in Compression) .....	Each	\$ 28.00
Mortar Cubes (Cured and/or Tested in Compression).....	Each	\$ 26.00



**FIELD TESTING AND OBSERVATION SERVICES**

Engineering Technician .....	Per Hour	\$ 54.00
<ul style="list-style-type: none"> <li>• Concrete -To perform sampling of concrete, slump, temperature, cast compressive strength test specimens.</li> <li>• Soils - To perform sampling of soils, nuclear density testing, field gradations, and proof roll observation.</li> <li>• Masonry – To perform sampling, cast compressive strength test specimens and observations</li> </ul>		
Senior Engineering Technician.....	Per Hour	\$ 62.00
<ul style="list-style-type: none"> <li>• Pier/Pile field observation</li> <li>• Asphalt- To perform sampling and observation, temperature and asphalt coring.</li> <li>• Cast In-place Reinforce Steel Observation (Visual)</li> </ul>		
Structural Steel CWI Inspector .....	Per Hour	\$ 123.00
<ul style="list-style-type: none"> <li>• To perform visual weld observation, bolting inspection, shear stud verification,</li> <li>• NDE of welds, WPS and fabrication shop</li> </ul>		
Material Sample/Cast Specimen Retrieval (Technician, Trip, and Report Review) .....	Per Trip	\$ 220.00

**MANAGEMENT/TECHNICAL SERVICES**

Project Manager (contract administration, meetings, scheduling/supervision of personnel)	Per Hour	\$ 110.00
Administrative/Clerical (PDF/Filing Reports and Pay Apps.) .....	Per Hour	\$ 40.00
Report Review (review and disseminate reports via Construction Hive) .....	Per Report	\$ 37.00
Project Set Up Fee .....	Per Project	\$ 250.00

**EQUIPMENT**

Soil Nuclear Density Troxler Gauge (3 Test Min) .....	Per Trip	\$ 70.00
Concrete Testing Equipment .....	Per Trip	\$ 55.00
Transportation/Mobilization .....	Per Trip	\$ 75.00
Transportation/Mobilization (Special Inspection Travel) .....	Per Trip	\$TBD.00





# Bid Item Averages

Bidder Rank filter needs to be set for "Low Bidder" to see low bid prices for change order justification.

Date Date: 12/12/2025 1:30:41 PM

Filters:		Adjust filters to refine your analysis of bid item average costs.		Use Qty Filter:	Enter Min Qty	Enter Max Qty						
Standard Specification Code				NO	0	16,613,560	<a href="#">Show chart</a>					
(All)	BID CODE	BID_ITEM_DSCR	MS_UNIT	Min. Bid Item Qty	Max. Bid Item Qty	Weighted Avg Unit Price	Min. Unit Price	Max. Unit Price	Std. dev. of Unit Price	Total Sum Bid Quantities	Distinct CCSJ	
Bid Item	(All)	7008-7023	REMOVING PIPE 12" DIA	LF	910.0	910.0	\$23.09	\$20.00	\$31.32	\$4.00	7,280.0	1
Actual Let Date Range	Last 3 months	7008-7024	REMOVING PIPE 24" DIA	LF	1,425.0	1,425.0	\$30.35	\$24.51	\$38.28	\$4.60	11,400.0	1
Bidder Rank	All Bidders	7008-7025	ABND/RMV/DISPOSE EXIST LINE (ALL TY/SZ)	LF	457.0	457.0	\$65.38	\$32.65	\$104.42	\$20.51	3,656.0	1
District	(All)	7008-7026	RMV AND DISPOSAL OF EXIST FIRE HYDRANTS	EA	1.0	1.0	\$1,672.09	\$620.00	\$6,000.00	\$1,960.04	8.0	1
County	(All)	7008-7027	BYPASS PUMPING	LS	1.0	1.0	\$40,151.36	\$15,000.00	\$175,000.00	\$65,316.90	8.0	1
Project Classification	(All)	7008-7028	ENCASEMENT PIPE (30")STEEL(BORE)	LF	146.0	146.0	\$1,350.33	\$417.66	\$1,725.00	\$396.54	1,168.0	1
Vendors (Select to Exclude)	(All)	7008-7029	ENCASEMENT PIPE (64")STEEL(BORE)	LF	560.0	560.0	\$2,766.62	\$1,218.18	\$3,850.00	\$934.91	4,480.0	1
Project Size	(All)	7008-7030	ADJUST EXIST WATER VALVE AND COVER	EA	5.0	5.0	\$947.58	\$450.00	\$1,427.02	\$305.81	40.0	1
Project Type	(All)	7008-7031	ENCASEMENT PIPE (24") STEEL	LF	51.0	51.0	\$299.76	\$275.30	\$375.00	\$34.78	408.0	1
	(All)	7008-7032	ENCASEMENT PIPE (30") STEEL	LF	146.0	146.0	\$371.48	\$280.00	\$584.20	\$123.40	1,168.0	1



January 5, 2026

Juan Carlos "Charlie" Cardenas, P.E.  
City Engineer  
City of Kingsville  
400 W. King Ave.  
Kingsville, TX 78363

Re: **CDBG-MIT GLO Contract No. 22-085-009-D237 Project 5, (City of Kingsville Bid No. 25-12) – ICE CO 1 Proposal Recommendation**

Dear Mr. Cardenas,

This is in reference to ICE's recommendation on Mor-Wil's change order proposal.

This change order proposal was submitted by Mor-Wil, LLC in the amount of \$165,000.00 for a bypass pumping system and lab testing procedures for the entirety of the project duration.

ICE agrees that bypass pumping is required to maintain construction site conditions. The amount of \$90,000 for bypass pumping throughout the remainder of the project is considered acceptable. The general cost of bypass pumping varies depending on the size and duration of a project, as well as the volume of water infiltration. Determining a set amount is difficult in these current industry conditions. ICE has reviewed and researched this cost and can verify that it is reasonably priced for this particular project, given the amount of water infiltration, volume of bypass pumping, and project scope. ICE has witnessed the continuous surface water infiltration at the construction site due to irrigation and water main breaks that enter the storm system upstream of the job site.

Additionally, the amount of \$75,000 is for lab testing procedures. Similar to the bypass pumping, testing costs vary by project based on size of scope and testing schedule requirements. Lab testing is necessary for this project as it provides cured concrete compressive strength, depth & density of roadway subgrade and base material, the density of the soil that will be utilized for backfill, and hot mix asphalt cores. The City of Kingsville has provided a schedule of services and fees for geotechnical testing from previous city projects. Utilizing this schedule of fees along with the materials testing schedule for this project, ICE agrees that \$75,000.00 is a reasonable amount to allow for all necessary materials testing for the remainder of the project.

This change order will increase the original contract amount of \$3,420,657.39 by approximately **4.82%**, which falls within the 25% allowance per the GLO contract. The construction contract end date will be extended from the previous date of May 28, 2026 to June 12, 2026. The City of Kingsville has the final decision to approve/not approve change orders. It is ICE's opinion that should the city approve this change order; it will be for bypass pumping operations and lab testing procedures only.



If you have any questions or need additional information, please contact me at (361) 826-5805 or [julio@icengineers.net](mailto:julio@icengineers.net)

Sincerely,

A handwritten signature in black ink that reads 'Julio A. Macias, P.E.' The signature is written in a cursive style with a long horizontal stroke at the end.

Julio A. Macias, P.E.  
Project Engineer

**RESOLUTION #2026-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH MOR-WIL LLC FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 5: E. CAESAR AVE. STORM WATER IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some storm water improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) Program via Contract #22-085-009-D237 Project 5: E. Caesar Ave. Storm Water Improvements (from E. Carlos Truan Blvd. to 18<sup>th</sup> St.) and went out for bids via Bid #25-12 which was advertised on February 13<sup>th</sup> & 20<sup>th</sup>, 2025;

**WHEREAS**, the two bids were received by the March 18, 2025 deadline that were responsive to Bid #25-12 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was Mor-Wil LLC, from Mission, Texas (Vendor);

**WHEREAS**, the City awarded Bid#25-12 to Vendor at a Commission meeting on April 14, 2025 for a total amount of \$3,420,657.39 and 360 consecutive calendar days from the Notice to Proceed;

**WHEREAS**, the City and Vendor worked to prepare and the City Commission approved, via Resolution #2025-46 on April 28, 2025, a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 5: E. Caesar Ave. Storm Water Improvements for the base bid (\$840,911.65) and for alternates no. 1 (\$205,846.54) & 2 (\$2,373,889.40), which together is a total contract amount of \$3,420,657.39 with a total contract time of 360 calendar days;

**WHEREAS**, unforeseen issues have come up during construction that require a bypass pumping system and lab testing procedures for the entirety of the project duration in order to maintain site conditions to allow completion of the project at an additional cost of \$165,000 and an additional 15 calendar days;

**WHEREAS**, staff is recommending the City Commission approve Change Order #1 to the construction contract with vendor as presented for a new total amount of \$3,585,657.39 with a contract time of 375 calendar days;

**BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission of the City of Kingsville, Texas approves and authorizes the City Manager to execute Change Order #1 to the Construction Contract for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 5: E. Caesar Ave. Storm Water Improvements between the City of Kingsville, Texas and Mor-Wil LLC, as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 26th day of January, 2026.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

Contract Price with All Approved Change Orders:	3,585,657.39	Contract Time with All Approved Change Orders in Days:	375
Cumulative Percent Change in Contract Price (+/-):	4.82%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	6/2/2025	Construction Contract End Date:	6/12/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

\*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie L. Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	Albert Garza III, Project Manager
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

Justification for Change Order

1. Will this change order increase or decrease the number of beneficiaries?  Increase  Decrease  No Change

If there is a change, how many beneficiaries will be affected?

Total  LMI

2. Effect of this change on the scope of work:  Increase  Decrease  No Change

3. Effect on operation and maintenance costs:  Increase  Decrease  No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid?  Yes  No

If "no", explain:

Items CO 1-1 & CO 1-2 are deemed justifiable based on current market conditions and are necessary for construction completion.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction?  Yes  No

If "yes", is an environmental assessment required?



COMMUNITY DEVELOPMENT & REVITALIZATION  
The Texas General Land Office  
Construction Change Order Request

- 
6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)?  Yes  No
7. Is the CCN permit still valid? (*sewer projects only*)  Yes  No
8. Are the disability access requirements/approval still valid (if applicable)?  Yes  No
9. Are other Disaster Recovery contractual special condition clearances still valid?  Yes  No

If "no", explain:

*Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

# **AGENDA ITEM #7**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners  
CC: Charlie Sosa, City Manager  
FROM: Charlie Cardenas, P.E., City Engineer  
DATE: January 9, 2026  
SUBJECT: Consider Approving Change Order No. 3 Bid No. 24-09 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 1 – Forced Main and Lift Station Wastewater Improvements

---

**Purpose:**

Consider approving Change Order No. 3 (CO-3) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218. CO-3 is in the amount of **\$3,554.45**.

This change order addresses unforeseen issues during construction, including, Electrical service connection for the lift station.

**Summary:**

***GLO Change Order No. 3 – Contract Price***

Item	Description	Unit	Quantity	Unit Cost	Total
CO 3-1	Electrical service connection for lift station	LS	1	\$3,554.45	\$3,554.45

**GLO Change Order No. 3 Total **\$3,554.45****

**Background:**

As part of the GLO CDBG-MIT Hurricane Harvey State Mitigation Competition grant. Project 1 – Forced Main and Lift Station Wastewater Improvements is a critical component of the city's infrastructure upgrades. This project includes the installation of a new lift station. Wastewater forced main, Cast in Place Pipe (CIPP), junction boxes, and related appurtenances (and with this CO, electrical connections) to improve wastewater infrastructure and operations risks.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

Change Order No. 3 will be funded by the General Land Office Hurricane Harvey Mitigation Grant (Fund 122) in the amount of \$3,554.45.

**Recommendation:**

Staff recommends approving the Change Order No. 3 for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 1 (Forced Main and Lift Station) for the amount of \$3,554.45.

**Attachments:**

- Project 1 GLO Change Order No. 3
- Engineer's recommendation





BOUNDLESS ENERGY

December 5, 2025

**Customer Address:**  
**Roland Ramirez**

Email: ryanrelectric@gmail.com  
Direct: 361-562-1513

Attention: Roland Ramirez

**Project: City of Kingsville Lift Station    WR # 90500006**  
**Project Address: 312 US Business HWY 77**

Roland Ramirez,

Enclosed please find a *Contribution-in-Aid-of-Construction Agreement (CIAC)* for the requested utility work at the location listed above. In order to move the project forward the CIAC agreement needs to be signed and returned. If you choose to proceed with the project, please sign the agreement and return to the email shown below:

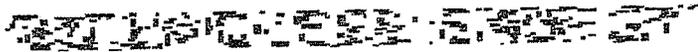
**Email**

	rhnunez@aep.com
--	-----------------

**THIS IS NOT AN INVOICE.** The invoice will be mailed to you with payment instructions. Invoice should arrive within one week. If you do not receive the invoice, please call me. Please do not delay in getting the invoice paid. The job will remain on hold until payment has been received and processed. It will then be moved to the scheduling and construction phase which may take up to 6 weeks or longer. Therefore, please return payment to the address provided on the invoice received in the mail as soon as possible to avoid delays in getting the job completed.

If you have any questions or need additional information, please contact me.

Sincerely,  
Ruben Nunez  
AEP-Texas Engineering  
361-242-3610 / 361-774-7499  
rhnunez@aep.com



**AEP Texas**

**Contribution-In-Aid-Of-Construction Agreement  
For Electric Distribution Service**

City of Kingsville - Lift Station  
Service: 312 W US Business HWY 77 (14th St  
Kingsville, TX

Contract DWMS00000640783 Work Request 90500006  
Date: 12/4/2025

You, City of Kingsville - Lift Station (Customer) have requested AEP Texas (Company) to install/construct certain electric distribution facilities (hereinafter referred to as "Facilities") as follows: Install approximately 1,134 linear feet of #2 AAAC primary Conductor, 15 insulators, 40 class 2 primary pole, 35 class 5 secondary pole, 3-phase 75 KVA overhead transformer bank, 277/480 volt, 1 guy wire and anchor, to provide 3-phase 277/480 volt service to lift station.

The cost for construction/installation of the requested Facilities will be in excess of what would normally be provided by Company at no additional cost to the Customer to initiate service. In accordance with the Company's approved Tariff, as filed with the Public Utilities Commission of Texas, the Customer agrees to pay Company a one-time, non-refundable, Contribution-In-Aid-Of-Construction (CIAC) in the amount of 3,554.45. The Customer understands that he/she receives no ownership or control of the Facilities by virtue of the payment of the CIAC. The Facilities installed by the Company will remain the property of the Company. The Company expressly retains the right to use said Facilities for any purpose which Company deems appropriate under good utility practices, including the distribution of electric service to other customers.

Company agrees to Insall facilities to premises identified as follows: 312 W US Business HWY 77 (Lift Station), and the Customer agrees to provide amount listed above in Aid-to-Construction. and to be ready to take electric service on or before 12/31/2025.

It is understood and agreed that the Company will not begin construction/installation of the Facilities until full payment of the CIAC has been received by the Company; therefore, Customer understands and agrees that he/she needs to make full payment of the CIAC in sufficient time to allow for the construction/installation to be completed by the In Service Date.

The pricing of the CIAC quoted herein is based on the specifics of the Customer's request, including the Customer's stated In Service Date, and must be accepted by the Customer by executing and returning to the Company this Agreement by 3/4/2026 to remain valid. Should Customer alter the request for facilities, or request a delay in (or is otherwise unable to take service by) the stated In Service Date, the Company reserves the right to update the pricing and require an additional CIAC payment to reflect any increases in cost due to the alteration in requested facilities or the delay in taking service, or both.

Nothing contained herein shall be construed as a waiver or relinquishment by Company of any right it has or may hereafter have to discontinue service for default in the payment of any bill owing or to become owing hereunder or for any reason or cause allowed by law.

Customer  
By ROLANDO RAMIREZ  
Signature: *Rolando Ramirez*  
Title: BRYAN'S ELECTRIC OWNER  
Date: 12/11/2025

Company  
By BRYAN'S ELECTRIC  
Signature: *Rolando Ramirez*  
Title: OWNER  
Date: 12/11/2025



### Bid Item Averages

Bidder Rank filter needs to be set for "Low Bidder" to see low bid prices for change order justification.

Data Date: 1/7/2026 7:32:00 AM

Filters:		Adjust filters to refine your analysis of bid item average costs.		Use Qty Filter:	Enter Min Qty	Enter Max Qty					Show Chart		
Standard Specification Code				NO	0	16,613,560							
Bid Item		BID CODE	BID_ITEM_DSCR	MS_UNIT...	Min. Bid Item Qty	Max. Bid Item Qty	Weighted Avg Unit Price	Min. Unit Price	Max. Unit Price	Std. dev. of Unit Price	Total Sum Bid Quantities	Distinct CCSJ	
(All)		625-7003	ZINC-COAT STL WIRE STRAND (5/16")	LF	475.0	475.0	\$3.34	\$2.00	\$5.86	\$1.74	1,900.0	1	
Actual Let Date Range													
Last 3 months		627-7003	TIMBER POLE (CL 2) 40 FT	EA	2.0	2.0	\$7,500.42	\$4,600.00	\$13,080.39	\$4,323.92	12.0	1	
Bidder Rank													
All Bidders		628-7001	RELOCATE ELECTRICAL SERVICES	EA	1.0	1.0	\$4,584.43	\$1,500.00	\$10,393.00	\$2,950.74	7.0	1	
District													
(All)		628-7002	REMOVE ELECTRICAL SERVICES	EA	1.0	8.0	\$854.06	\$270.00	\$2,158.00	\$468.21	153.0	8	
County													
(All)		628-7004	ELC SRV TY A 120/240 060(NS)AL(E)SP(O)	EA	2.0	2.0	\$5,666.67	\$2,500.00	\$9,000.00	\$3,253.20	6.0	1	
Project Classification													
(All)		628-7009	ELC SRV TY A 120/240 060(NS)SS(E)SP(O)	EA	2.0	11.0	\$9,148.09	\$6,500.00	\$10,346.81	\$1,262.69	52.0	2	
Vendors (Select to Exclude)													
(All)		628-7010	ELC SRV TY A 120/240 060(NS)SS(E)SP(U)	EA	2.0	2.0	\$9,306.57	\$1,214.00	\$15,000.00	\$3,788.28	22.0	1	
Project Size													
(All)		628-7022	ELC SRV TY A 120/240 100(NS)SS(E)GC(O)	EA	1.0	1.0	\$8,333.33	\$4,500.00	\$12,000.00	\$3,752.78	3.0	1	
Project Type													
(All)		628-7035	ELC SRV TY A 240/480 060(NS)AL(E)SP(O)	EA	2.0	2.0	\$11,387.62	\$7,500.00	\$12,741.56	\$1,840.51	16.0	1	



January 5, 2026

Juan Carlos "Charlie" Cardenas, P.E.  
City Engineer  
City of Kingsville  
400 W. King Ave.  
Kingsville, TX 78363

Re: **CDBG-MIT GLO Contract No. 22-082-016-D218 Project 1, (City of Kingsville Bid No. 24-09) – ICE CO 3 recommendation**

Dear Mr. Cardenas,

This memorandum is in reference to ICE's recommendation to Change Order 3, in the amount of \$3,554.45. This change order addresses the electrical service connection that is required for the sanitary sewer lift station. The lift station shall be serviced with a 3-phase volt service to sustain the necessary function and safety.

Additionally, the amount of \$3,554.45 was provided by AEP Texas (American Electric Power) to the contractor for the proposed electric distribution service. The contractor provided ICE with the breakdown of the cost from AEP Texas and was further verified on TxDot's Low Bid Average publication.

This Change Order 3 along with Change Orders 1 and 2 will decrease the original contract amount of \$2,593,299.15 by approximately 0.81%, which falls within the 18% allowance per the GLO contract. The adjusted contract amount with this and previous change orders will be \$2,572,298.90. ICE has reviewed the contractor's change order proposal item (CO 3-1) and has verified that the new contract item is reasonably priced and within average market value.

Therefore, it is ICE's recommendation to approve Change Order 3. The City of Kingsville has the final decision to approve/not approve change orders.

If you have any questions or need additional information, please contact me at (361) 826-5805 or [julio@icengineers.net](mailto:julio@icengineers.net)

Sincerely,

A handwritten signature in black ink that reads 'Julio A. Macias, P.E.' The signature is written in a cursive style.

Julio A. Macias, P.E.  
Project Engineer

**RESOLUTION #2026-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 TO THE CONSTRUCTION CONTRACT WITH DONALD HUBERT CONSTRUCTION CO. FOR THE GLO CDBG-MIT CONTRACT 22-082-016-D218 PROJECT 1: 14<sup>TH</sup> STREET SANITARY SEWER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-082-016-D218 for Project 1: 14<sup>th</sup> Street Sanitary Sewer Improvements and went out for bids via BID #24-09 which was advertised in 2024;

**WHEREAS**, the three bids were received on April 18, 2024 responsive to BID #24-09 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was Donald Hubert Construction Co. from Kingsville, Texas (vendor);

**WHEREAS**, the City awarded BID#24-09 to Vendor at a Commission meeting on August 26, 2024 for a total amount of \$2,593,299.15;

**WHEREAS**, the contract could not be executed because the amendment included revisions to this particular project site and the state contract amendment was not able to be fully executed until January 31, 2025;

**WHEREAS**, the successful low bidder was then contacted to see if their bid was still going to be honored and they agreed that they would honor the bid;

**WHEREAS**, the City and Vendor worked to prepare a construction contract that was approved by City Commission on April 14, 2025 via Resolution #2025-38 for GLO CDBG-MIT Contract No. 22-082-016-D218 Project 1: 14<sup>th</sup> Street Sanitary Sewer Improvements for the base bid (\$2,523,299.15) and for alternates nos. 1& 2 (\$70,000.00), which together total an amount of \$2,593,299.15 with a contract time of 240 calendar days;

**WHEREAS**, the Change Order No.1 did three things (1) substituted approximately 600 LF of 12" PVC gravity sanitary sewer line with 6" PVC sanitary sewer force main with all appurtenances such as pipe encasement and sanitary sewer manholes, (2) relocated the driveway location for the lift station at the request of the Texas Department of Transportation, and (3) updated the HUD-4010 Federal Labor Standards Provisions documents to the most current

version, which resulted in a contract price decrease of \$36,414.70 and no change in the contract time;

**WHEREAS**, the City Commission via Resolution #2025-67 on July 14, 2025 approved Change Order #1 to the construction contract with Vendor for a new total contract amount of \$2,556,884.45 and the same contract time of 240 calendar days;

**WHEREAS**, the City Commission via Resolution #2025-99 on December 8, 2025 approved Change Order #2 (adding \$11,860.00 and 90 calendar days) to the construction contract with Vendor for a new total contract amount of \$2,568,744.45 and a new contract time of 330 calendar days;

**WHEREAS**, the proposed Change Order No.3 is necessary due to an unforeseen issue during construction regarding an electrical service connection expense at the lift station from the transmission provider, which results in a contract price increase of \$3,554.45 and no change in the contract time;

**WHEREAS**, staff is recommending the City Commission approve Change Order #3 for the construction contract with Vendor as presented for a new total amount of \$2,572,298.90 and the same contract time of 330 calendar days;

**BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute Change Order #3 to the Construction Contract between the City of Kingsville, Texas and Donald Hubert Construction Co. for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-082-016-D218 for Project 1: 14<sup>th</sup> Street Sanitary Sewer Improvements Project as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
26th day of January, 2026.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

Contract Price with All Approved Change Orders:	2,572,298.90	Contract Time with All Approved Change Orders in Days:	330
Cumulative Percent Change in Contract Price (+/-):	-0.81%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	5/5/2025	Construction Contract End Date:	3/31/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

\*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie L. Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	Donald W. Hubert, President
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

**Justification for Change Order**

1. Will this change order increase or decrease the number of beneficiaries?  Increase  Decrease  No Change

If there is a change, how many beneficiaries will be affected?

Total  LMI

2. Effect of this change on the scope of work:  Increase  Decrease  No Change

3. Effect on operation and maintenance costs:  Increase  Decrease  No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid?  Yes  No

If "no", explain:

Item CO 3-1 is a new item that the electrical service provider is requiring to run proper electrical service needed for the new lift station.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction?  Yes  No

If "yes", is an environmental assessment required?



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

- 
- |  |   |                             |
|--|---|-----------------------------|
| 6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Is the CCN permit still valid? ( <i>sewer projects only</i> )                               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Are the disability access requirements/approval still valid (if applicable)?                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Are other Disaster Recovery contractual special condition clearances still valid?           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If "no", explain:

*Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

# **AGENDA ITEM #8**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners  
CC: Charlie Sosa, City Manager  
FROM: Charlie Cardenas, P.E., City Engineer  
DATE: January 12, 2026  
SUBJECT: Consider Approving Change Order No. 4 Bid No. 24-19 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 2 – 19<sup>th</sup> Street Improvements

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**Purpose:**

Consider approving Change Order No. 4 (CO-4) for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237. CO-4 is to increase the contract cost by \$17,250.00 and contract time by **60 calendar** days.

This change order addresses unforeseen issues during construction, including utility adjustments with a conflict with the 6' x 4' concrete box being constructed. As a result a change in design will need to be added to include a larger 7' x 4' concrete box. However, time has lapsed in the contract time and another time extension will be needed in order to continue construction.

**Summary:**

***GLO Change Order No. 4 – Construction and Contract Time***

<b>Description</b>	<b>Calendar Days</b>
<b>Time extension for R.S. Parker contract</b>	<b>60</b>
<b>1 7'x4' cast in place junction box LS</b>	<b>\$17,250.00</b>

**Contract Price and Time                      \$1,648,054.96 and 465 Calendar Days**

**Background:**

As part of the GLO CDBG-MIT Hurricane Harvey State Mitigation Competition grant. Project 2 – 19<sup>th</sup> Street Improvements is a critical component of the city's infrastructure upgrades. This project includes the installation of box culverts along 19<sup>th</sup> Street from Kenedy Ave to Tranquitas Creek, junction boxes, and related appurtenances.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

The cost of CO-4 is \$17,250.00 (Fund 122) which is grant funded.

**Recommendation:**

Staff recommends approving the Change Order No. 4 for CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 2 (19<sup>th</sup> Street Improvements) in the amount of \$17,250.00 and for the increased 60 calendar days.

**Attachments:**

- Project 2 GLO Change Order No. 4
- Engineer's recommendation





January 8, 2026

Juan Carlos "Charlie" Cardenas, P.E.  
City Engineer  
City of Kingsville  
400 W. King Ave.  
Kingsville, TX 78363

**Re: CDBG-MIT GLO Contract No. 22-085-009-D237 Project 2, (City of Kingsville Bid No. 24-19) – ICE CO 4 recommendation**

Dear Mr. Cardenas,

This memorandum is in reference to ICE's recommendation to Change Order 4, in the amount of \$17,250.00.

During the week of September 15, 2025, a city wastewater line was discovered to be in direct conflict with the 6'x4' reinforced concrete box being constructed. Representatives from International Consulting Engineers, City Engineering & Public Works, and R.S. Parker Construction met onsite to discuss the conflict and possible solutions.

ICE's solution to this conflict is to construct a cast-in-place concrete junction box that will adjust the flowline elevation to avoid the wastewater line conflict. The box was designed and submitted to the R.S. Parker Construction for a proposal request. The amount of \$17,250.00 was proposed by the contractor and was further verified. ICE utilized TxDot's Low Bid Average publication and previous bids for similar items. Moreover, ICE reviewed and researched this proposed cost and can verify that it is reasonable for the current market.

A 60-day construction contract extension is ICE's recommendation to allow the contractor to execute the utility conflict solution, finalize construction, and execute closeout documents.

The construction contract end date will be extended from the previous date of February 11, 2026 to April 12, 2026. This Change Order 4 will increase the original contract amount of \$1,630,804.89 by approximately **1.06%**, which falls within the 25% allowance per the GLO contract. The adjusted contract amount with this change order will be \$1,648,054.96. ICE has reviewed the contractor's change order proposal item (CO 4-1) and has verified that the new contract item is reasonably priced and within average market value.

Therefore, it is ICE's recommendation to approve Change Order 4. The City of Kingsville has the final decision to approve/not approve change orders. If you have any questions or need additional information, please contact me at (361) 826-5805 or [julio@icengineers.net](mailto:julio@icengineers.net)

Sincerely,

Julio A. Macias, P.E.  
Project Engineer

R.S. Parker Construction LLC  
 455 Hereford Rd.  
 Corpus Christi, TX 78408  
 361-289-0222 FAX 361-289-2413

# Subcontractor Proposal

Project Name:

Date: 1/8/2026

GLO Kingsville Project 2 - N 19th St.

Description of Work:

Add Cast-in-Place Junction Box

By: Rodney & Derek Parker

HUB# 1943428306500

Description	Qty.	Unit	Labor Unit	Material Unit	Equip Unit	Combined Cost	Labor Cost	Material Cost	Cost	Total
Additional Work										
Add Cast in Place Junction Box	1	EA	3,750.00	7,500.00	3,750.00	15,000.00	3,750	7,500	3,750	15,000
							-	-	-	-
							-	-	-	-
<b>Items Not Included:</b>										
<b>Material Testing, Bonds, Top Soil &amp; Landscaping</b>										
Subtotal							3,750	7,500	3,750	15,000
				OH&P	15 %		-	-	-	-
							562.50	1,125.00	562.50	2,250.00
Total							4,312.50	8,625.00	4,312.50	17,250.00

**R. S. Parker Construction, LLC.**

455 Hereford Rd.

Corpus Christi, TX 78408

Phone: 361-289-0222 Fax: 361-289-2413

## **Project Time Extension Request**

January 8, 2026, 2025

ATTN: Martin Medrano, Charlie Cardenas

**Re: City of Kingsville GLO SW Project 2 (N. 19<sup>th</sup> St.) Storm Water Improvements**

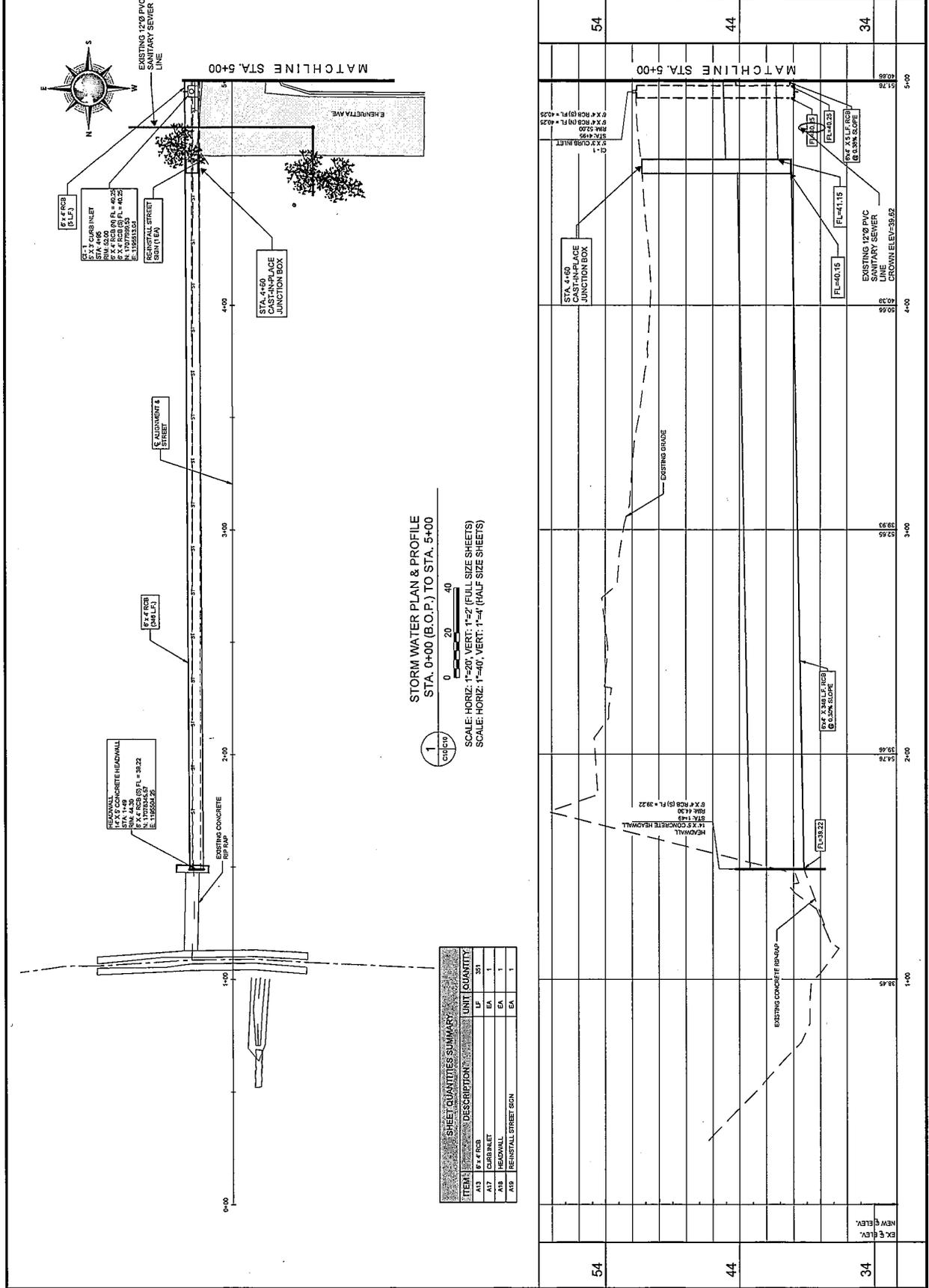
The purpose of this letter is to request an additional 60 Day Extension to the project end date for the City of Kingsville GLO SW Project 2 (N. 19<sup>th</sup> St.) Storm Water Improvements project. R. S. Parker Construction is requesting this delay in response to the project suspension issued by Charlie Cardenas on September 19<sup>th</sup>, 2025 regarding the discovered conflict with the existing sanitary sewer system and the proposed box culvert installation design delays. R.S. Parker Construction is requesting this 60-Day extension to the proposed project end-date, to April 12, 2026. Please consider that any days that pass from the submission of this letter until the approval of design changes may need to be added to the project time-line in the future. Thank you for your understanding and consideration.

If you have any questions please contact Rodney Parker on his cell 361-533-1307 or Derek Parker on his cell 361-960-1662.

Respectfully Submitted,  
Rodney S. Parker/Derek Parker  
HUB Contractor #: 1943428306500

CONSULTANT'S SHEET PROJECT NO. C21107-01B	I/O/E INTERNATIONAL CONSULTING ENGINEERS 283 FARMERS BLVD FPO BOX 1243808 CORPUS CHRISTI, TX 78412	CITY OF <b>Kingsville</b> TEXAS	CITY OF KINGSVILLE GLO SW PROJECT 2 (N. 19TH ST.) STORM WATER IMPROVEMENTS KINGSVILLE, KLEBERG COUNTY, TEXAS STORMWATER PLAN & PROFILE STA. 0+00 (B.O.P.) TO STA. 5+00	DRAWING NO. <b>C10</b> SHEET 11 of 39
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REVISION NO.	DATE	BY	DESCRIPTION



SHEET QUANTITIES SUMMARY		
ITEM	DESCRIPTION	UNIT QUANTITY
A13	8" x 8" RCB	381
A17	CAST-IN-PLACE	EA 1
A18	HEADWALL	EA 1
A19	REINSTALL STREET SIGN	EA 1

City of Kingsville GLO SW Project 14 (GLO Contract No. 22-085-009-D237) Bid Tabulation  
 Bid Opening Date and Location: July 8, 2025 - City Hall  
 400 W. King Ave., Kingsville, TX 78363



ITEM	DESCRIPTION	QTY	UNIT	Grace Paving & Construction Inc.		D&J Utility Services LLC		D&M Underground Corp.		White Star Services LLC		RS Parker Construction	
				UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT
A1	Mobilization/ Bonds/ Insurance	1	LS	\$69,096.00	\$69,096.00	\$100,000.00	\$100,000.00	\$81,000.00	\$81,000.00	\$101,070.00	\$101,070.00	\$65,625.00	\$65,625.00
A2	Traffic Control	1	LS	\$7,656.75	\$7,656.75	\$100,000.00	\$100,000.00	\$28,000.00	\$28,000.00	\$20,775.50	\$20,775.50	\$56,250.00	\$56,250.00
A3	Utility Control	1	LS	\$6,150.00	\$6,150.00	\$7,500.00	\$7,500.00	\$20,000.00	\$20,000.00	\$2,807.50	\$2,807.50	\$6,875.00	\$6,875.00
A4	SWPP (Erosion Control Log)	112	LF	\$4.39	\$491.68	\$3.00	\$336.00	\$10.00	\$1,120.00	\$15.16	\$1,697.92	\$25.00	\$2,800.00
A5	Remove Existing Street Asphalt	2860	SY	\$18.76	\$53,653.60	\$20.00	\$57,200.00	\$18.00	\$51,480.00	\$101.07	\$289,060.20	\$32.99	\$94,581.72
A6	Mill Existing Street Asphalt	1724	SY	\$3.92	\$6,748.08	\$5.50	\$9,482.00	\$8.42	\$14,516.08	\$4.49	\$7,668.00	\$31.49	\$54,288.76
A7	Remove Existing Curb	780	LF	\$5.83	\$4,547.40	\$15.00	\$11,700.00	\$6.00	\$4,680.00	\$17.41	\$13,568.40	\$18.95	\$14,868.60
A8	Remove Existing Curb & Gutter	468	LF	\$5.85	\$2,737.80	\$15.00	\$7,020.00	\$6.00	\$2,808.00	\$17.41	\$8,147.88	\$18.95	\$8,868.60
A9	Remove Existing Sidewalk Concrete	88	SY	\$98.00	\$8,624.00	\$195.00	\$17,160.00	\$3.00	\$264.00	\$19.99	\$1,759.15	\$18.75	\$1,653.75
A10	Remove Existing Concrete Valley Gutter	209	SY	\$15.83	\$3,308.47	\$135.00	\$28,215.00	\$20.00	\$4,180.00	\$48.29	\$10,092.61	\$25.60	\$5,350.40
A11	Remove Existing Concrete	12	SY	\$97.38	\$1,168.56	\$135.00	\$1,620.00	\$100.00	\$1,200.00	\$89.84	\$1,078.08	\$20.00	\$240.00
A12	Remove Existing Concrete Rip Rap	12	SY	\$94.30	\$1,131.60	\$135.00	\$1,620.00	\$100.00	\$1,200.00	\$89.84	\$1,078.08	\$15.00	\$180.00
A13	H.M.A.C. Pavement	2735	SY	\$62.93	\$171,113.55	\$38.00	\$103,930.00	\$35.00	\$94,500.00	\$114.55	\$312,294.25	\$81.03	\$221,611.05
A14	Asphalt Repair	884	SY	\$63.32	\$55,974.88	\$200.00	\$76,800.00	\$43.00	\$38,010.00	\$89.84	\$79,418.56	\$75.00	\$66,300.00
A15	Overlay Milled Asphalt	1724	SY	\$36.99	\$63,984.76	\$38.00	\$65,512.00	\$35.00	\$60,500.00	\$48.29	\$83,251.96	\$31.49	\$54,288.76
A16	Repair Existing Curb & Gutter	432	LF	\$35.75	\$15,444.00	\$40.00	\$17,280.00	\$38.00	\$16,416.00	\$31.44	\$13,562.08	\$41.06	\$17,737.92
A17	Repair Existing Sidewalk Concrete	67	SY	\$86.28	\$5,780.76	\$180.00	\$32,400.00	\$55.00	\$3,682.50	\$111.18	\$7,449.06	\$56.25	\$3,768.75
A18	5" Concrete Valley Gutter	47	LF	\$102.06	\$4,806.82	\$120.00	\$14,400.00	\$95.00	\$4,425.00	\$122.51	\$5,767.97	\$82.50	\$3,787.50
A19	Curb Inlet	14	EA	\$2,889.97	\$40,459.58	\$8,500.00	\$119,000.00	\$5,800.00	\$81,200.00	\$4,604.30	\$64,460.20	\$8,125.00	\$113,750.00
A20	Junction Box Type 'A'	11	EA	\$11,490.29	\$126,393.19	\$9,500.00	\$104,500.00	\$22,500.00	\$247,500.00	\$5,951.90	\$65,470.90	\$31,250.00	\$343,750.00
A21	Grate Inlet	4	EA	\$4,305.62	\$17,222.48	\$8,500.00	\$34,000.00	\$8,500.00	\$34,000.00	\$4,604.30	\$18,417.20	\$7,500.00	\$30,000.00
A22	12" RCP Class V	662	LF	\$66.86	\$44,261.32	\$120.00	\$79,440.00	\$117.00	\$77,454.00	\$87.59	\$57,984.58	\$93.75	\$62,062.50
A23	24" RCP Class V	1934	LF	\$102.30	\$197,848.20	\$150.00	\$290,100.00	\$216.00	\$417,744.00	\$157.22	\$304,063.48	\$128.00	\$241,750.00
A24	6x1" RCB	371	LF	\$457.96	\$169,903.16	\$600.00	\$222,000.00	\$865.00	\$320,915.00	\$643.48	\$238,731.08	\$1,000.00	\$371,000.00
A25	Waste Water Line Crossing	1	EA	\$39,000.00	\$39,000.00	\$7,500.00	\$7,500.00	\$25,000.00	\$25,000.00	\$6,344.95	\$6,344.95	\$12,500.00	\$12,500.00
A26	ADA Parallel Curb Ramp	1	EA	\$4,059.00	\$4,059.00	\$3,500.00	\$3,500.00	\$3,800.00	\$3,800.00	\$4,098.95	\$4,098.95	\$1,875.00	\$1,875.00
A27	ADA Perpendicular Curb Ramp	1	EA	\$4,059.00	\$4,059.00	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00	\$4,098.95	\$4,098.95	\$1,875.00	\$1,875.00
A28	Repair Existing Concrete	18	SY	\$121.29	\$2,183.22	\$180.00	\$32,400.00	\$100.00	\$1,800.00	\$140.38	\$2,526.84	\$100.00	\$1,800.00
A29	Repair Existing Concrete	12	SY	\$174.25	\$2,091.00	\$180.00	\$3,240.00	\$350.00	\$4,200.00	\$140.38	\$1,684.56	\$168.75	\$2,025.00
A30	Repair Existing Concrete Rip Rap	12	SY	\$174.25	\$2,091.00	\$180.00	\$3,240.00	\$350.00	\$4,200.00	\$140.38	\$1,684.56	\$25.00	\$270.00
<b>Total Base Bid</b>				<b>\$8,020.10</b>		<b>\$1,589,874.00</b>		<b>\$1,628,541.00</b>		<b>\$1,728,315.33</b>		<b>\$1,800,510.19</b>	

ITEM	DESCRIPTION	QTY	UNIT	Grace Paving & Construction Inc.		D&J Utility Services LLC		D&M Underground Corp.		White Star Services LLC		RS Parker Construction	
				UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT
B1	Refl Pav Mkt Ty 1 (W) 4" (SLD)	780	LF	\$2.42	\$1,887.60	\$3.00	\$2,340.00	\$5.00	\$3,900.00	\$6.60	\$5,148.00	\$2.75	\$2,145.00
B2	Refl Pav Mkt Ty 1 (W) 8" (SLD)	40	LF	\$6.60	\$264.00	\$4.00	\$160.00	\$5.00	\$200.00	\$18.00	\$720.00	\$7.50	\$300.00
B3	Refl Pav Mkt Ty 1 (W) 12" (SLD) Stop Bar	30	LF	\$17.60	\$528.00	\$30.00	\$900.00	\$15.00	\$450.00	\$48.00	\$1,440.00	\$20.00	\$600.00
B4	Refl Pav Mkt Ty 1 (N) 4" (SLD)	675	LF	\$2.42	\$1,633.50	\$3.00	\$2,025.00	\$5.00	\$3,375.00	\$6.60	\$4,455.00	\$2.75	\$1,856.25
B5	Refl Pav Mkt Ty 1 (Y) 4" (BRK)	600	LF	\$2.42	\$1,452.00	\$4.00	\$2,400.00	\$5.00	\$3,000.00	\$6.60	\$3,960.00	\$2.75	\$1,650.00
B6	Crosswalk Marking	1	EA	\$1,760.00	\$1,760.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$4,800.00	\$4,800.00	\$2,000.00	\$2,000.00
B7	Bike Symbol W/ Arrow	2	EA	\$247.50	\$495.00	\$350.00	\$700.00	\$1,000.00	\$2,000.00	\$450.00	\$900.00	\$281.25	\$562.50
<b>Total Additive Alternate Bid No. 1</b>				<b>\$8,020.10</b>		<b>\$10,025.00</b>		<b>\$14,425.00</b>		<b>\$21,423.00</b>		<b>\$9,113.75</b>	

RECOMMENDED AWARD OPTIONS:			
OPTION	DESCRIPTION	Grace Paving & Construction Inc.	RS Parker Construction
1	BASE BID AND ADD. ALT. BID NO. 1	\$1,118,161.96	\$1,809,623.94
2	BASE BID	\$1,110,141.86	\$1,800,510.19

Denotes error in bid packet.

# BID TABULATION

City of Kingsville

Project Name: GLO SW Project 10 (N Armstrong St.) Storm Water Improvements (CDBG-MIT GLO CONTRACT NO. 22-085-009-D237)

Bid Number: BID #25-13

Date: March 18, 2025

Location: Helen Groves Community Room

400 W King Ave, Kingsville, TX 78363



ITEM	QTY (Original)	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>BASE BID:</b>									
A1	1	L.S.	Mobilization/ Bonds/ Insurance	\$50,000.00	\$50,000.00	\$15,200.00	\$15,200.00	\$200,000.00	\$200,000.00
A2	1	L.S.	Traffic Control	\$50,000.00	\$50,000.00	\$53,200.00	\$53,200.00	\$25,000.00	\$25,000.00
A3	1	L.S.	Utility Adjustment	\$7,500.00	\$7,500.00	\$22,800.00	\$22,800.00	\$75,000.00	\$75,000.00
A4	358	L.F.	SWPP (Erosion Control Log)	\$10.00	\$3,580.00	\$15.20	\$5,441.60	\$25.00	\$8,950.00
A5	364	S.Y.	Remove Existing Street Asphalt	\$10.00	\$3,640.00	\$37.37	\$13,602.68	\$85.00	\$30,940.00
A6	93	S.Y.	Remove Existing Sidewalk Concrete	\$90.00	\$8,370.00	\$15.20	\$1,413.60	\$50.00	\$4,650.00
A7	420	L.F.	Remove Existing Curb & Gutter	\$10.00	\$4,200.00	\$15.20	\$6,384.00	\$35.00	\$14,700.00
A8	4	EA	Remove Existing Junction Box	\$3,500.00	\$14,000.00	\$1,824.00	\$7,296.00	\$3,000.00	\$12,000.00
A9	364	S.Y.	Repair Existing Street Asphalt	\$150.00	\$54,600.00	\$88.16	\$32,090.24	\$200.00	\$72,800.00
A10	93	S.Y.	Repair Existing Sidewalk Concrete	\$180.00	\$16,740.00	\$49.03	\$4,559.79	\$175.00	\$16,275.00
A11	280	L.F.	Repair Existing Curb & Gutter	\$30.00	\$8,400.00	\$38.00	\$10,640.00	\$100.00	\$28,000.00
A12	11	EA	Junction Box Type A	\$8,500.00	\$93,500.00	\$8,360.00	\$91,960.00	\$18,000.00	\$198,000.00
A13	15	EA	Curb Inlet with Throat Extension	\$8,500.00	\$127,500.00	\$12,920.00	\$193,800.00	\$20,000.00	\$300,000.00
A14	148	L.F.	18" DIA RCP Class V	\$130.00	\$19,240.00	\$116.79	\$17,284.92	\$325.00	\$48,100.00
A15	119	L.F.	24" DIA RCP Class V	\$150.00	\$17,850.00	\$130.80	\$15,565.20	\$350.00	\$41,650.00
A16	43	L.F.	36" DIA RCP Class V	\$240.00	\$10,320.00	\$185.30	\$7,967.90	\$500.00	\$21,500.00
<b>TOTAL BASE BID</b>					<b>\$489,440.00</b>		<b>\$499,205.93</b>		<b>\$1,097,565.00</b>
<b>ALTERNATE BID 1:</b>									
B1	13756	S.Y.	Mill Existing Street Asphalt	\$5.50	\$75,658.00	\$6.30	\$86,662.80	\$3.00	\$41,268.00
B2	13755	S.Y.	Overlay Existing Street Asphalt	\$38.00	\$522,690.00	\$41.32	\$568,356.60	\$30.00	\$412,650.00
<b>TOTAL BASE BID</b>					<b>\$598,348.00</b>		<b>\$655,019.40</b>		<b>\$453,918.00</b>
<b>TOTAL BASE BID</b>					<b>\$1,087,788.00</b>		<b>\$1,154,225.33</b>		<b>\$1,551,483.00</b>

\* DENOTES ERROR IN BID

**BID RESULTS RANKING:**

1

2

3



**RESOLUTION #2026-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #4 TO THE CONSTRUCTION CONTRACT WITH R.S. PARKER CONSTRUCTION LLC FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 2: N. 19<sup>TH</sup> STREET- STORM WATER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street- Storm Water Improvements Project and went out for bids via BID #24-19 which was advertised on August 22<sup>nd</sup> & 29<sup>th</sup>, 2024;

**WHEREAS**, three bids were received on September 17, 2024 responsive to BID #24-19 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was R.S. Parker Construction LLC, from Corpus Christi, Texas (Vendor);

**WHEREAS**, the City awarded BID#24-19 to Vendor at a Commission meeting on October 15, 2024 for a total amount of \$1,630,804.89;

**WHEREAS**, the City and Vendor worked to prepare a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street Storm Water Improvements Project; the parties both agreed to the terms of the proposed contract for a total amount of \$1,630,804.89 with a contract time of 180 calendar days, which was approved by City Commission on October 28, 2024 via Resolution #2024-85;

**WHEREAS**, the total award and the contract price showed a minor difference due to a clerical error so an increase of \$0.07 was proposed and 75 additional days were requested due to delays in receiving materials (reinforced concrete boxes) for the project that are beyond the control of the Vendor, and these changes were approved by City Commission on February 24, 2025 via Resolution #2025-24 authorizing Change Order No.1 for a new total contract price of \$1,630,804.96 and a new contract time of 255 calendar days;

**WHEREAS**, there were additional delays beyond the control of the Vendor for the delivery of the reinforced concrete boxes for this project so an additional 60 days was requested for the contract time period, and the wage schedule rate was changed from a highway classification to a heavy classification, which required Change Order No.2, which was approved by the City Commission via Resolution

#2025-48 on April 28, 2025, and resulted in no change to the total contract price of \$1,630,804.96 and a new contract time of 315 calendar days;

**WHEREAS**, there were unforeseen issues during construction, including utility adjustments with a conflict with the 6'x4' concrete box being constructed, that resulted in a change in design causing no price increase but a need for 90 additional contract days, so Change Order #3 to the construction contract was approved by City Commission via Resolution #2026-06 on January 12, 2026 for a total contract price of \$1,630,804.96 and a new total contract time of 405 calendar days;

**WHEREAS**, there have been unforeseen issues during construction, including utility adjustments with a conflict with the 6'x4' concrete box being constructed that has been redesigned for a larger 7'x4' concrete box, that resulted in a price increase of \$17,250.00 and a need for 60 additional contract days;

**WHEREAS**, the unforeseen issues have resulted in a need for Change Order #4 that would result in a new total contract price of \$1,648,054.96 and a new total contract time of 465 calendar days;

**BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute Change Order No.4 for the Construction Contract for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street -Storm Water Improvements Project between the City of Kingsville, Texas and R.S. Parker Construction LLC as per staff recommendation and in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
26th day of January, 2026.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

Contract Price with All Approved Change Orders:	1,648,054.96	Contract Time with All Approved Change Orders in Days:	465
Cumulative Percent Change in Contract Price (+/-):	1.06%	Subrecipient Contract End Date:	1/31/2027
Construction Contract Start Date:	1/2/2025	Construction Contract End Date:	4/12/2026

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

\*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements

Subrecipient Signature	Engineer Signature	Contractor Signature
Charlie L. Sosa, City Manager	Julio A. Macias, P.E., Project Engineer	Rodney S. Parker, President
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

**Justification for Change Order**

1. Will this change order increase or decrease the number of beneficiaries?  Increase  Decrease  No Change

If there is a change, how many beneficiaries will be affected?

Total  LMI

2. Effect of this change on the scope of work:  Increase  Decrease  No Change

3. Effect on operation and maintenance costs:  Increase  Decrease  No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid?  Yes  No

If "no", explain:

CO 4-1 is a new item that is required to resolve a previously unknown wastewater line crossing that is interfering with the concrete boxes flow line.

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction?  Yes  No

If "yes", is an environmental assessment required?



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

- 
6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)?     Yes     No
7. Is the CCN permit still valid? (*sewer projects only*)     Yes     No
8. Are the disability access requirements/approval still valid (if applicable)?     Yes     No
9. Are other Disaster Recovery contractual special condition clearances still valid?     Yes     No

If "no", explain:

*Disclaimer: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

# **AGENDA ITEM #9**

**City of Kingsville**  
**Public Works Department**

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TO: Mayor and City Commissioners

CC: Charles Sosa, City Manager

FROM: William Donnell, Public Works Director

DATE: January 14, 2026

SUBJECT: Emergency Purchase for the North and South Wastewater Treatment Plants Blowers

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**Summary:**

This item authorizes the purchase of two Sulzer blowers from Global WET LLC for emergency repairs for the Wastewater Department's North and South Wastewater Treatment Plants (WWTP) blower systems.

**Background:**

In 2006, the City of Kingsville City installed two variable speed Turblex blowers, one at each WWTP. Keeping one original blower at each WWTP for a backup blower. Both treatment plants have been limping along on failing blowers for past year, repairing the Turblex blowers has become a common electrical issue from replacing PLC's, relays to soft starts and is nearly impossible to get parts for repair.

The SWWTP Turblex, has been down for months and several technicians have come and gone out but have not been able to repair the unit. Final recommendation from Turblex is to replace the entire electrical system at a cost of \$139,660.00. The plant is surviving on the original 1970's Spencer backup blower. This blower was rebuilt about 8 years ago but has since had several emergency repairs.

The NWWTP is in a similar situation with the Turblex, it's working at about 55% and the original 1970's Hoffman backup blower is out of service due to a soft start/motor issue that has taken months of electrical analyzing to determine the issue. Lewis Electric has ordered a new motor and will be installing it on the North Plant Hoffman blower as soon as it is delivered.

Biological treatment (aeration) is one of the most important processes in a WWTP to maintain TCEQ permit compliance, and the equipment for both NWWTP and SWWTP are in critical condition with obsolete spare parts that are difficult to obtain.



**City of Kingsville**  
**Public Works Department**

Global Wet is a sole source supplier for Sulzer Magnetic Bearing Turbo Blowers and will install a new blower for the NWWTP (\$653,100.00) account 135-5-7001-71200 and SWWTP (\$583,100.00) account 135-5-7002-71200 for the total amount of \$1,236,200.00.

**Financial Impact:**

Source of funding is the GLO MIT-MOD grant, Fund 135.

Below is the budget that has been setup for this grant  
It is fund 135-GLO MIT Prog Grant Fund. We budgeted in FY 25-26:

- \$1,024,936 in 135-5-6002-71702
- \$515,332 in 135-5-7001-31400
- \$1,284,305 in 135-5-7001-71200
- \$1,140,000 in 135-5-7002-71200
- Total \$3,964,573

**Recommendation:**

Staff is requesting approval for the purchase of two Sulzer Magnetic Bearing Turbo Blowers from Global WET LLC for emergency repairs for the Wastewater Department's North and South WWTP blower systems.



# SULZER

Sulzer Pumps Solutions Inc.  
155 Ahlstrom Way  
Easley, SC 29640  
[www.sulzer.com](http://www.sulzer.com)

25 July 2025

To Whom it May Concern:

The purpose of this letter is to confirm that Global Wet Inc., Headquartered in Austin, Texas, is the sole Distributor contracted for Sulzer wastewater (formerly ABS) products, including pumps, mixers, blowers and aerators, for the Municipal Wastewater Collection market. Global Wet's territory includes the entire state of Texas.

Nationally, we utilize a network of independent distributors/service centers to serve the Municipal, Industrial, Building Trades and Dewatering market segments in specific territories.

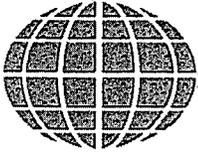
The authorized distributor for Sulzer products in these segments/territories has the expertise, knowledge, training and access to the latest product developments and upgrades, along with genuine OEM parts. Global Wet is trained in the latest methods in care and start-up of our equipment and can execute warranty claims.

Please do not hesitate to contact me if I can provide any additional information.

Sincerely,



Trey Poer  
HST Product Manager  
Sulzer Pump Solutions  
(830) 777-6189  
[trey.poer@sulzer.com](mailto:trey.poer@sulzer.com)



**Global WET**

**Quote Cover Page**

**TO: City of Kingsville**  
**Project: North & South Plant Blower Improvements**

**Date: January 16th 2026**

**Engineer: NA**

All equipment, delivery details, terms and conditions, freight and service are described in the manufacturers' individual proposals. These proposals have been sent electronically via email, are attached or will be sent under separate cover. Thank you for this opportunity and we look forward to working with you.

North Plant Turbo Blowers Installed Probable Cost					
Item	QTY	Equipment	Manufacturer	Unit Price	Total Price
1	1	Magnetic Bearing Turbo Blowers - 250 HP HST 30-36-1U250-48 Turbocompressor. 4550 SCFM @6.7psig. Ethernet/IP. Master Control Unit. Inlet/Outlet accessories. Electrical, wiring, conduit upgrades. Spare parts. 2 year warranty. Start up & Training.	Sulzer HST	\$341,500	\$341,500
2	1	PLC Panel for DO Control	Sulzer HST	Included	-
3	1	Labor: Demo and remove existing Blowers. Reconfigure existing Piping. Install new Blowers. Make electrical improvements. Upgrade existing MCC. Install control panel.	Global WET	\$125,000	\$125,000
4	1	Admin. Project Management Insurance and Bonding	NA	10%	\$46,650
5	1	Contingency	NA	15%	\$69,975
6	1	Overhead and Profit	NA	15%	\$69,975
<b>TOTAL</b>					<b>\$653,100</b>

South Plant Turbo Blowers Installed Probable Cost					
Item	QTY	Equipment	Manufacturer	Unit Price	Total Price
1	1	Magnetic Bearing Turbo Blowers - 150 HP HST 20-4500-1-U150-48 Turbocompressor. 3010 SCFM @6.3psig. Ethernet/IP. Master Control Unit. Inlet/Outlet accessories. Electrical, wiring, conduit upgrades. Spare parts. 2 year warranty. Start up & Training.	Sulzer HST	\$300,500	\$300,500
2	1	PLC Panel for DO Control	Sulzer HST	Included above	-
3	1	Labor: Demo and remove existing Blowers. Reconfigure existing Piping. Install new Blowers. Make electrical improvements. Upgrade existing MCC. Install control panel.	Global WET	\$116,000	\$116,000
4	1	Admin. Project Management Insurance and Bonding	NA	10%	\$41,650
5	1	Contingency	NA	15%	\$62,475
6	1	Overhead and Profit	NA	15%	\$62,475
<b>TOTAL</b>					<b>\$583,100</b>

<b>North &amp; South Plants Total Installed Cost</b>	<b>\$1,236,200</b>
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Should you have any questions please contact us at your convenience.  
 Joju Abraham. 512-560-9952

**PART 1 GENERAL**

**1.01 SUMMARY**

- A. This section includes furnishing; installing and placing into successful operation model HST 30 Sulzer Turbocompressor complete with accessories. Each blower shall be provided with an inlet filter, inlet silencer, outlet flexible joint, outlet silencers, back flow barrier, manual isolation valve, blow-off valve and silencers, motor cooling air outlet silencer, acoustic sound enclosure, VFD, local control panel, magnetic bearings and other appurtenances as described in this specification section needed for a complete system. The same supplier shall furnish the turbocompressors and accessories.
  - 1. Each single-stage radial centrifugal turbocompressor is to be designed to provide oil-free air to the aeration system.
  - 2. The turbocompressor and control cabinet shall be mounted on a common base plate.
  - 3. A UL listed VFD shall vary the turbocompressor speed to provide continuous flow control and power optimization according to the changes in the process (air flow and differential pressure) and ambient conditions (ambient temperature and relative humidity) automatically without operator interface when the controls are in the auto or remote modes.
  - 4. The speed of the blowers shall be varied using either the local Control Panel Touchscreen or a Master Control Panel to assure the turbocompressor(s) are operating at maximum efficiency.
  - 5. Accessories shall be as shown on the contract drawings and described in this specification.
- B. Insert Applicable Related Specification Sections here: (As Required)

**1.02 REFERENCES**

- A. The turbocompressor and accessories shall be in accordance with the referenced standards listed below.
  - 1. American Iron and Steel Institute (AISI).
  - 2. American National Standards Institute (ANSI).
  - 3. International Standards Organization (ISO) 5389: 1992 – Turbocompressor.
  - 4. ASME PTC 10 – 1974, reaffirmed 1986 Compressors & Exhausters

**1.03 SYSTEM DESCRIPTION**

- A. Design Requirements
  - 1. Site conditions:
    - a. Elevation: feet (above sea level)
    - b. Inlet air temperature range: °F to °F
    - c. Relative humidity range: % to %
    - d. Blower room temperature: °F to °F
  - 2. Quantity of turbocompressor:
  - 3. Air flow rate per turbocompressor: scfm
  - 4. Total design air flow rates: scfm
  - 5. Discharge pressure: psig
  - 6. Horsepower per turbocompressor: hp
  - 7. Maximum design speed: rpm maximum
  - 8. Maximum input current per turbocompressor: amps maximum
  - 9. Voltage / Phase / Hertz: 480 volts / 3 phase / 60 hertz
  - 10. Enclosure: IP33D / NEMA2

DS-H20-001 REV:0 DATE: 09/20 | © Sulzer | Specifications Subject to Change Without Notice

#### 1.04 DEFINITIONS

- A. Continuous operation shall be defined as 24 hours per day 7 days per week operation
- B. Intermittent operation shall be defined as periodic operation, including providing a minimum of 30 starts per hour for extended periods. Stops are defined as 0 RPM of rotor and shaft.
- C. Turbocompressor system shall be defined as a single-stage high-speed centrifugal turbocompressor with an integral high-speed unit, variable frequency controller, blow off valve, control cabinet, non-contacting magnetic bearing system all mounted on a common enclosure.

#### 1.05 SUBMITTALS

- A. Product Data:  
Submit data completely describing products and listings of all components and accessories with materials of construction including but not limited to the following.
  - 1. Turbocompressor operating characteristics and specifications.
  - 2. Installation instructions including leveling, alignment, pre-startup checklist and initial startup procedures.
  - 3. Proposed surface preparation and factory paint.
  - 4. Weight of turbocompressor assembly including turbocompressor, motor and control cabinet as well as the individual weights of all accessories.
  - 5. Other information as required or specified elsewhere in this Specification Section.
  - 6. Materials of Construction for all major turbocompressor components and accessories.
- B. Shop Drawings:
  - 1. Certified dimensional drawings of the turbocompressor unit assembly, including accessories shall be provided.
  - 2. Certified anchor bolt layout drawings.
  - 3. All dimensional drawings necessary to coordinate piping layout with structural, architectural, and/or other mechanical work.
  - 4. Certified turbocompressor wiring diagrams including the local control panel and VFD located in the turbocompressor enclosure.
- C. Quality Assurance Submittals:
  - 1. Performance Test Reports signed by the manufacturer's test engineer shall be submitted after fabrication of complete unit, but prior to shipment of the turbocompressors unless the engineer or owner waives this requirement. Test shall be performed on complete unit only, as testing of high speed unit only will not be acceptable. Tests shall be conducted on each individual contracted unit, as testing of other than all turbocompressors shall not be acceptable.
    - a. Results of each test shall be summarized in a separate, certified, standard factory written test report.
    - b. Reports shall be organized and clearly present testing methods and procedures, testing equipment used as well as the test data. A copy of the report shall be placed in a metal holder that is part of the electrical cabinet door for reference.
    - c. One copy of each certified written test report shall be submitted to the engineer for review and acceptance. Test reports shall be reviewed and accepted by the Engineer prior to shipment unless the engineer or owner waives this requirement.
    - d. Certified test report(s) shall include the following:
      - 1) Performance curves that includes air flow rate in scfm versus input horsepower for each turbocompressor.
      - 2) Hydrostatic test results.
      - 3) Dynamic balancing test results for each turbocompressor.

**D. Additional Submittal Data:****1. Operation and Maintenance Manuals:**

- a. Prepare operation and maintenance manuals for the entire centrifugal turbocompressor system, including accessories called out in this specification section.
- b. Provide Project Record Documents showing as-built dimensions, as-built wiring and control diagrams, as-built logic diagrams and design information for the turbocompressor(s) and accessories being supplied.
- c. Provide a description of the internal turbocompressor control system.
- d. Provide panel drawings, wiring diagrams, specifications, and a detailed description of the internal turbocompressor control panels.

**1.06 QUALITY ASSURANCE****A. General:**

1. Turbocompressor manufacturer shall have a minimum of 20 years' experience in design and manufacture of turbocompressors using magnetic bearing technology.
2. Provide a list of references (name, location and contact information) of at least 10 installations currently using the similar model and drive configuration as is being proposed.
3. Conduct certified performance testing on each turbocompressor as outlined in this specification. The engineer shall witness all or part of the performance testing at the factory unless the engineer or owner waives this requirement.
4. Tests shall be conducted using the actual turbocompressors being supplied. Test results from previous models or similar sized turbocompressor shall not be acceptable.
5. All tests shall be conducted at the manufacture's factory on a complete unit. Testing of high speed units separately from the package shall not be acceptable.
6. If the certified factory tests indicate noncompliance with the requirements of this specification, the turbocompressors shall be reworked and retested at the manufacturer's expense until compliance with the specification is attained.

**1.07 DELIVERY, STORAGE, AND HANDLING****A. Packing and Shipping:**

1. Protect equipment during shipment in accordance with manufacturer's recommendations and specification section

**B. Storage and Protection:**

1. Protect the turbocompressor system components and accessories at the project site and during installation prior to project completion per manufacturer's instructions.
2. If the compressor is to be stored prior to installation, the following conditions must be observed.
  - a. Ambient temperature: -40 C - + 60 C (-40 F to +140 F)
  - b. Store the battery pack of the magnetic bearing controller in a fully charged condition and in a cool but frost-free room.
  - c. Maximum relative humidity < 95 %, non-condensing, non-corrosive, no dripping water.
  - d. Maximum storage time is 6 months, if longer contact Sulzer.
    - 1) When the magnetic bearing controller (MBC) is stored for a period longer than six months, the power supply must be connected to re-refresh the capacitors. A 480V/3/60 (or voltage specific to blower) power source (provided by the end-user) must be connected to the MBC for two hours every sixth month of storage to ensure the capacitors are kept in good condition.

**1.08 WARRANTY**

- A. Provide manufacturers' standard warranty. The warranty period shall be for 24 months after shipment.

**1.09 MAINTENANCE**

- A. Special Tools:
1. If needed, provide one set of special tools required for complete assembly or disassembly of the turbocompressor system and accessories.
  2. Special tools shall be defined as any tool not typically necessary for general plant maintenance.
- B. Spare Parts:
1. Each turbocompressor shall be furnished with the following spare parts labeled and packed for warehouse storage as recommended by the turbocompressor supplier and / or specified in section Spare parts shall be as follows:
    - a. One complete set of main process air filters (if supplied by Sulzer).
    - b. One complete set of cooling air filters.

**PART 2 PRODUCTS****2.01 MANUFACTURES**

- A. The turbocompressor shall be the Sulzer Turbocompressor HST 30 as manufactured by Sulzer Pump Solutions, Inc.

**2.02 GENERAL**

- A. Turbocompressors shall be of a single-stage centrifugal design utilizing oil-free non-contacting magnetic bearing technology with the following design characteristics.
1. Turbocompressor shall be designed for heavy, continuous, municipal service, be capable of providing a minimum of 30 starts per hour and have a minimum design life of 20 years before any mechanical rebuild will be needed.
  2. Operate within specified vibration levels without overloading the drive motor.
  3. The rotor shall remain vertically levitated at all times while power is being supplied to the turbocompressor. Turbocompressors with rotors that rest on bearings while in the stand-by mode with power supplied to the turbocompressor shall not be considered as an equal.
  4. Have a pressure-volume curve, which extends from the design system pressure to the upper system surge pressure with a continuously rising pressure characteristic.
  5. Will not surge at or above specified flow rates corresponding to specified discharge pressure.
  6. The maximum input motor horsepower shall not exceed specified nameplate horsepower when operating at maximum design flows at 40 degrees °C (104 degrees F).
  7. The turbocompressor must deliver oil-free and non-pulsation air at all times to the process.
  8. The motor and control cabinet components are to be air-cooled using ambient air only. Systems that use water-cooling are not acceptable or equal.
  9. Wire to air power must include all motor, thermal, mechanical and electrical losses of the turbocompressor as well as losses of all auxiliary equipment such as the magnetic bearing systems, cooling systems etc.
- B. Blowers shall be UL certified with a certification label shown on the nameplate, at the point of manufacturing. Field evaluation for certification approval shall not be permitted.
- C. Minimum flow of each turbocompressor must be no greater than 45% of the maximum flow rate over the entire temperature range.
- D. Rotor critical speed must have enough margin to the operating design speed to ensure reliable and safe long-term operation.

**PART 1 GENERAL**

**1.01 SUMMARY**

- A. This section includes furnishing; installing and placing into successful operation model HST 20 Sulzer Turbocompressor complete with accessories. Each blower shall be provided with an inlet filter, inlet silencer, outlet flexible joint, outlet silencers, back flow barrier, manual isolation valve, blow-off valve and silencers, motor cooling air outlet silencer, acoustic sound enclosure, VFD, local control panel, magnetic bearings and other appurtenances as described in this specification section needed for a complete system. The same supplier shall furnish the turbocompressors and accessories.
  - 1. Each single-stage radial centrifugal turbocompressor is to be designed to provide oil-free air to the aeration system.
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- B. Insert Applicable Related Specification Sections here: (As Required)

**1.02 REFERENCES**

- A. The turbocompressor and accessories shall be in accordance with the referenced standards listed below.
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**1.03 SYSTEM DESCRIPTION**

- A. Design Requirements
  - 1. Site conditions:
    - a. Elevation: feet (above sea level)
    - b. Inlet air temperature range: °F to °F
    - c. Relative humidity range: % to %
    - d. Blower room temperature: °F to °F
  - 2. Quantity of turbocompressor:
  - 3. Air flow rate per turbocompressor: scfm
  - 4. Total design air flow rates: scfm
  - 5. Discharge pressure: psig
  - 6. Horsepower per turbocompressor: hp
  - 7. Maximum design speed: rpm maximum
  - 8. Maximum input current per turbocompressor: amps maximum
  - 9. Voltage / Phase / Hertz: 480 volts / 3 phase / 60 hertz
  - 10. Enclosure: IP33D / NEMA2

DS-H20-001 REV:0 DATE: 09/20 | © Sulzer | Specifications Subject to Change Without Notice

#### 1.04 DEFINITIONS

- A. Continuous operation shall be defined as 24 hours per day 7 days per week operation
- B. Intermittent operation shall be defined as periodic operation, including providing a minimum of 30 starts per hour for extended periods. Stops are defined as 0 RPM of rotor and shaft.
- C. Turbocompressor system shall be defined as a single-stage high-speed centrifugal turbocompressor with an integral high-speed unit, variable frequency controller, blow off valve, control cabinet, non-contacting magnetic bearing system all mounted on a common enclosure.

#### 1.05 SUBMITTALS

- A. Product Data:  
Submit data completely describing products and listings of all components and accessories with materials of construction including but not limited to the following.
  - 1. Turbocompressor operating characteristics and specifications.
  - 2. Installation instructions including leveling, alignment, pre-startup checklist and initial startup procedures.
  - 3. Proposed surface preparation and factory paint.
  - 4. Weight of turbocompressor assembly including turbocompressor, motor and control cabinet as well as the individual weights of all accessories.
  - 5. Other information as required or specified elsewhere in this Specification Section.
  - 6. Materials of Construction for all major turbocompressor components and accessories.
- B. Shop Drawings:
  - 1. Certified dimensional drawings of the turbocompressor unit assembly, including accessories shall be provided.
  - 2. Certified anchor bolt layout drawings.
  - 3. All dimensional drawings necessary to coordinate piping layout with structural, architectural, and/or other mechanical work.
  - 4. Certified turbocompressor wiring diagrams including the local control panel and VFD located in the turbocompressor enclosure.
- C. Quality Assurance Submittals:
  - 1. Performance Test Reports signed by the manufacturer's test engineer shall be submitted after fabrication of complete unit, but prior to shipment of the turbocompressors unless the engineer or owner waives this requirement. Test shall be performed on complete unit only, as testing of high speed unit only will not be acceptable. Tests shall be conducted on each individual contracted unit, as testing of other than all turbocompressors shall not be acceptable.
    - a. Results of each test shall be summarized in a separate, certified, standard factory written test report.
    - b. Reports shall be organized and clearly present testing methods and procedures, testing equipment used as well as the test data. A copy of the report shall be placed in a metal holder that is part of the electrical cabinet door for reference.
    - c. One copy of each certified written test report shall be submitted to the engineer for review and acceptance. Test reports shall be reviewed and accepted by the Engineer prior to shipment unless the engineer or owner waives this requirement.
    - d. Certified test report(s) shall include the following:
      - 1) Performance curves that includes air flow rate in scfm versus input horsepower for each turbocompressor.
      - 2) Hydrostatic test results.
      - 3) Dynamic balancing test results for each turbocompressor.

**D. Additional Submittal Data:**

1. Operation and Maintenance Manuals:
  - a. Prepare operation and maintenance manuals for the entire centrifugal turbocompressor system, including accessories called out in this specification section.
  - b. Provide Project Record Documents showing as-built dimensions, as-built wiring and control diagrams, as-built logic diagrams and design information for the turbocompressor(s) and accessories being supplied.
  - c. Provide a description of the internal turbocompressor control system.
  - d. Provide panel drawings, wiring diagrams, specifications, and a detailed description of the internal turbocompressor control panels.

**1.06 QUALITY ASSURANCE****A. General:**

1. Turbocompressor manufacturer shall have a minimum of 20 years' experience in design and manufacture of turbocompressors using magnetic bearing technology.
2. Provide a list of references (name, location and contact information) of at least 10 installations currently using the similar model and drive configuration as is being proposed.
3. Conduct certified performance testing on each turbocompressor as outlined in this specification. The engineer shall witness all or part of the performance testing at the factory unless the engineer or owner waives this requirement.
4. Tests shall be conducted using the actual turbocompressors being supplied. Test results from previous models or similar sized turbocompressor shall not be acceptable.
5. All tests shall be conducted at the manufacture's factory on a complete unit. Testing of high speed units separately from the package shall not be acceptable.
6. If the certified factory tests indicate noncompliance with the requirements of this specification, the turbocompressors shall be reworked and retested at the manufacturer's expense until compliance with the specification is attained.

**1.07 DELIVERY, STORAGE, AND HANDLING****A. Packing and Shipping:**

1. Protect equipment during shipment in accordance with manufacturer's recommendations and specification section

**B. Storage and Protection:**

1. Protect the turbocompressor system components and accessories at the project site and during installation prior to project completion per manufacturer's instructions.
2. If the compressor is to be stored prior to installation, the following conditions must be observed.
  - a. Ambient temperature: -40 C - + 60 C (-40 F to +140 F)
  - b. Store the battery pack of the magnetic bearing controller in a fully charged condition and in a cool but frost-free room.
  - c. Maximum relative humidity < 95 %, non-condensing, non-corrosive, no dripping water.
  - d. Maximum storage time is 6 months, if longer contact Sulzer.
    - 1) When the magnetic bearing controller (MBC) is stored for a period longer than six months, the power supply must be connected to re-refresh the capacitors. A 480V/3/60 (or voltage specific to blower) power source (provided by the end-user) must be connected to the MBC for two hours every sixth month of storage to ensure the capacitors are kept in good condition.

## 1.08 WARRANTY

- A. Provide manufacturers' standard warranty. The warranty period shall be for 24 months after shipment.

## 1.09 MAINTENANCE

- A. Special Tools:
1. If needed, provide one set of special tools required for complete assembly or disassembly of the turbocompressor system and accessories.
  2. Special tools shall be defined as any tool not typically necessary for general plant maintenance.
- B. Spare Parts:
1. Each turbocompressor shall be furnished with the following spare parts labeled and packed for warehouse storage as recommended by the turbocompressor supplier and / or specified in section Spare parts shall be as follows:
    - a. One complete set of main process air filters (if supplied by Sulzer).
    - b. One complete set of cooling air filters.

## PART 2 PRODUCTS

### 2.01 MANUFACTURES

- A. The turbocompressor shall be the Sulzer Turbocompressor HST 20 as manufactured by Sulzer Pump Solutions, Inc.

### 2.02 GENERAL

- A. Turbocompressors shall be of a single-stage centrifugal design utilizing oil-free non-contacting magnetic bearing technology with the following design characteristics.
1. Turbocompressor shall be designed for heavy, continuous, municipal service, be capable of providing a minimum of 30 starts per hour and have a minimum design life of 20 years before any mechanical rebuild will be needed.
  2. Operate within specified vibration levels without overloading the drive motor.
  3. The rotor shall remain vertically levitated at all times while power is being supplied to the turbocompressor. Turbocompressors with rotors that rest on bearings while in the stand-by mode with power supplied to the turbocompressor shall not be considered as an equal.
  4. Have a pressure-volume curve, which extends from the design system pressure to the upper system surge pressure with a continuously rising pressure characteristic.
  5. Will not surge at or above specified flow rates corresponding to specified discharge pressure.
  6. The maximum input motor horsepower shall not exceed specified nameplate horsepower when operating at maximum design flows at 40 degrees °C (104 degrees F).
  7. The turbocompressor must deliver oil-free and non-pulsation air at all times to the process.
  8. The motor and control cabinet components are to be air-cooled using ambient air only. Systems that use water-cooling are not acceptable or equal.
  9. Wire to air power must include all motor, thermal, mechanical and electrical losses of the turbocompressor as well as losses of all auxiliary equipment such as the magnetic bearing systems, cooling systems etc.
- B. Blowers shall be UL certified with a certification label shown on the nameplate, at the point of manufacturing. Field evaluation for certification approval shall not be permitted.
- C. Minimum flow of each turbocompressor must be no greater than 45% of the maximum flow rate over the entire temperature range.
- D. Rotor critical speed must have enough margin to the operating design speed to ensure reliable and safe long-term operation.

# **AGENDA ITEM #10**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners  
CC: Charlie Sosa, City Manager  
FROM: Courtney Alvarez, City Attorney  
DATE: January 26, 2026  
SUBJECT: Ethics Review Board

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**Summary:** An Ethics Review Board needs to be nominated and voted on by the City Commission as at least one ethics complaint has been received.

**Background:** The City Commission met to discuss the City of Kingsville Ethics Review Board on December 8, 2025 (when notice was given that a complaint had been received and a board needed to be seated in January). The Commission further discussed the board, qualifications, and responsibilities at a meeting on January 12, 2026. However, there still seemed to be questions regarding the board membership, role, and responsibilities at that meeting, so this memo was requested. [Note: The board only reviews complaints of alleged violations of ethics laws.]

The City of Kingsville Code of Ethics is found in the City of Kingsville Code of Ordinances Chapter III, Article 13. (see Sections 3-13-1 through 3-13-57). The regulations regarding the Ethics Review Board are found in ordinance Sections 3-13-36 through 3-13-47. That subsection is detailed as follows:

- 3-13-36 Definitions
- 3-13-37 Structure of the Ethics Review Board
- 3-13-38 Jurisdiction & Power
- 3-13-39 Complaints
- 3-13-40 Ethics Compliance Officer
- 3-13-41 Ethics Panels
- 3-13-42 Hearings
- 3-13-43 Disposition
- 3-13-44 Petition for Declaratory Ruling
- 3-13-45 Advisory Opinions
- 3-13-46 Annual Report
- 3-13-47 Public Records & Open Meetings.

**City of Kingsville  
Legal Department**

As all of the specifics regarding the board are detailed in the ordinances, this memo will only serve to provide an overview of certain aspects.

**MEMBERSHIP**

~The Board is comprised of five members, who serve two-year staggered terms for no more than three two-year terms. (3-13-37(B) & (C)). They serve without compensation. (3-13-37(I)).

~Board members are qualified to serve if: (1) to be residents of the city and (2) to have good moral character. (3-13-37(D)). A board member *cannot* be:

- 1) A salaried city official or employee;
- 2) An elected public official;
- 3) A candidate for elected public office;
- 4) An officer of a political party;
- 5) A parent, spouse, child, or other relative within the second degree of consanguinity or affinity of an elected public official (see attached chart); or
- 6) A lobbyist required to register under Sections 3-13-22 through 3-13-31.

~The Board is to meet each year and elect a chair and a vice-chair from among its members, who will serve one-year terms and may be re-elected. (3-13-37 (H)).

**ROLE**

~The Board has jurisdiction to hear complaints filed within two years of the date of an alleged violation of the ethics laws. (3-13-38(A)). The ethics laws referenced are contained in:

- 1) City of Kingsville Code of Ethics Ordinance,
- 2) City of Kingsville Charter, Article V, Section 4, and
- 3) Texas Local Government Code Chapter 171 (state conflict of interest law applicable to certain local public officials).

**City of Kingsville  
Legal Department**

**RESPONSIBILITIES**

~When the Ethics Review Board receives a complaint, they assign it to an Ethics Panel (three or more board members) who investigate and dispose of the complaint. (3-13-41(A)). The Ethics Panel can decide whether or not to hold a hearing. (3-13-41(C)).

~Section 3-13-38(E) addresses confidentiality regarding the filing and processing of complaints. Notification is discussed in Section 3-13-38(F).

~If a hearing is held, then the regulations regarding hearings found in Section 3-13-42 apply.

~The Ethics Panel will make a written opinion at the end of their decisionmaking stating their findings of fact and conclusions of law. (3-13-43(43)). The opinion shall either:

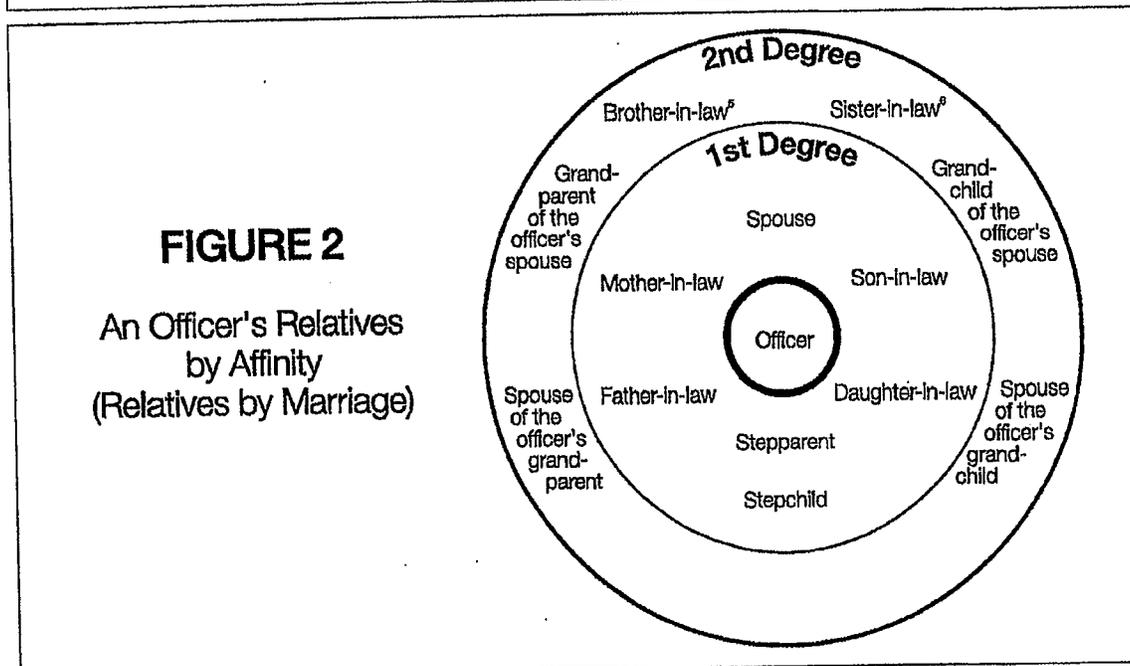
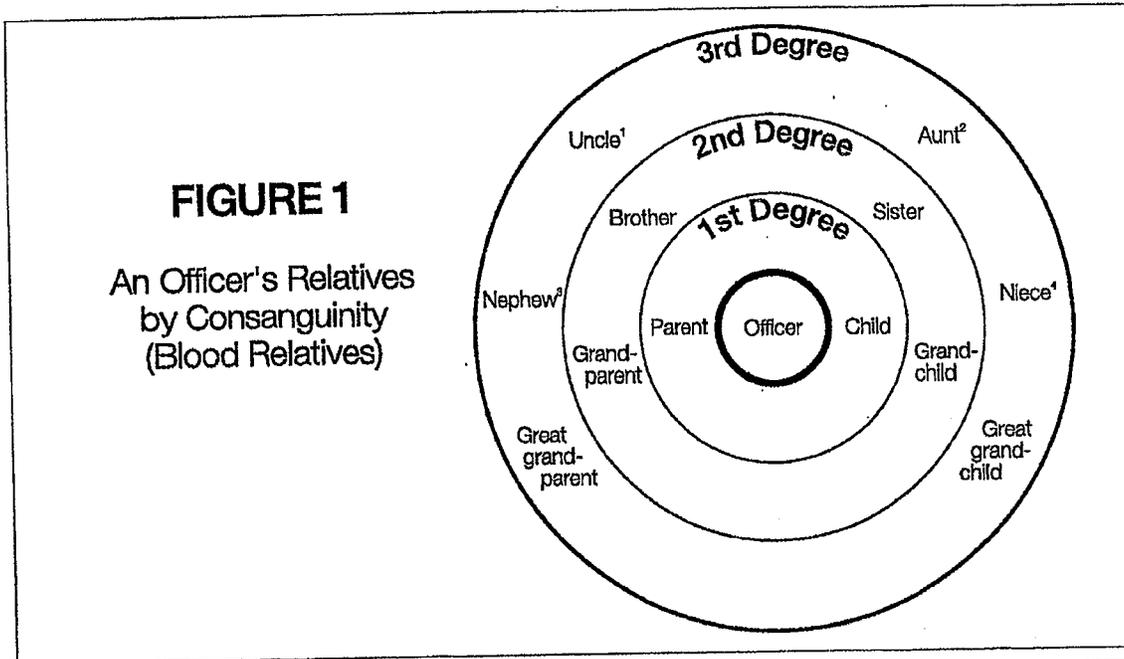
1. Dismiss the complaint; or
2. Find there has been a violation of the ethics laws and:
  - a. Recommend criminal prosecution (to the appropriate law enforcement agency) and/or
  - b. Recommend civil remedies (to the City Commission); or
  - c. State why no remedial action is recommended.

(3-13-43 (A)&(C)).

**Financial Impact:** None.

**Action Requested:** Each of the five City Commission members should nominate a citizen meeting the qualifications listed in 3-13-37. At the following meeting, the City Commission should vote on each of the five nominees, so that a five-member Ethics Review Board is empaneled.

## RELATIONSHIPS BY CONSANGUINITY OR AFFINITY



<sup>1</sup> Uncle means only an uncle who is a brother of the officer's parent.

<sup>2</sup> Aunt means only an aunt who is a sister of the officer's parent.

<sup>3</sup> Nephew means only a nephew who is a child of the officer's brother or sister.

<sup>4</sup> Niece means only a niece who is a child of the officer's brother or sister.

<sup>5</sup> Brother-in-law means a brother-in-law who is the brother of the officer's spouse or who is the spouse of the officer's sister.

<sup>6</sup> Sister-in-law means a sister-in-law who is the sister of the officer's spouse or who is the spouse of the officer's brother.

ETHICS REVIEW BOARD - in Article 13 of Chapter III of City of Kingsville  
Code of Ordinances

Sec. 3-13-36. - Definitions.

As used in this subarticle, *ethics laws* includes this Code of Ethics, Tex. Local Gov't Code, Article V, §§ 4 and 171. *Ethical violation* includes violations of any of those enactments. Other terms used in this subarticle are defined in § 3-13-2.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-37. - Structure of the ethics review board.

- (A) *Establishment*. There is hereby established an Ethics Review Board, which shall have the powers and duties specified in this subarticle.
- (B) *Composition*. The Ethics Review Board shall consist of five members. The Mayor and each member of the City Commission shall nominate one member of the Board. Each nominee must be confirmed by a majority of City Commission members. Nomination and confirmation of Board members shall be conducted at separate open meetings of the City Commission.
- (C) *Terms of office*. Board members shall be appointed to two-year terms. Initial appointments shall be made so that terms are staggered. No member shall serve for more than three two-year terms.
- (D) *Qualifications*. Members of the Board shall have good moral character and shall be residents of the city. No member of the Board shall be:
  - (1) A salaried city official or employee;
  - (2) An elected public official;
  - (3) A candidate for elected public office;
  - (4) An officer of a political party;
  - (5) A parent, spouse, child, or other relative within the second degree of consanguinity or affinity of an elected public official; or
  - (6) A lobbyist required to register under §§ 3-13-22 through 3-13-31.
- (E) *Removal*. Members of the Ethics Review Board may be removed from office for cause by a majority of the City Commission only after a public hearing at which the member was provided with the opportunity to be heard. Grounds for removal include: failure to satisfy, or to continue to satisfy, the qualifications set forth in division (D); substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of office; or violation of any provision in this Code of Ethics.

(F) *Vacancies.* A vacancy shall be filled by a person who will serve for the remainder of the unexpired term. The appointment shall be made by the member of City Commission who is entitled to make appointments to the seat that was vacated, and must be confirmed by a majority of the City Commission.

(G) *Recusal.*

(1) A member of the Ethics Review Board shall recuse himself or herself from any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned. A Board member may not participate in official action on any complaint:

(a) That the member initiated;

(b) That involves the member of City Commission who nominated him or her for a seat on the Ethics Review Board; or

(c) During the pendency of an indictment or information charging the member with an offense, or after a finding of guilt of such an offense.

(2) If the number of Board members who are recused from a case is so large that an Ethics Panel cannot be constituted, as provided for in § 3-13-41, the Mayor shall nominate a sufficient number of ad hoc members so that the case can be heard. Ad hoc members of the Ethics Review Board must be confirmed by a majority vote of the City Commission and serve only for the case in question.

(H) *Chair and vice-chair.* Each year, the Board shall meet and elect a chair and a vice-chair from among its members, who will serve one-year terms and may be re-elected. The chair or a majority of the Board may call a meeting of the Board. The chair shall preside at meetings of the Ethics Review Board and perform other administrative duties. The vice-chair shall assume the duties of the chair in the event of a vacancy in that position.

(I) *Reimbursement.* The members of the Ethics Review Board shall not be compensated but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-38. - Jurisdiction and powers.

(A) *Jurisdiction.*

(1) If a complaint is filed pursuant to § 3-13-39 within two years of the date of an alleged violation of the ethics laws, the Ethics Review Board shall have jurisdiction to investigate and make findings and recommendations concerning:

(a) Any alleged violation of this Code of Ethics or Article V, Section 4 of the City Charter by any person subject to those provisions, including, but not limited to, current city officials and employees, former city officials and employees, persons doing business with the city, and

persons required to register as lobbyists; or

- (b) Any alleged violation by a city official of Tex. Local Gov't Code, § 171, the state conflict-of-interest law applicable to certain local public officials.
- (2) The Board shall not consider any alleged violation that occurred more than two years prior to the date of the filing of the complaint.
- (B) *Termination of city official's or employee's duties.* The termination of a city official's or employee's duties does not affect the jurisdiction of the Ethics Review Board with respect to alleged violations occurring prior to the termination of official duties.
- (C) *Powers.* The Ethics Review Board has power:
  - (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with this subarticle;
  - (2) To meet as often as necessary to fulfill its responsibilities;
  - (3) To designate Ethics Panels with the power to render decisions on complaints or issue advisory opinions on behalf of the Board;
  - (4) To request from the City Manager through the City Commission the appointment of such staff as are necessary to carry out its duties;
  - (5) To review, index, maintain on file, and dispose of sworn complaints;
  - (6) To make notifications, extend deadlines, and conduct investigations both on complaint and as a result of an issue raised out of said complaint;
  - (7) To render, index, and maintain on file advisory opinions;
  - (8) To provide assistance to the Ethics Compliance Officer of the city in the training and education of city officials and employees with respect to their ethical responsibilities;
  - (9) To prepare an annual report and to recommend to the Mayor and City Commission needed changes in ethical standards or procedures; and
  - (10) To take such other action as is necessary to perform its duties under this subarticle.

(Ord. 2004-10, passed 5-10-04)

#### Sec. 3-13-39. - Complaints.

(A) *Filing.*

- (1) Any person (including a member of the Ethics Review Board or its staff, acting personally or on behalf of the Board) who believes that there has been a violation of the ethics laws may file a sworn complaint with the City Secretary.
- (2) A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the Ethics Review Board, is subject to criminal prosecution for perjury under § 3-13-51 or civil liability for the tort of abuse of

process.

(B) *Form.*

- (1) A complaint filed under this section must be in writing and under oath and must set forth in simple, concise, and direct statements:
  - (a) The name of the complainant;
  - (b) The street or mailing address and the telephone number of the complainant;
  - (c) The name of each person complained about;
  - (d) The position or title of each person complained about;
  - (e) The nature of the alleged violation, including, if possible, the specific rule or provision of law alleged to have been violated;
  - (f) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
  - (g) All documents or other material available to the complainant that are relevant to the allegation;
  - (h) A list of all documents or other material relevant to the allegation and available to the complainant but that are not in the possession of the complainant, including the location of the documents, if known; and
  - (i) A list of all documents or other material relevant to the allegation but unavailable to the complainant, including the location of the documents, if known.
- (2) The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of the Ethics Code. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.
- (3) The complaint must state on its face an allegation that, if true, constitutes a violation of a rule adopted by or a law administered and enforced by the Board.

(C) *Frivolous complaint.*

- (1) For purposes of this section, *frivolous complaint* is a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
- (2) By a vote of at least two-thirds of those present, the Board may order a complainant to show cause why the Board should not determine that the complaint filed by the complainant is a frivolous complaint.
- (3) In deciding if a complaint is frivolous, the Board will be guided by the Texas Rules of Civil Procedure, Rule 13, and interpretations of that rule, and may also consider:

- (a) The timing of the sworn complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, and with respect to the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;
  - (b) The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the Board;
  - (c) The existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
  - (d) If respondent is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the respondent;
  - (e) Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
  - (f) Any evidence of the complainant's motives in filing the complaint.
- (4) Notice of an order to show cause shall be given to the complainant, with a copy to the respondent, and shall include:
- (a) An explanation of why the complaint appears to be frivolous; and
  - (b) The date, time, and place of the hearing to be held under this section.
- (5) Before making a determination that a sworn complaint is a frivolous complaint, the Board shall hold a hearing at which the complainant may be heard; the complainant may be accompanied by counsel retained by the complainant.
- (6) By a record vote of at least two-thirds of those present after the hearing under division (C)(5) above, the Board may determine that a complainant filed a frivolous complaint and may recommend sanctions against that complainant.
- (D) *Sanctions.*
- (1) Before recommending a sanction for filing a frivolous complaint, the Board shall consider the following factors:
    - (a) The seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation;
    - (b) The sanction necessary to deter future violations; and
    - (c) Any other matters that justice may require.
  - (2) The Board may recommend the following sanctions:
    - (a) A civil penalty of not more than \$500.00;
    - (b) Prosecution for perjury;

(c) Any other sanction permitted by law.

(3) The Board may notify the appropriate regulatory or supervisory agency for their appropriate action.

(E) *Confidentiality.* No city official or employee shall reveal information relating to the filing or processing of a complaint except as required for the performance of official duties. Ex parte communications by members of the Ethics Review Board are prohibited by § 3-13-41(D). All papers relating to a pending complaint are confidential.

(1) Except as otherwise provided by this section, all information relating to a sworn complaint known to or in the possession of the Board is confidential. The Board and its staff shall not communicate any information about a sworn complaint, including whether or not a complaint has been filed, to any person other than the respondent, the complainant, and a witness or potential witness identified by the respondent, the complainant, or another witness or potential witness.

(2) Information otherwise confidential under this section may be disclosed by entering it into the record of a formal hearing or a judicial proceeding.

(3) Confidentiality may be waived only if the complainant and each respondent named in the sworn complaint provides a verified, written waiver of confidentiality to the Board.

(F) *Notification.* A copy of a complaint shall be promptly forwarded by the City Secretary to the Ethics Compliance Officer and to the respondent(s), even if the complaint fails to meet the filing requirements of division (B). A complaint that is not sworn as required by division (A), shall not be forwarded by the City Secretary to the Ethics Compliance Officer, but shall be returned to the complainant. The respondent(s) shall also be provided with a copy of the ethics rules and shall be informed:

(1) That, within 14 days of receipt of the complaint, he or she may file a sworn response with the City Secretary;

(2) That failure to file a response does not preclude the Ethics Review Board from adjudicating the complaint;

(3) That a copy of any response filed by the respondent(s) will be provided by the City Secretary to the complainant, who may, within seven days of receipt, respond by sworn writing filed with the City Secretary, a copy of which shall be provided by the City Secretary to the respondent(s);

(4) That the respondent(s) may request a hearing; and

(5) That city officials and employees have a duty to cooperate with the Ethics Review Board, pursuant to § 3-13-41(E).

(G)

*Assistance.* The City Secretary shall provide information to persons who inquire about the process for filing a complaint.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-40. - Ethics compliance officer.

(A) *City Attorney's Office.*

- (1) The City Attorney or an Assistant City Attorney designated by the City Attorney shall serve as the Ethics Compliance Officer for the city. The Ethics Compliance Officer shall:
  - (a) Receive and promptly transmit to the Ethics Review Board complaints and responses filed with the City Secretary;
  - (b) Investigate, marshal, and present to the Ethics Review Board the evidence bearing upon a complaint;
  - (c) Act as legal counsel to the Ethics Review Board;
  - (d) Issue advisory opinions to city officials and employees about the requirements imposed by the ethics laws; and
  - (e) Be responsible for the training and education of city officials and employees with respect to their ethical responsibilities;
  - (f) Review complaints for legal sufficiency;
  - (g) Recommend acceptance or rejection of complaint within 60 days of date made to the Ethics Review Board; and
  - (h) Request additional information from complainant as needed.
- (2) At least once each year, the Ethics Compliance Officer shall cause to be distributed to each city official and employee a notice setting forth the duties of the Ethics Review Board and the procedures for filing complaints. The Ethics Compliance Officer shall also ensure that such notices are posted in prominent places in city facilities.

(B) *Outside independent counsel.*

- (1) An independent outside attorney, who does not otherwise represent the city, shall be appointed at the recommendation of the City Attorney, to serve as the Ethics Compliance Officer for a particular case:
  - (a) When a complaint is filed relating to an alleged violation of the ethics laws by:
    1. The Mayor or a member of the City Commission; or
    2. A city employee who is a department head or of higher rank;
  - (b) When the Ethics Review Board, at the recommendation of the City Attorney, requests such an appointment; or
  - (c) When requested by the City Attorney.

(2) An independent outside attorney who is appointed has the same duties and authority as the Ethics Compliance Officer under this section.

(C) *Exculpatory evidence.* The Ethics Compliance Officer shall disclose to the Ethics Panel and provide to the person charged with violating the ethics laws evidence known to the Ethics Compliance Officer tending to negate guilt or mitigate the seriousness of the offense.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-41. - Ethics panels.

- (A) *Assignment to an Ethics Panel.* A complaint received by the Ethics Review Board from the Ethics Compliance Officer shall be promptly assigned to an Ethics Panel consisting of three or more members of the Board, who shall have full power to investigate and dispose of the complaint. Each Ethics Panel shall be constituted according to procedures established by the Board. Any member of an assigned Ethics Panel who recuses himself or herself shall be replaced by another member of the Board according to established procedures if that is necessary to ensure that the Panel has at least three members. The identity of the members of the Ethics Panel shall be revealed to the person charged in the complaint who, for good cause, may request the recusal of any member of the panel.
- (B) *Notice of charges.* The Ethics Panel shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. However, before the Ethics Panel may find that a violation of a particular rule, the respondent must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established: if the complaint alleged that the rule was violated; if compliance with the rule is raised by the a member of the Board or the Ethics Compliance Officer as a disputed issue at a hearing before the Ethics Panel; or if the Board or the Ethics Compliance Officer provides the respondent with written notice of the alleged violation and a 14-day period within which to respond in writing to the charge.
- (C) *Scheduling of a hearing.* Regardless of whether the complainant or the respondent requests a hearing, the Ethics Panel has discretion to decide whether to hold a hearing.
- (D) *Ex parte communications.* It is a violation of this Code:
- (1) For the complainant, the respondent, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in ex parte communication about the subject matter of a complaint with a member of the Ethics Panel, any other member of the Ethics Review Board, or any known witness to the complaint; or
  - (2) For a member of an Ethics Panel or any other member of the Ethics Review Board to:
    - (a) Knowingly entertain an ex parte communication prohibited by division (D)(1); or

(b) Communicate directly or indirectly with any person, other than a member of the Ethics Review Board, its staff, or the Ethics Compliance Officer, about any issue of fact or law relating to the complaint.

(E) *Duty to cooperate.* All city officials and employees shall cooperate with the Ethics Review Board and shall supply requested testimony or evidence to assist it in carrying out its charge. Failure to abide by the obligations imposed by this division is a violation of this Code of Ethics.

(Ord. 2004-10, passed 5-10-04)

#### Sec. 3-13-42. - Hearings.

At any hearing held by an Ethics Panel during the investigation or disposition of a complaint, the following rules apply:

- (A) *General rules.* At least three members of the Ethics Panel must be present for the hearing. Any member of the Ethics Panel who is not present ceases to be a member of the Ethics Panel and may not participate in the disposition of the case. All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of the Ethics Panel or the Ethics Compliance Officer. The Ethics Panel may establish time limits and other rules relating to the participation of any person in the hearing. No person may be held to have violated the ethics laws unless a majority of the Ethics Panel so finds by a preponderance of the evidence.
- (B) *Evidence.* The Ethics Panel shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. The Ethics Panel shall further abide by the following:
  - (1) The Panel shall hear evidence relevant to the allegations; and
  - (2) The Panel shall not consider hearsay unless it finds the nature of the information is reliable and useful.
- (C) *The person charged.* The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of the Ethics Panel. The time permitted for presentation will be at the discretion of the Board.
- (D) *The complainant.* The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except with the permission of the Ethics Panel. Witnesses may not be presented by the complainant, except with the permission of the Ethics Panel.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-43. - Disposition.

(A) *Written opinion.*

(1) The Ethics Panel shall issue a decision within 90 days after the filing of a complaint. The Ethics Panel shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall either:

(a) Dismiss the complaint; or

(b) Upon finding that there that there has been a violation of the ethics laws:

1. Recommend criminal prosecution and/or civil remedies, in accordance with this section; or

2. State why no remedial action is recommended.

(2) If the Ethics Panel determines that a violation has occurred, the opinion shall identify in writing the particular rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion. The failure of the Ethics Panel to comply within the above time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.

(B) *Notification.* Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint, the Ethics Compliance Officer, and any member of the Ethics Review Board who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the City Secretary, who shall make it available as authorized by law.

(C) *Recommendations.* A recommendation for criminal prosecution shall be forwarded to the appropriate law enforcement agency. A recommendation of civil remedies shall be forwarded through the Ethics Compliance Officer to the City Commission for action.

(D) *Similar charges barred.* If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws, the Ethics Review Board shall not entertain any other similar complaint based on substantially the same evidence.

(E) *Factors relevant to sanctions.* In deciding whether to recommend, in the case of a violation of the Code of Ethics, criminal prosecution and/or civil remedies, the Ethics Panel shall take into account relevant considerations, including, but not limited to, the following:

(1) The culpability of the person charged in the complaint;

(2) The harm to public or private interests resulting from the violation;

(3) The necessity of preserving public confidence in the conduct of local government;

(4) Whether there is evidence of a pattern of disregard for ethical obligations; and

(5) Whether remedial action has been taken that will mitigate the adverse effect of the ethical violation.

(F) *Civil remedies.* The following civil remedies may be recommended by an Ethics Panel which finds that the ethics laws have been violated:

- (1) Review of the case by the City Manager, or his or her designate, for disciplinary action;
- (2) A suit by the city for damages or injunctive relief in accordance with § 3-13-49;
- (3) Disqualification from contracting in accordance with § 3-13-53;
- (4) Voiding of a contract in accordance with § 3-13-52; and
- (5) A fine in accordance with § 3-13-54.

(G) *Criminal prosecution.* An Ethics Panel may recommend to the appropriate law enforcement agency criminal prosecution under § 3-13-51 or Tex. Local Gov't Code, § 171. Prosecution of any person by the City Attorney for a violation of this Code of Ethics shall not be undertaken until a complaint is disposed of in accordance with this section. However, the absence of a recommendation to prosecute from an Ethics Panel to the City Attorney shall not preclude the City Attorney from exercising his or her prosecutorial discretion to prosecute a violation of this Code of Ethics.

(H) *Commission action.* City Commission shall dispose of a recommendation from the Ethics Review Board within 90 days of receiving such recommendation. The recommendation(s) of the Ethics Review Board may be accepted, rejected, modified, or recommitted one time to said Board for further action or clarification within 15 days of receipt of the recommendation by the City Commission. Within five days of the initial recommendation being recommitted to the Ethics Review Board by the City Commission, the Ethics Review Board shall take further action or make clarification of the matter requested and resubmit the matter to the City Commission.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-44. - Petition for declaratory ruling.

Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere shall have the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the Ethics Review Board to investigate and make known its findings, and make any relevant recommendations concerning the issue.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-45. - Advisory opinions.

(A) *Opinions issued by the Ethics Review Board.*

- (1) *Requests by persons other than city officials and employees.*

- (b) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)
- (a) By writing filed with the City Secretary, any person other than a city official or employee may request an advisory opinion with respect to the interpretation of the ethics laws, but only with respect to whether proposed action by that person would violate the ethics laws. The City Secretary shall promptly transmit all requests for advisory opinions to the Ethics Compliance Officer and the chair of the Ethics Review Board. (City officials and employees may request advisory opinions from the City Attorney pursuant to division (B).)
- (b) Within 30 days of receipt by the chair of the Ethics Review Board of a request for an advisory opinion, the Board, acting en banc or through a designated Ethics Panel, shall issue a written advisory opinion. During the preparation of the opinion, the Board may consult with the Ethics Compliance Officer of the city and other appropriate persons. An advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. A copy of the opinion shall be indexed and kept by the Ethics Review Board as part of its records for a period of not less than five years. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or the Ethics Compliance Officer, to the person who requested the opinion, to the members of the Ethics Review Board, and to the City Secretary. The City Secretary shall make the opinion available as a public record in accordance with the Local Government Records Act. The Ethics Compliance Officer shall promptly post the opinion for a period of no less than five years on the Internet via the City of Kingsville homepage.
- (2) *Opinions initiated by the Board.* On its own initiative, the Ethics Review Board, acting as the full board or through a designated Ethics Panel, may issue a written advisory opinion with respect to the interpretation of the ethics laws as they apply to persons other than city officials and employees if a majority of the Board determines that an opinion would be in the public interest or in the interest of such person or persons subject to the provisions of the ethics laws. Such an opinion may not include the name of any individual who may be affected by the opinion. A copy of any such opinion shall be indexed and kept by the Ethics Review Board as part of its records for a period of not less than five years. In addition, copies of the opinion shall be forwarded by the chair of the Ethics Review Board, or his or her designate, to the Ethics Compliance Officer and to the City Secretary. The City Secretary shall make the opinion available as a public record in accordance with the Local Government Records Act. The Ethics Compliance Officer shall promptly post the opinion for a period of no less than five years on the Internet via the City of Kingsville homepage.
- (3) *Reliance.* If a person reasonably and in good faith acts in reliance on an advisory opinion issued by the Ethics Review Board, that fact may be considered by an Ethics Panel in adjudicating a complaint filed against that person, but does not by itself bar the finding of a violation.

(B) *Opinions issued by the Ethics Compliance Officer.*

(1) *Requests by city officials and employees.*

- (a) By writing filed with the Office of the City Attorney, any city official or employee may request an advisory opinion with respect to whether proposed action by that person would violate the ethics laws.
- (b) Within 30 days of receipt of the request by the Office of the City Attorney, the Ethics Compliance Officer shall issue a written advisory opinion. The advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. Copies of the opinion shall be forwarded by the Ethics Compliance Officer to the members of the Ethics Review Board, to the person who requested the opinion, and to the City Secretary, and promptly posted by the Ethics Compliance Officer for a period of no less than five years on the Internet via the City of Kingsville homepage. The City Secretary shall make the opinion available as a public record in accordance with the Local Government Records Act.

(2) *Reliance.* A person who reasonably and in good faith acts in accordance with an advisory opinion issued by the Ethics Compliance Officer may not be found to have violated the ethics laws by engaging in conduct approved in the advisory opinion, provided that:

- (a) He or she requested the issuance of the opinion;
- (b) The request for an opinion fairly and accurately disclosed all relevant facts; and
- (c) Less than five years elapsed between the date the opinion was issued and the date of the conduct in question.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-46. - Annual report.

The Ethics Review Board shall prepare and submit an annual report to the Mayor and City Commission detailing the activities of the Board during the prior year. The format for the report shall be designed to maximize public and private understanding of the Board's operations, and shall include a summary of the content of ethics opinions issued by the Board and a listing of current city lobbyists based on information gathered by the Board from records on file with the City Secretary. The report may recommend changes to the text or administration of this Code of Ethics. The Ethics Compliance Officer of the city shall take reasonable steps to ensure wide dissemination and availability of the annual report of the Ethics Review Board.

(Ord. 2004-10, passed 5-10-04)

Sec. 3-13-47. - Public records and open meetings.

Except as otherwise provided in this subarticle, records relating to an alleged violation of the ethics laws, or the preparation of an ethics opinion requested by a person who asked for anonymity, shall not be open to the public and shall be treated as information that is excepted from public disclosure as required or permitted under the Texas Open Records Act or other law. No meeting or other proceeding relating to an alleged violation of the ethics law shall be treated as open to the public unless closed sessions in connection therewith are not permitted or required by the Texas Open Meetings Act or other law.

(Ord. 2004-10, passed 5-10-04)

# **AGENDA ITEM #11**