

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 22, 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
 Emilio Garcia, Health Director
 Leticia Salinas, Accounting Manager
 Juan J. Adame, Fire Chief
 Diana Gonzales, Human Resources Director
 Deborha Balli, Finance Director
 Erik Spitzer, Director of Planning and Development Services
 Charlie Cardenas, City Engineer
 James Creek, Captain
 Susan Ivy, Parks & Recreation Director
 Frank Garcia, Wastewater Supervisor
 Alicia Tijireina, Downton Manager/Special Events Coordinator
 Nick Rivas, Administrative Assistant
 Joe Casillas, Water Production Supervisor
 George Flores, KPD Officer
 Monika Mascorro Donnell, Municipal Court Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with all five commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – July 14, 2025

Regular Meeting – July 28, 2025

Special Meeting – August 13, 2025

Regular Meeting – August 25, 2025

Special Meeting – September 2, 2025

Regular Meeting – September 8, 2025

Mayor Fugate stated that Commission Alvarez would like to pull the minutes of July 14, 2025, as she has some questions on them. Mayor Fugate further noted that the minutes for July 28, 2025, will be taken separately, as he was absent from that meeting. There were no objections made by the commission.

Motion made by Commissioner Lopez to approve the minutes of August 13, 2025, August 25, 2025, September 2, 2025, and September 8, 2025 as submitted, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate Voting “FOR”.

Motion made by Commissioner Lopez to approve the minutes of July 28, 2025, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting “FOR”. Fugate “ABSTAINED”.

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

None.

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. Charley Sosa, Interim City Manager, reported on street projects. He further thanked the staff for their hard work on the past weekend's festivities.

Ms. Courtney Alvarez, City Attorney, reported that the next city commission is scheduled for Tuesday, October 14, 2025. City office will be closed on Monday, October 13, 2025, for Columbus Day.

IV. Public Comment on Agenda Items.³

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

Dianne Leubert, 715 W. Nettie, commented, Commissioner Lopez, thank you from the citizens. She further commented that if it is true that you are all in agreement that anyone with an employee contract with the City of Kingsville should receive 20 weeks of compensation for quitting this job or getting fired from the position. Really? You are voted in to support tax-paying citizens and the City of Kingsville.

Elizabeth Ramos, 615 Elizabeth, commented that she does not know the Interim City Manager. She holds no grudges or animosity towards him. She looks forward to working with the next city manager, no matter who she or he is. She further commented that she has been the microphone for so many community members in Kingsville, which is why she is here today. She stated that she personally wants the commission to know that if he gets a signed contract tonight, just remember that here on and forever, you will draw the line in the sand for everyone hired after, and you will be setting an unfavorable precedence for the future of all Kingsville government entities. Mrs. Ramos stated that the following comments are comments she has received from the community: hearing reports of retaliation towards community members and employees of who signed the petition of removal, which is something the commission may want to look into; the commission would allow him to walk away with 20 weeks' pay whether he did something nefarious or not?; now the city commission is stealing from us; there is post after post about why Kingsville has its issues, if all of this is true, the fact that there are still numerous people supporting this guy is why Kingsville will continue to have numerous issues; you all are missing the point and that's even more scarier to me. I can't believe this went unchecked and if it was checked that's even worse that no one cared and let it slide. Friends in high places isn't why you should have a job that handles access to that much money and authority. In other words he will fit right in with the others. In other words, Bill Donnell for City Manager, and she kind of agrees with that as he is more qualified as Erik Spitzer is more qualified and even she is more qualified. Background checks should always be a requirement. Can I apply for the job? Everyone should be asking who on the council told him not to fill out an application because quote, they had the votes to appoint him". Did he lie about the felony? I think the more concerning thing is that he didn't even apply for the job. Wow, seeing this and other situations KISD and the County play out is disheartening. Are we really at that point where this is the best we can do and the current elected officials are the best we have? Enough of convicted felons in leadership positions, this is what's wrong in America, sadly we get what we allow. He did not apply; enough of this crap. Mrs. Ramos continued to read comments she has received and further stated that another comment was, Mrs. Ramos you are pissing under the wind if you think that corrupt Kingsville is going to change. He was in his thirties when he committed that crime, he should be disqualified. Mrs. Ramos further commented that she can keep going on and on with these comments about how this community feels, and it is just sad that know one is here to say anything. She stated that she does want to point out that she has not seen anyone up at the podium supporting the position of a new city manager.

Andrew Mendez, 405 E. Alice, commented that some people may know him from Brian and Blood which started as an investigation to the South Texas Water Authority to which they had some success in changing that. He further commented that recently he has taken on a new challenge and that was potholes in the City of Kingsville. That's not literal it is a metaphor for the potholes in this town. He has started a new Facebook Group called The Kingsville Pothole Patrol. The purpose of this group is to not be a slam board but to connect residents to city services. He stated that the goal is to get people engaged about going out and finding potholes. Teaching them the proper way that the city manages potholes, and part of that is education. He stated that he has emailed the City Manager, to which he

hopes to meet with him, to get educated himself before he starts working on what the city does to address potholes, as we hear that a lot from citizens. He stated that he would like to be educated on this and see how the processes go from a to z so that he can educate the public and maybe get people more civically engaged to say something. It can also engage the city that they can show the good if potholes to get repaired, to which he hopes they do and that they can visually see that if they see something and speak to the city in the correct way, politely and professionally, that they can affect change as small as a pothole. He further commented that this is the goal for this, just tackling some of the smallest problems which have gone on for the longest time. It is his hope to try a different way with education and not to be a slam board or disparage the city which will not be allowed as it is not the goal of it. The goal is to educate and start off with the smallest level with something that everyone can agree that potholes are bad, which he does not think they will disagree on that. What they will disagree on is which ones are worse and what part of town they are at and how they all affect them.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve the final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies and approving the Classification and Compensation Plan reflected in the FY25-26 Budget. (Human Resource Director).

2. Motion to approve the final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to reallocate ARP funding. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

3. Consideration and approval of a resolution approving the City of Kingsville's 2025 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, section 26.09(e). (Finance Director).

Mrs. Deborah Balli, Finance Director, stated that the Kleberg County Tax Assessor-Collector has submitted the 2025 Tax Roll for the City of Kingsville. Mrs. Balli further stated that the Tax Assessor-Collector certifies that the foregoing information and the roll it represents is accurate and correct to the best of her knowledge. The Tax Assessor-Collector has certified this on the 15th day of September 2025.

Motion made by Commissioner Hinojosa to approve the resolution approving the City of Kingsville's 2025 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, section 26.09(e), seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

4. Consideration and approval of a resolution authorizing the City Manager to execute Change Order #3 to the Construction Contract with PM Construction & Rehab, LLC for the GLO #22-082-016-D218 Project 6: 10th Street Sanitary Sewer Improvements Project. (City Engineer).

Mr. Charlie Cardenas, City Engineer, this item is for the General Land Office (GLO) Change Order No. 3 for project 6, which deducts \$28,500 from the contract by removing unnecessary fiberglass manhole rehabilitation and eliminating concrete pavement repairs that were no longer required, while maintaining asphalt pavement point repairs. In addition, CO-3 provides 99-day contract extension to allow for construction closeout activities, including final pay application processing, walkthrough, and related documentation.

Motion made by Commissioner Alarcon to approve the resolution authorizing the City Manager to execute Change Order #3 to the Construction Contract with PM Construction & Rehab, LLC for the GLO #22-082-016-D218 Project 6: 10th Street Sanitary Sewer Improvements Project, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

5. Consideration and approval of a resolution approving a revised City of Kingsville Federal Grant Procurement Policies and Procedures. (for GLO compliance, replaces one adopted 7/14/25). (City Engineer).

Mr. Cardenas stated that as part of a GLO Monitoring plan and report dated August 21, 2025, the City of Kingsville must formally adopt a Local Procurement Policy and Procedures document to comply with federal procurement regulations under 2 CFR § 200, as required by the Texas General Land Office (GLO) for participation in the CDBG-MIT MOD Program. This policy outlines purchasing procedures, ethical standards, contractor eligibility, and required documentation for all federally funded procurements. In particular, this amendment will describe any disciplinary actions related to "conflict of interest" during the procurement process.

Motion made by Commissioner Alvarez to approve the resolution approving a revised City of Kingsville Federal Grant Procurement Policies and Procedures. (for GLO compliance, replaces one adopted 7/14/25), seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

6. Consideration and approval of a resolution approving a revised City of Kingsville Labor Standards Policy. (for GLO compliance). (City Engineer).

Mr. Cardenas stated that the city has prepared an amendment to its Labor Standard Policy to ensure compliance with federal prevailing wage requirements under the Davis-Bacon Act, HUD Regulations, and the Texas General Land Office Implementation Manual. The amendment formalizes the duties of the designated Labor Standards Officer, the review and approval process for pre-construction and post-construction labor standards tasks, and the delegation of authority in the City Manager's absence.

Motion made by Commissioner Lopez to approve the resolution approving a revised City of Kingsville Labor Standards Policy. (for GLO compliance), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

7. Consideration and approval of a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement Between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for Fiscal Year 2025-2026. (Human Resources Director).

Mrs. Diana Gonzales, Human Resources Director, stated that the current two-year collective bargaining agreement between the city and the Kingsville Law Enforcement Association (KLEA) is set to expire on September 30, 2025. The City and KLEA met to negotiate certain items as mandated by the Texas Local Government Code for entities that have voted in collective bargaining. Meetings were held on the following days: April 7th & 29th, May 13th, June 10th, July 8th & 15th, August 19th, and September 3rd & 11, 2025. Meetings were conducted, and a tentative agreement between the City and KLEA association members was voted to approve the proposals tentatively agreed upon during negotiations. The impacted articles are as follows: Article 6, Non-Discrimination Section 1, Add non-discrimination program description; Article 7, Entry Level Hiring Section 2A(b), Decrease alternate hiring requirement for applicants from 3 years TCOLE certified to 2 years; Article 9, Promotions, Section 1(1), Decrease eligibility requirements to test for promotion from 3 years to 2 years in the next lower position. This corresponds to Texas Local Government Code 143.028 Eligibility for promotion; Section 3(1), Procedures to Appeal Examination Questions, addition of wording to defer to local Civil Service Rules and Regulations if the issue is not addressed in the agreement; Section 7, Decrease eligibility requirements to test for promotion from 3 years to 2 years in the next lower position. This corresponds to Texas Local Government Code 143.028, Eligibility for Promotion. Article 13, Shift Schedules and Assignments, clarification/simplification; Article 15, Training, Clarification/simplification; Article 29, Compensation, update the new agreement dates 10/1/25 to 9/30/26; Article 38, Duration, 1-year proposed agreement 10/1/25 to 9/30/25; and Appendix A, Wages Schedule, FY 2025-2026 equal 2%. As per Texas Local Government Code Chapter 174 Fire and Police Employee Relations, the city held negotiation meetings with the Kingsville Law Enforcement Association. Mrs. Gonzales further stated that the agreement presented is for one year with a 2% increase to base wages in FY 25-26. The estimated new costs, based on full department staffing, equal to \$70,802, which include anniversary increases and fringe benefits. Proposed added costs are included in preliminary budget calculations.

Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into a Collective Bargaining Agreement Between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for Fiscal Year 2025-2026, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

8. Consideration and approval of a resolution amending the City of Kingsville Administrative Policies and Procedures Manual for Policy No. 720.020 – Compensation for Holidays. (Human Resources Director).

Mrs. Gonzales stated that this amendment to Policy 720.02 Compensation for Holidays is to provide clarification and to set the number of hours per holiday to 8 hours. This also clarifies how holiday hours will be accrued for employees scheduled and not scheduled to work on an official holiday. The amendment establishes a deadline for accrued holiday use and consequences of not utilizing holiday leave within 12 months of accrual. Policy 720.02 was included in the City of Kingsville Policies and Procedures Manual approved on 08/28/2006 by the City Commission. This policy was previously revised on 09/10/2018 and 10/22/2018. No additional costs.

Motion made by Commissioner Hinojosa to approve the resolution amending the City of Kingsville Administrative Policies and Procedures Manual for Policy No. 720.020 – Compensation for Holidays, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

9. Consideration and approval of a resolution amending the City of Kingsville Administrative Policies and Procedures Manual for Policy No. 730.00 – Vacation Leave. (Human Resources Director).

Mrs. Gonzales stated that this revision to Policy 730.00 Vacation Leave is to provide clarification and to update the maximum allowed Vacation Leave at separation to correspond with Policy 630.04, Separation Pay. Policy 730.00 was included in the City of Kingsville Policies and Procedures Manual approved on 08/28/2006 by the City Commission. There has been no revision since the 08/28/2006 approval date. No additional costs.

Motion made by Commissioner Alvarez to approve the resolution amending the City of Kingsville Administrative Policies and Procedures Manual for Policy No. 730.00 – Vacation Leave, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

10. Consideration and approval of a resolution authorizing the City Manager to execute the Restatement of Governmental 457 (B) Retirement Plan with Nationwide Retirement Solutions. (Human Resources Director).

Mrs. Gonzales stated that this item authorizes the restatement of the deferred compensation plan offered by Nationwide Retirement Solutions, Inc. (NRS), which outlines the type of programs available to employees. This restatement automatically includes ROTH contribution options not previously available. As this type of contribution was not previously included, the plan document requires approval by the governing board, even though contributions to NRS are 100% employee contributions. The attached restatement, "Governmental 457 (b) Basic Plan Document," is the most recent update from Nationwide to its governmental clients. Nationwide Plan Document amendment/restatement history: 03/09/1995 Original implementation of Nationwide 457 deferred compensation plan; 11/17/1997 Amendment to restate plan document, no change in options; 11/11/2005 Amended and restated plan document, no change in options; 03/09/2009 Amended to allow for new option, loan program, Resolution 2009-09; and 02/22/2011 Restatement of plan document, no change in options. No financial impact on the City. This provides additional options for employees to consider.

Motion made by Commissioner Alarcon to approve the resolution authorizing the City Manager to execute the Restatement of Governmental 457 (B) Retirement Plan with Nationwide Retirement Solutions, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

11. Consideration and approval of a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (City Attorney).

Ms. Alvarez stated that this resolution is for the city to make its nomination of an individual for the Board of Directors for the Kleberg County Appraisal District. At a later time, the city

will receive its ballot for its vote, which will be brought before the commission. This is for the 2026-2027 term.

Motion made by Commissioner Hinojosa to nominate Mr. Crispin Trevino to the Board of Directors for the Kleberg County Appraisal District, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, Article 1-City Commission, Section 1-Meetings, providing for revision of process when Mayor and Mayor Pro Tem leave a meeting. (Commissioner Alarcon).

Mayor Fugate commented that it is his understanding that if the Mayor or Mayor Pro Tem is not present or leaves a commission meeting, there is a process in place to have one of the other commission members lead the meeting.

Commissioner Alarcon responded, to preside over the meeting.

Commissioner Hinojosa commented, if there is a quorum.

Commissioner Lopez stated that she read somewhere that the City Manager was to choose who would preside over the meeting. She further stated that normally it's the next person with the highest vote. The City Manager has nothing to do with appointing the person who would preside over a commission meeting. This is something that should be decided amongst the commission.

Mayor Fugate asked for Ms. Alvarez opinion on that.

Ms. Alvarez responded that, typically under Robert's Rules of Order, when the Mayor or Mayor Pro Tem leaves a meeting, the meeting ends, as there is no longer a presiding officer. She further stated that Commissioner Alarcon's ordinance suggestion would allow, so long as there is a quorum, for the meeting to continue. She stated that the commission can do those kinds of modifications, but you also have the right in the ordinance to set out how the commission wants the next person in line to preside over the meeting. Mayor Fugate asked if this should be done with the remaining members?

Commissioner Lopez commented that the remaining members can pick and choose, but it is normally done by the next person with the highest votes.

Commissioner Alarcon commented that not necessarily so, as the voting has now changed, as the commission is now elected by places and not by at-large. All this changed this past time, so this is why that does not apply.

Commissioner Hinojosa stated that why not go by places, depending on who is at the meeting.

Commissioner Lopez commented that it would be amongst whoever is at the meeting and not that the city manager makes that decision.

Commissioner Alarcon commented that the commission can appoint amongst themselves who would preside over a meeting if the Mayor and Mayor Pro Tem are absent. He further stated that so long as the job gets done. The commission is here for a purpose, and the commission was here that day and could have continued with the executive session for the employment of the city manager, and both the Mayor and Mayor Pro Tem walked out. He further stated that it was a very important meeting and that it happened, he felt like the commission could have continued to view applications on that day, but it didn't happen as the commission did not have a presiding officer. This is the reason for him asking for this item to be placed on the agenda.

Mayor Fugate commented that he does not have any problems with Commissioner Alarcon's ordinance, but he feels that it would be better if whoever is left from the commission makes that decision as to who will preside over the meeting.

Commissioner Hinojosa commented that he feels that this needs to be taken out of the city manager's decision, and have it be decided by whoever is present from the commission.

Mayor Fugate asked Ms. Alvarez to make this amendment to the ordinance. Ms. Alvarez responded that staff could come up with some language before the next meeting.

Introduction item.

13. Executive Session: Pursuant to Section 551.074, Texas Government Code, Personnel Exception, the City Commission shall convene in executive session to deliberate the duties and compensation of the City Manager. (Mayor Fugate).

Mayor Fugate read the executive session into the record and called the meeting into closed session at 5:36 p.m.

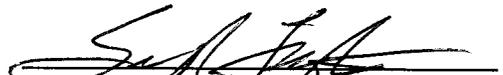
Mayor Fugate reconvened the meeting into open session at 6:09 p.m.

14. Consideration and approval of a resolution authorizing the Mayor to execute a City Manager Employment Agreement with Charles L. Sosa. (City Manager).

Mayor Fugate announced that the commission would not be discussing or taking any action on item #14.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:10 p.m.


Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela
Mary Valenzuela, TRMC, City Secretary