

JULY 16, 2025

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON WEDNESDAY, JULY 16, 2025, 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  
Diana Gonzales, Human Resources Director

**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)**

None.

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

1. 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.”*

Mr. Charlie Sosa, Interim City Manager, briefly reported on street projects.

Ms. Courtney Alvarez, City Attorney, reported that the next meeting is scheduled for July 28, 2025, with agenda items for that meeting due today, July 16, 2025. She further stated that she had been asked a question, which a memo has been provided to the commission, whether the city is required to provide any notice regarding the next steps with regard to the item that was not approved on July 14<sup>th</sup>. She further stated that there is no specific language in the Charter, Article II, Section 24 (6)(7) or any other parts that require that any additional notices be presented to anyone. She continued to state that if someone were to ask, staff would answer the question, but no additional notices are required.

Mayor Fugate stated that what Ms. Alvarez is saying is that if someone, a citizen, can take an order for Judge Pulcher to sign, and there is no service or notices that are required.

Ms. Alvarez responded no. All this is saying is that the Charter doesn't require the city or the city secretary to give notice to a circulator with regard to the recall petition of what the next step is, now that the ordinance wasn't approved.

Mayor Fugate asked who takes the next step? Does the city take the next step, or does a private citizen take the next step?

Ms. Alvarez responded that the Charter doesn't require that the city take the next step.

Mayor Fugate asked if the city is out of it?

Ms. Alvarez responded that until we get served with something, the city is out of it.

Mayor Fugate asked Ms. Alvarez where in the Charter does it say that the city is required to be served with anything.

Ms. Alvarez responded that, as she didn't bring that section of the Charter with her, it doesn't say that we would have to be served with something, but it says if the commission or the city secretary or somebody else doesn't do their obligations as they are laid out in that section of the Charter, then a citizen could initiate action.

Mayor Fugate asked if this was in the Charter?

Ms. Alvarez responded yes. She stated that she believes it is Article II, Section 24(7).

Mayor Fugate asked if the city was completely out of this now.

Ms. Alvarez responded yes.

Commissioner Hinojosa commented that he was the one who posed this question, as he does not know what the next step is. He stated that he and Ms. Alvarez had a discussion and it cannot go to the District Court, according to the summary opinion letter from Liza Wood, where it says the fact findings and all that, it states that we could not assign those legal duties to the District Court so then it goes to the Thirteenth Court of Appeals through a mandamus. Hinojosa asked if this was correct. He further stated that under the Texas Election Code, it states that a Writ of Mandamus can be sought in the Thirteenth Court of Appeals. Commissioner Hinojosa stated that with this being said, this was his question, as this is what is stated in the opinion that was provided by Mrs. Wood in her summary of opinion.

Mayor Fugate asked if everyone received a copy of this opinion. Ms. Alvarez responded yes. Mayor Fugate further asked where this opinion was at. Ms. Alvarez responded that it was emailed.

Commissioner Alvarez asked what Commissioner Hinojosa was displaying.

Commissioner Hinojosa stated that he had received a Summary of Opinion Letter.

Commissioner Alvarez commented that she had not received the document Commissioner Hinojosa is referring to, Summary of Opinion Letter. Commissioner Alvarez further asked if Commissioner Hinojosa received only four pages of the opinion and further asked to see exactly what Commissioner Hinojosa was speaking about. Alvarez stated that she had received only four pages of the opinion, but Commissioner Hinojosa has a one-page summary.

Ms. Alvarez stated that she does not know, and maybe AI could have done that, but she has not seen the document. She further stated that there was a four-page document that was emailed.

Commissioner Hinojosa asked if Ms. Alvarez had not received the additional page.

Ms. Alvarez responded that she has not seen what Commissioner Hinojosa is looking at.

Commissioner Hinojosa commented that the summary was attached to his email, and the document states that it has to go to the Court of Appeals. He further stated that this is why he wanted someone, so that when they come to the City Secretary, what are we supposed to tell them? Are we to notify the third party which is his concern. He further stated that according to Ms. Alvarez, the city does not have to say anything.

Ms. Alvarez responded that if someone asks, we will answer their question, but the Charter doesn't obligate or state that you have to initiate anything. She further stated that there are other sections in the Charter with regards to the recall, where it says that the City Secretary has to immediately notify you once she gets the affidavits requesting petitions for recall. It has language like that when the city is obligated to do certain things, make certain notifications. There is no language like that after the ordinance does not pass.

Commissioner Hinojosa asked if the city has to wait until the third-party files some type of motion with the Thirteenth Court of Appeals.

Ms. Alvarez responded yes, and that's because the election code has language in it.

Mayor Fugate asked that after the Writ of Mandamus is filed with the Thirteenth Court, and all the notices go out, does the city engage it then? Does the city spend money on this?

Ms. Alvarez responded yes.

Commissioner Alvarez asked if we had to get attorneys, but doesn't the third party also have to get attorneys as well?

Ms. Alvarez responded yes.

Commissioner Alvarez asked if the third party sues the city, as that is what she has heard.

Ms. Alvarez responded that they would file a suit against the city or commission to order you to do what the Charter says to do.

Commissioner Alvarez commented that there was nothing in the Charter.

Ms. Alvarez stated that what she had said that with regards to the question that was posed to her earlier today, which is why she read what was asked, does the city have to initiate a notice letter to the circulator to advise them what the next step is now that the ordinance wasn't approved. She further stated that her comment was that the Charter does not require the city to take that action.

Commissioner Hinojosa asked that if anyone goes to the City Secretary, the City Secretary is to refer them to the City Attorney.

Ms. Alvarez responded that the City Secretary could do so.

Commissioner Lopez asked if the third party could come in and ask what the next step is.

Ms. Alvarez responded yes, but we can't give them legal advice, but we can tell them to seek an attorney.

Commissioner Hinojosa stated that his other question, which the mayor already touched on, is that the city is already going to spend the money, but staff will ask TML to see if this is something that could be covered. But if they don't, it would be paid for through the city's general fund.

Ms. Alvarez responded yes and stated that anytime the city is served with a legal notice for a type of suit, it goes to the city's carrier to determine if our coverage provides for that type of action. She further stated that it is very individual and specific, but if it isn't something within the realm of our coverage and if there is an exception, then this would be something for the city to spare the expense of.

Mayor Fugate asked if the writ is sustained, which should be very well sustained, then the city could be liable for the citizens' attorney fees.

Ms. Alvarez responded that it is possible that they could request relief from the city in the form of reimbursement of attorney fees.

Commissioner Alvarez asked Commissioner Hinojosa if she could see the summary, as she did not receive a copy.

Ms. Alvarez commented that it is a staff update.

Commissioner Alvarez asked Ms. Alvarez if she had not seen the summary and further stated that it is addressed to the City of Kingsville Commission from Liza Aguilar Wood.

Ms. Alvarez responded that page 4 contains a summary.

Commissioner Alvarez responded that if it contained a summary but not a separate one and further commented that Commissioner Hinojosa may have been the only one that received it, as she did not receive a copy.

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

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

No public comments were made.

**V.****Consent Agenda****Notice to the Public**

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

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

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

None.

**REGULAR AGENDA****CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:****VI. Items for consideration by Commissioners.<sup>4</sup>**

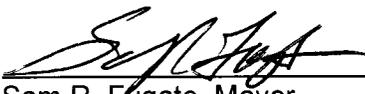
**1. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the employment and duties of the City Manager position. (Commissioner Alvarez).**

The executive session did not take place due to both the Mayor and Mayor Pro Tem walking out of the meeting once the executive session item was read.

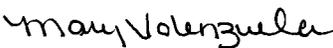
Ms. Alvarez made a public announcement that, as Mayor Fugate and Commissioner Lopez left the meeting at 5:13 p.m., Mayor and Mayor Pro Tem, there is no presiding officer to continue or close this meeting; therefore, the meeting ended at 5:13 p.m.

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:13 p.m.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, City Secretary