

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 28, 2025, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS, AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Charlie Sosa, Interim City Manager
Mary Valenzuela, City Secretary
Derek Williams, Systems Administrator
Kyle Benson, IT Director
Emilio Garcia, Health Director
Leticia Salinas, Accounting Manager
Juan J. Adame, Fire Chief
Diana Gonzales, Human Resources Director
Susan Ivy, Parks Director
Deborha Balli, Finance Director
John Blair, Police Chief
Manny Salazar, Economic Development
Bill Donnell, Public Works Director
Kobby Agyekum, Senior Planner/HPO
Rudy Mora, City Engineer
Connie Womack, Tourism Director
James Creek, Captain
Erik Spitzer, Director of Planning and Development Services
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro Tem Lopez opened the meeting at 5:00 p.m. with all four commission members present. Fugate absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – June 23, 2025

Special Meeting – July 16, 2025

Motion made by Commissioner Hinojosa to approve the minutes of June 23, 2025 and July 16, 2025 as presented, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting “FOR”.

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

1. Public hearing on request for an alcohol variance for a Wine and Malt Beverage Retailer’s On-Premise Permit for the establishment known as The Lucky Spot at 1901 South Brahma Blvd., Kingsville, Texas 78363. (Director of Planning and Development Services).

Mayor Pro Tem Lopez 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. Erik Spitzer, Director of Planning and Development Services, stated that on April 24, 2025, Lucky Spot, LLC applicant, requested an alcohol variance for a Wine and Malt Beverage Retail Dealer’s On-Premises Permit for the establishment to be known as The Lucky Spot, located at 1901 S. Brahma Blvd. This request is for a newly proposed location at a currently vacant, former gas station. One church, “McAllen Baptist Temple,” is located within 300’ of the proposed establishment. Six letters were sent out to those within the 300” radius, and staff received no feedback from those who were noticed.

Mayor Pro Tem Lopez closed this public hearing at 5:03.

2. Public Hearing on condemnation of structure at 525 E. Ave. D, Kingsville, Texas. (Director of Planning and Development Services).

Mayor Pro Tem Lopez read and opened this public hearing at 5:03 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. Spitzer stated that this structure is an attractive nuisance to children. It is a harbor for vagrants, criminals, and immoral people. There is evidence of roach, rats, mice, and other vermin. The structure's roof is uncovered and has graffiti. This structure has had no water or electric services since 2013. The structure has been delinquent in paying property taxes since 2016.

Mayor Pro Tem Lopez closed this public hearing at 5:05.

III. Reports from Commission & Staff.²

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

Mr. Charlie Sosa, Interim City Manager, gave a brief report on street projects. He further announced that a staff meeting has been scheduled for July 29th at 11:00 a.m.

IV. Public Comment on Agenda Items.³

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

Joel Saenz, 307 W. Ailsie, commented that at the previous city commission meeting, a non-agenda item took approximately 10 to 15 minutes and was not mentioned to the public, which is a violation of the city charter. He stated that another violation of the charter, to which he has been told about, is that it took 31 days to submit the recall when it should have been 30. He stated that there has been so many violations for the charter that everything that has been spoken or said should be forwarded to the Judge that will be hearing this recall.

Lance Hamm, 912 South Creek, commented that as a concerned taxpayer and voter of the City of Kingsville, he is speaking on his concern and opinion about six illegal practices of the City of Kingsville employees and/or elected officials. The Kingsville City Commission Special Meeting of July 16, 2025, has not been properly or legally adjourned. Two commissioners left the building after the Executive Session was called and never returned to come out of the Executive Session and to adjourn the special meeting. He further stated that he would like to ask this commission to legally adjourn the special meeting of July 16, 2025 so that the city secretary can properly and legally record the time of the adjournment. He further stated that there was no agenda item at the July 16, 2025 city commission meeting, which there legal should have been to discuss the consequences of the city commission ot passing agenda item 18 at the July 14, 2025 city commission meeting, whereas this commission along with city staff engaged in a 10 minute back and forth open meeting discussion about language in the Kingsville City Charter, gave legal advice to city residents retarding a writ of mandamus and certain courts to approach, and a discussion about a legal opinion form a city contract legal advisor in open session rather than an executive session. City officials illegally certified the recall petition even though the city charter clearly states that the recall petition shall be returned to the city secretary within thirty days of the city's receipt of the recall affidavit. The recall petition was returned on the 31st day. A clear violation of the city charter. City officials illegally certified the recall petition even though the city charter clearly states that the recall petition signatories be equal to 20% of qualified voters voting in the election process in progress at the last election, which would be 2,805 signatures as the minimum threshold, rather than 282.4 signatures, the city illegally used to certify the recall petition. Most importantly and concerning for the city taxpayers, will be if the Kingsville City Commission goes forward with this illegal recall process instead of going back to decertify the recall petitions, due to obvious violations of the city charter when city officials illegally certified the recall petition, based on the three arguments: violation of the 30 day restriction; violation due to the language used to stated the grounds for removal, and violation due to the minimum required signatories not being 20% of the qualified voters 2,805 signatures on the recall petition. Hamm further stated that, for clarification, he can be contacted to discuss any of these issues at any future city commission meetings.

Vicki Benys, 1914 Martin Street, commented about a golf benefit tournament scheduled for September 6, 2025. Last year's tournament consisted of 32 teams, which consisted of 128 players divided into two which would have required 62 carts, but there were only 45 carts. She stated that for the upcoming tournament, carts may need to be brought in in order to accommodate all players. Benys stated that for last year's tournament, they spent \$25,000 between the agencies. For the city, they were able to help the Fire Department with supplies that are given to children, which meant a lot to her. They were also able to assist with the Sparky suit and also assist the Kingsville Police Department. This is an event that occurs once a year and they she hopes they can continue it.

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

1. Motion to approve the reappointment of Dora Martinez for a three-year term to the City of Kingsville Civil Service Commission. (Human Resources Director).
2. Motion to approve a resolution authorizing the Fire Chief to enter into an Agreement for Training of Emergency Medical Services Students between the Kingsville Fire Department and the Texas EMS Academy. (last approved 12/12/22). (Fire Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consideration and approval of an alcohol variance for a Wine and Malt Beverage Retailer's On-Premise Permit for the establishment known as The Lucky Spot at 1901 South Brahma Blvd., Kingsville, Texas 78363. (Director of Planning and Development Services).

Motion made by Commissioner Alvarez to approve the alcohol variance for a Wine and Malt Beverage Retailer's On-Premise Permit for the establishment known as The Lucky Spot at 1901 South Brahma Blvd., Kingsville, Texas 78363, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".

4. Consideration and approval of a resolution authorizing the City to submit an application to the Ed Rachal Foundation for grant funds for equipment for the Kingsville Fire Department. (for new EMS training equipment; no cash match). (Fire Chief).

Mr. Juan J. Adame, Fire Chief, stated that the Kingsville Fire Department has the opportunity to apply for a grant from the Ed Rachal Foundation of the purchase of new EMS training equipment. The Ed Rachal does not require a matching cost share. The grant is a reimbursement-type grant. Chief Adame further stated that the amount to be requested will be for a total of \$28,790.00 for the purchase of equipment and associated shipping and handling charges.

5. Discuss and consider awarding Bid No. 25-17 for the GLO CDBG-MIT Contract No. 22-085-009-D237 Project 14: E. Santa Gertrudis Ave. Storm Water Improvements Project, as per recommendation of the consulting engineer. (City Engineer).

Mr. Rudy Mora, City Engineer, stated that this project was advertised in the local newspaper and on the city's website. Sealed bids were received from five bidders. The base bids range from \$1,110,141.86 to \$1,800,510.00. Alternate No. 1 bids range from \$8,020.10 to \$21,423.00. The total bids range from \$1,118,161.96 to \$1,809,623.84. After review, staff recommend awarding the project to the lowest bidder, Grace Paving and Construction, Inc., for the total base bid amount of \$1,118,161.96. He further stated that the bid is 38% below the engineer's estimate, which is considered reasonable.

Motion made by Commissioner Hinojosa to approve the award of Bid No. 25-17 for the GLO CDBG-MIT Contract No. 22-085-009-D237 Project 14: E. Santa Gertrudis Ave. Storm Water Improvements Project, as per the recommendation of the consulting

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

6. Consideration and approval of a resolution authorizing the Interim City Manager to execute Changer Order No.1 to the Construction Contract with D&J Utility Services LLC for the GLO CDBG-MIT Contract No. 22-085-009-D237 Project 10: N. Armstrong Ave. Storm Water Improvements Project. (contract approved 428/25) (City Engineer).

Mr. Mora stated that this will increase the contract price by \$51,176.84 and increase the contract time by 20 calendar days. The additional work will provide a road diet to the area and guide motorists and non-motorists along a wider street and enhance traffic safety.

Motion made by Commissioner Hinojosa to approve this resolution authorizing the Interim City Manager to execute Changer Order No.1 to the Construction Contract with D&J Utility Services LLC for the GLO CDBG-MIT Contract No. 22-085-009-D237 Project 10: N. Armstrong Ave. Storm Water Improvements Project, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".

7. Consider condemnation of structure located at 525 E. Ave. D, Kingsville, Texas. (Director of Planning and Development Services).

Motion made by Commissioner Alvarez, motion finding not able to repair, building or structure is unsafe, and present condition is a violation of ordinances, and cannot be corrected without substantial reconstruction; then declare the buidli8gn or structure to be a public nuisance and order its demolition by owner/agent/ person in charge with 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR".

8. Workshop: Discussion on proposed Fiscal Year 25-26 Fund 051, Utility Rate Increases, Enterprise Fleet Contract, Fund Balance Discussion. (Interim City Manager).

Mr. Sosa and Mrs. Balli gave the presentation on the upcoming budget for Fiscal Year 25-26.

The City has been notified that we will be receiving \$5 million in grant funds from the Texas Military Value Revolving Loan Fund for the transfer of flow for the South Wastewater Treatment Plant to the North Wastewater Treatment Plant, and it will require a 5% match of \$250,000. Additional funding will be needed for this match. With aging infrastructure, the city needs to take advantage of grants that are becoming available. The city cannot afford not to apply and not accept grant funding with a reasonable match. The Utility Fund has two main sources of revenue: water and sewer rates. On the expenditure side, the greatest costs are infrastructure maintenance and personnel costs. Meter reading section expenditures. With the completion of the Water Meter Project, the meter readers are no longer responsible for reading the meters as the information is automatically transferred into the billing system. The focus is now shifted to all meter and meter endpoint maintenance, completion of all service orders for new service, disconnect service, checks for leaks, and any re-reads for billing purposes. This efficiency allowed a reduction in the number of meter reader positions from 2 to 1. The other change to this division occurred with the Accounts Receivable Billing position. It was transferred to General Fund due to the nature of the types of accounts billed and allows all City receivables to be consolidated and managed by one position. Number of Employees – 6 Full-Time (reduction of 2 positions for Division 6201). The Fleet Management Lease agreement was taken out during a time the City was having a difficult time finding vehicles that were needed for the Utility Fund operations. Funding options were limited and the decision was made to enter into a lease agreement for 12 vehicles. Due to supply chain issues, the scope was changed to accept the 6 vehicles that were delivered and not receive any additional vehicles on the current lease agreement.

Mrs. Balli further announced dates for upcoming workshops.

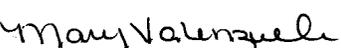
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:55 p.m.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, City Secretary